

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: 7/14/23

Public Notice Number: PN2023-000008

Comment Period: 7/14/23 to 8/14/23

Action: Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Section 309(g)(2)(B) of the Clean Water Act (CWA) for violations of Sections 301 and 404 of the CWA. 33 U.S.C. §§ 1319(g)(2)(B), 1311, 1344.

Under Section under Section 309(g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(2)(B), the United States Environmental Protection Agency (EPA) is authorized to assess a civil penalty for violations of Section 301 and Section 404 of the CWA, 33 U.S.C. §§1311, 1344, after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class II proceedings under Section 309(g)(2)(B), any person who violates certain provisions of the CWA may be assessed an administrative civil penalty of up to \$25,847 per day per violation for each day during which the violation continued, up to a maximum of \$323,081. Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits,” at 40 C.F.R. Part 22 (Part 22).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is 30 days after issuance of the public notice.

Pursuant to Section 309(g)(4)(A), EPA is providing public notice of the following proposed administrative penalty assessment:

Name of Case: *In the Matter of: Silenex Associates, LLC* (CWA 01-2023-0033)

Name and Mailing Address of Respondent:

Silenex Associates, LLC
30 Old Indian Trail Road
Middlefield, CT 06455

Name and Address of Facilities or Sites Addressed by Agreement:

Silenex Associates, LLC
186 Cherry Lane
Durham, CT

Description of Business or Activity Conducted by Respondent:

Silenex Associates, LLC is a site preparation company based in Middlefield, CT that owns and operates property at 186 Cherry Lane in Durham, CT.

Description of Violation(s) Alleged in Agreement:

EPA alleges that Respondent discharged dredged and/or fill material into approximately 12 acres of freshwater wetlands and other waters of the United States on the 186 Cherry Lane property without a permit or other authorization and in violation of Sections 301 and 404 of the Clean Water Act, 33 U.S.C. §§ 1311, 1344.

Proposed Settlement Penalty: EPA proposes a cash penalty of \$24,000.

Docket Number: CWA-01-2023-0033

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORC 04-6
Boston, Massachusetts 02109-3912
(617) 918-1113
R1_Hearing_Clerk_Filings@epa.gov

FOR FURTHER INFORMATION: Copies of Part 22 can be found at:

<https://ecfr.io/Title-40/Part-22>. Persons wishing to review the proposed agreement or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Documents in the public record for the proceeding will be provided electronically upon request.

Because this matter involves a CWA Section 309(g)(2)(B) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).