

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT CONSENT AGREEMENT

Purpose of Public Notice

The purpose of this notice is to announce the United States Environmental Protection Agency's intention to enter into a Combined Complaint and Consent Agreement (CCCA) with:

Robert Gregg Sease
4413 Orofino Place
Castle Rock, Colorado 80108

for alleged violations of the Clean Water Act (CWA) on Sheep Creek, Saguache County, Colorado, and to give the public the opportunity to comment on the proposed CCCA.

Process Information

Under the CWA, the EPA is authorized to issue orders assessing civil penalties for violations of the CWA. 33 U.S.C. § 1319(g). The EPA may issue such an order after the commencement of an administrative penalty proceeding. As required by law, the EPA is hereby providing public notice of the proposed CCCA. 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45(b).

Administrative enforcement proceedings are conducted under the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. part 22. The procedures through which the public may submit written comment on a proposed consent agreement and participate in a proceeding are set forth in 40 C.F.R. § 22.45. The proposed consent agreement has been entered into by the parties for the purpose of simultaneously commencing and concluding this matter as authorized by 40 C.F.R. § 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The deadline for submitting public comment on a proposed CCCA is forty (40) days after the date of this public notice.

Case Summary

The CCCA in the matter of Robert Gregg Sease (Respondent), Docket No. CWA-08-2017-0005, was filed on January 12, 2017. A settlement was reached via pre-filing negotiations and formalized in this CCCA with a proposed penalty of \$75,000 for unpermitted discharges of dredged or fill material into Sheep Creek and its adjacent wetlands, near Saguache, Saguache County, Colorado. The unpermitted discharges occurred sometime between April 2015 and October 2015. Sheep Creek is, and was at all relevant times, a water of the United States.

Further Information and Comments

Persons wishing to receive a copy of any documents filed in these proceedings, comment upon the proposed CCCA, or otherwise participate in any of the proceedings should contact the Regional Hearing Clerk, Melissa Haniewicz, U.S. Environmental Protection Agency, Region 8 (8TMS-IO), 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone: 303-312-7059. Written comments on this proposed CCCA must be directed to the Regional Hearing Clerk by the deadline set forth above in this public notice. For technical questions, contact Kenneth Champagne, Technical Enforcement Program, at champagne.kenneth@epa.gov, the same EPA address above, or 303-312-6608. Persons with legal questions may contact Lauren Hammond, Legal Enforcement Program, at hammond.lauren@epa.gov, the same EPA address above, or 303-312-7081. The case

docket for this proceeding is located in the EPA - Region 8 office identified above and the file will be open for public inspection during normal business hours. Written comments submitted by the public are available as part of the case docket, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, no final order assessing a penalty in these proceedings will be issued prior to **40 calendar days after publication of this notice.**

January 18, 2017

Date of Publication