

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), the U.S. Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Frazier Landing, Inc. and Charles Frazier ("Respondents").

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA and Respondents have settled this matter before a complaint was filed. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22. In this case, the Consent Agreement/Final Order alleges that Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311, by failing to obtain a permit required pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, and then, without the permit, discharging spent foundry sand into wetlands and surface water connected to the Mississippi River near Montrose, Iowa, in Lee County. The Consent Agreement/Final Order proposes a penalty of fifteen thousand dollars (\$15,000) for the above violations of the Clean Water Act.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA's Consolidated

Rules, review the Complaint, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2006-0142. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

Betty Berry, 4-17-06 Acting Director Water, Wetlands, and Pesticides Division U.S. EPA, Region VII

Democrat, Fort Madison, IA

State of Iowa, Lee County, ss.

I, Mary Older

being duly sworn, depose and say that

I am Accountant

of

The Daily Democrat

a daily newspaper published and circulated in said County, and that the notice, of which the annexed is a true copy, was published in said newspaper for the full period of times, to wit:

April 25, 2006

Mary Older

Subscribed and sworn to before me this 25th day of April

Karla Dobert 2006.

Printer's Fee, \$ 30.11

Paid by \_\_\_\_\_