



## EPA in Iowa

# North Cascade Road Developers, LLC - Dubuque, Iowa - Clean Water Act Public Notice

### 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 and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against North Cascade Road Developers, LLC, a business located at 1800 Manson Road, Dubuque, Iowa 52003, for alleged violations at the Timber-Hyrst Estates Residential Development located on North Cascade Road between Creekwood Road to the east and Miners Lane to the west, in Dubuque, Iowa 52003.

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 may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. 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 the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated the requirements of its NPDES permit (Permit # IA-14559-14349), in violation of Section 402 of the Clean Water Act, 33 U.S.C. § 1342. The EPA alleges that Respondent failed to adequately implement a storm water pollution prevention plan on a residential development construction site and to conduct site inspections in accordance with the site’s NPDES permit issued by the Iowa Department of Natural Resources, the state agency with the authority to administer the federal NPDES program in Iowa. Respondent has reached agreement with the EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondent will pay a civil penalty of \$50,000. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

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. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. The procedures by which the public may submit written comments on a proposed Class II order or 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 obtain additional information on the proceeding, receive a copy of the EPA’s Consolidated Rules, review the proposed Consent Agreement/Final Order, 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 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2016-0033. In order to provide opportunity for public comment, the EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

9/30/16 Date	/s/ Jeffery Robichaud for Karen A. Flournoy Director Water, Wetlands, and Pesticides Division U.S. EPA, Region 7
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## How to Comment

### Comments due date

11/3/2016

**How to comment**

Persons wishing to obtain additional information on the proceeding, receive a copy of EPA's Consolidated Rules, review the proposed Consent Agreement/Final Order, 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 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2016-0033.

**Summary**

The EPA is providing notice of a proposed Administrative Penalty Assessment against North Cascade Road Developers, LLC, a business located at 1800 Manson Rd., Dubuque, IA 52003, for alleged violations at the Timber-Hyrst Estates Residential Development located on North Cascade Rd. between Creekwood Rd. to the east and Miners Lane to the west, in Dubuque, IA 52003.

**Program/Statute:** Clean Water Act (CWA)

**Applicant/Respondent(s):**

North Cascade Road Developers, LLC  
Dubuque, Iowa

**Proposed action:** Public Notice of Clean Water Act Administrative Penalty Settlement

**Docket ID:** CWA-07-2016-0033

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You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.

- North Cascade Road Developers, LLC proposed Consent Agreement Final Order (PDF) (13 pp, 1 MB)

Last updated on October 4, 2016