



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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EPA REGION VIII
HEARING CLERK

JAN 23 2012

Ref: 8ENF-W

CERTIFIED MAIL #7009 3410 0000 2592 8666
RETURN RECEIPT REQUESTED

Walt Baker, Director
Division of Water Quality
Utah Department of Environmental Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Re: Notice of Proposed Combined Complaint
and Consent Agreement
Docket No. CWA-08-2012-0003

Dear Mr. Baker:

Enclosed is a copy of an executed Combined Complaint and Consent Agreement (Consent Agreement) in the matter of Polidori Corporation, Inc., Poli-Gold, L.L.C., and Veronica Polidori (Respondents) of Fort Mohave, AZ. The United States Environmental Protection Agency (EPA) is proposing to enter into the Consent Agreement pursuant to section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.13(b) to simultaneously commence and settle administratively a civil penalty of \$30,000 against the Respondents for violations of section 301 of the CWA, 33 U.S.C. § 1311.

Because the violations occurred in Utah, the EPA is offering you the opportunity to confer with us regarding the proposed assessment. You or your staff may request a conference within 40 days of receiving this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed assessment.

The EPA also wishes to notify you that, in accordance with the terms of a signed Administrative Order on Consent (Consent Order), a copy of which is also enclosed, the Respondents have agreed to perform restoration and mitigation activities to compensate for the environmental damages caused by the discharges of dredged and fill material that constitute the CWA violations. The Consent Order supercedes Findings of Violation and Administrative Order for Compliance, Docket No. CWA-08-2010-0029, that was issued September 10, 2010. The Consent Order became effective on December 15, 2011.

A copy of EPA procedures governing the administrative assessment of civil penalties is enclosed for your reference. If you have any questions, the most knowledgeable person on my staff for legal issues is Wendy Silver, Senior Enforcement Attorney, who can be reached at 303-312-6637. The most knowledgeable person on my staff for technical issues is Monica Heimdal, Enforcement Officer, who can be reached at 303-312-6359.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Gaydosh". The signature is stylized with a large, circular initial "A" and a long, sweeping horizontal stroke.

for Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

1. Combined Complaint and Consent Agreement
2. Administrative Order on Consent
3. Administrative Penalty Procedures (40 C.F.R. Part 22)

cc: Tina Artemis, EPA, Regional Hearing Clerk