

**United States
Environmental Protection
Agency**



REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

PUBLIC NOTICE

Central Fuel Company
2458 Shady View Road
New Philadelphia, Ohio 44663
Case Docket No. CWA-05-2018-0001

The U.S. Environmental Protection Agency (EPA), Region 5, is providing notice of intent to file a Proposed Consent Agreement and Final Order (Proposed CAFO) against Central Fuel Company (Respondent) for alleged violations of the Clean Water Act (CWA). Respondent discharges pollutants to tributaries of the Tuscarawas River, subject to the requirements of the CWA. Alleged violations were identified during an inspection of the Central Fuel Company's coal processing plant in New Philadelphia, Ohio, in May of 2016. During the inspection, EPA observed the discharge of pollutants from ponds within the plant to waters of the United States without permit coverage. Central Fuel Company also reported, in monthly report forms provided to EPA, 21 discharges of pollutants from April 25, 2013, through September 17, 2016, to waters of the United States without permit coverage, in violation of Section 301(a) of the Clean Water Act.

The Proposed CAFO will resolve Respondent's liability for civil penalties for alleged unauthorized discharges to tributaries of the Tuscarawas River. EPA and Respondent have agreed that Respondent will pay a civil penalty of \$54,169 to resolve these alleged violations.

A copy of the Proposed CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the "Proposed Consent Agreement and Final Order" link on the Region 5 events calendar for the docket number identified above. Alternatively, the Proposed CAFO may be received by contacting the Regional Hearing Clerk at the address below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. § 1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment on it. Any person who wishes to comment on this proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (c) *comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol11/pdf/CFR-2015-title40-vol11-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing

the administrative assessment of civil penalties.

Comments should be made in writing to the Regional Hearing Clerk at:

Docket No CWA-05-2018-0001
Regional Hearing Clerk
Mail Code E-19J
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk by email to whitehead.ladawn@epa.gov; by facsimile (fax) to 312-692-2405; or by mail or delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information, or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events. All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the EPA Regional Office. An appointment for such an inspection may be made by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this Proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

Only persons who during the comment period submit written comments or ask to participate in any hearing held in this matter preserve a right to petition the Regional Administrator to set aside any consent agreement and proposed final order on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).