



PUBLIC NOTICE

Muskegon Development Corporation, Mount Pleasant, Michigan
Case Docket No. **SDWA-05-2012-0001**

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a proposed Consent Agreement and Final Order (CAFO) against the Muskegon Development Corporation (Respondent) for violations the Safe Drinking Water Act (SDWA). This proposed CAFO will settle civil violations alleging that the Respondent converted four oil production wells in Michigan into Class 2 Underground Injection Control (UIC) wells before the required Federal UIC permits were issued. The U.S. EPA and Respondent have agreed in principle that Respondent will pay a civil penalty of \$16,000.

A copy of the Consent Agreement and Final Order may be viewed on-line at <http://www.epa.gov/region5/publicnotices/index.htm> by clicking on the "Consent Agreement and Final Order (PDF)" link at the Public Notices home page for the docket number identified above. Alternatively, the complaint may be received by contacting the Regional Hearing Clerk at the address listed below.

OPPORTUNITY FOR COMMENT: Section 1423(c) of the SDWA, 42 U.S.C. §300h-2(c), 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 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 in particular 40 C.F.R. 22.45©, *Comment by a person who is not a party*. This portion of the Code of Federal regulations may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>. A link to this site is also available at <http://www.epa.gov/region5/publicnotices/index.htm>, which is the site where you may find this notice and the associated CAFO. The link is entitled "Code of Federal Regulations: Retrieve by CFR Citation." You may 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. **SDWA-05-2012-0001**
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 electronically, by mail, or by 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 use fax or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to ensure delivery.

To submit comments electronically, go to the website:

<http://epa.gov/region5/publicnotices/indexes.htm>, click the "Submit a Comment Online" link and complete the blanks. Note that the Agency requires your regular mailing address, since we must use the U.S. Postal Service if we need to respond, request additional information, or notify you that a hearing is scheduled to fulfill our response obligations. If you wish to include any kind of attachments with your comment, please mail them instead to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them, **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: October 9, 2012" shown on the Public Notices home page for this docket number: SDWA-05-2012-0001**

<http://epa.gov/region5/publicnotices/indexes.htm>

Comments and documents sent to any U.S. EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by the Respondent or by public commenters) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the U.S. EPA Region 5 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. Copies of the Consent Agreement and Final Order are also available for viewing at the Alice & Jack Wirt Public Library, 500 Center Avenue, Bay City, Michigan 48708.

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 provide notice of the date, time, and place of the hearing to all commenters who (during the public comment period) submitted a written request to participate in 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).

The U.S. EPA will send a copy of the filed Consent Agreement and Final Order resolving this matter to any persons who submitted written comments or attended a hearing, provided they give us their current mailing address.

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