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In the matter of: Noble County (Indiana) Drainage Board

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a combination Complaint and Proposed Consent Agreement and Proposed Final Order (Proposed CAFO) against the Noble County Drainage Board (Respondent) for violations of Sections 301 and 404 of the Clean Water Act. This Proposed CAFO will settle civil violations alleging that the Respondent discharged fill material into approximately 3,300 feet of the Simon Drain between County Road East 200 South and Black Creek (aka Bilger Ditch) without a Section 404 permit in December 2007. The surface waters of Simon Drain were replaced with a subsurface tile drain. The alleged violations are of environmental significance because surface water habitat, flood storage and nitrogen uptake have been lost. The U.S. EPA and Respondent have agreed in principle that Respondent will pay a civil penalty of \$15,000 to resolve this violation. In addition, Respondent must obtain a Section 404 permit from the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management to otherwise legitimize the discharge of fill material into Simon Drain.

Docket No. CWA-05-2013-0001

Posted: Nov. 1, 2012

Comment period ends: Dec. 11, 2012

- [Public Notice — CWA-05-2013-0001 \(PDF\)](#) (2 pp, 201K)
- [Proposed Consent Agreement and Final Order — CWA-05-2013-0001 \(PDF\)](#) (10 pp, 185K)

Any person who wishes to comment on the proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by Dec. 11, 2012.

Written comments may be submitted to the Regional Hearing Clerk electronically, by mail or by delivery to:

Docket No. CWA-05-2013-0001
Regional Hearing Clerk
Mail Code E-19J
U.S. Environmental Protection Agency Region 5
77 W Jackson Blvd
Chicago, IL 60604

