

**United States Environmental
Protection Agency**

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

RECEIVED
SEP 29 2011

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

CORRECTED PUBLIC NOTICE

Joseph L. Bollig & Sons, Inc.
Bret Hillyer, Registered Agent
N5990 State Road 58
New Lisbon, Wisconsin 53950
RHC Docket No. CWA-05-2011-0008

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this corrected notice of its proposal to assess a civil penalty of \$60,000.00 against Joseph L. Bollig & Sons, Inc. (Respondent) for violations of the Clean Water Act Sections 301 and 404. This Corrected Public Notice updates an earlier Public Notice for RHC Docket No. CWA-05-2011-0008 that was posted from August 29, 2011 to September 28, 2011. The original Public Notice incorrectly listed violation of Section 308 of the Clean Water Act as part of the penalty assessment. This proposed penalty addresses only the civil violations alleging the Respondent discharged pollutants (earthen material and organic debris) into seven (7) acres of forested and scrub shrub wetlands abutting an unnamed tributary to the Lemonweir River at the Mauston New Lisbon Union Airport property in Juneau County, Wisconsin. The alleged violation is of environmental significance because the wetland functions of water filtering, water storage and habitat were degraded.

A copy of the Administrative Penalty Complaint and Notice of Opportunity to Request Hearing (Complaint) may be viewed on-line at <http://www.epa.gov/region5/publicnotices/index.htm> by clicking on the "complaint (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.

This Complaint may be subject to further revision as additional facts may require.

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 Complaint 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 <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 at which this notice and the associated complaint are also posted. The link is entitled "View

40 CFR Part 22.45". 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-05-2011-0008
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) 886-3617 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://epa.gov/region5/publicnotices/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that the Agency requires your regular mailing address, since we must use the U.S. Postal Service 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:" shown on the Public Notices home page for this docket number:** <http://www.epa.gov/region5/publicnotices/index.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 Regional Office. An appointment for such an inspection may be made by calling (312) 886-3617 or by writing the Regional Hearing Clerk at the address above.

Only the Respondent may request a hearing on the proposed penalty order. If a hearing is held, we will advise commenters 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).

The U.S. EPA will send a copy of the Consent Agreement and Proposed Final Order assessing a penalty 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 Proposed Final Order on the basis that material evidence was not considered, as described in 40 C.F.R. 22.45(c)(4).