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Public Notice: Opportunity to Comment on Expedited Penalty Action and Consent Agreement between U.S. EPA and the South Dakota Department of Transportation for alleged Clean Water Act violations on the Cheyenne River Reservation, Docket No. CWA- 08-2024-0007

Publish Date: May 21, 2024

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Summary

The EPA is providing notice of an opportunity for the public to comment on an Expedited Penalty Action and Consent Agreement (Consent Agreement). In the Consent Agreement, the EPA has alleged that the South Dakota Department of Transportation has violated a Clean Water Act National Pollutant Discharge Elimination System Construction General Permit for Stormwater Discharges from Construction Activities (Project-specific NPDES ID SDR10I02I) at a construction site located approximately 1.7 miles west of Lantry, South Dakota, within the exterior boundaries of the Cheyenne River Reservation.

Background

The EPA has alleged that the South Dakota Department of Transportation has failed to install required stormwater controls, failed to ensure all stormwater controls are maintained and remain in effective operating condition, and failed to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. Under the Consent Agreement, the South Dakota Department of Transportation has agreed to pay a civil administrative penalty of \$2,100 to resolve its civil penalty liability for these alleged violations. Before issuing an order approving the Consent Agreement and assessing this penalty, the EPA is providing an opportunity for the public to submit written comments and to participate in any hearing. Please see section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), for more details.

How to Comment

Comments Due: June 20, 2024

You may comment on the proposed action in writing, using Email, Phone or mail. Submit comments to:

Email: R8_Hearing_Clerk@epa.gov

Phone: (303) 312-7059

Mail:

Kate Tribbett (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Please also reference the EPA Docket Number: CWA-08-2024-0007 in your comments.

For more information: Any person wishing (1) to comment upon the proposed penalty

The addresses of the EPA official serving as Complainant and of the South Dakota Department of Transportation are listed below.

EPA Complainant: Emilio Llamozas, Supervisor, NPDES and Wetlands Section, Water Enforcement Branch, Environment and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202, llamozas.emilio@epa.gov, (303) 312-6407.

Respondent: South Dakota Department of Transportation, Mobridge Area Office, 2311 W. Highway 12, Mobridge, South Dakota 57601 (605) 845-3844.

assessment or upon any other aspect of this matter or (2) to obtain any other information on this proceeding should contact the EPA Regional Hearing Clerk listed above.

Public Comment

The EPA encourages the public to comment on the Consent Agreement. The Consent Agreement will be available for review for a period of 30 days after the publication of this notice. The EPA will accept comments at the addresses listed in the box on the right side of this page for a period of 30 days after the publication of this notice. Any person submitting written comments has a right to participate in a hearing, if one is held. The Consent Agreement will be available for review on the EPA website and between 9:00 a.m. and 4:00 p.m. on business days at the address listed in the "How to Comment" box.

For more information: Any person wishing (1) to comment upon the proposed penalty assessment or upon any other aspect of this matter or (2) to obtain any other information on this proceeding should contact the EPA Regional Hearing Clerk identified above.

Applicants or Respondents

South Dakota Department of Transportation

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Mobridge Area Office
2311 W. Highway 12
Mobridge, SD 57601
United States

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Docket Numbers

- CWA-08-2024-0007

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