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REGIONAL HEARING CLERK  
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REGION 5

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77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**PUBLIC NOTICE**

Michael Poling Jr., d/b/a Poling Septic Tank Service  
204 North Wayne Street  
Piqua, Ohio 45356  
Case Docket No. **CWA-05-2013-0008**

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a Consent Agreement and Proposed Final Order (Proposed CAFO) against Michael Poling Jr., doing business as Poling Septic Tank Service (Respondent), for violations of the Clean Water Act. This Proposed CAFO will settle U.S. EPA's allegations that the Respondent violated the Clean Water Act by failing to prepare and maintain records regarding the land application of domestic septage. The alleged violations are of environmental significance because improper land application of septage threatens public health and the environment, and compliance cannot be determined without adequate records. The U.S. EPA and Respondent have agreed in principle that the Respondent will comply with the Clean Water Act and pay a civil penalty of \$0 to resolve these violations.

A copy of the Proposed CAFO may be viewed on-line at:

<http://www.epa.gov/region5/publicnotices/index.htm> by clicking on the Michael Poling Jr. Consent Agreement and Final Order listed there. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

**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 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>.

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

Docket No. **CWA-05-2013-0008**  
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) 886-3713 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 should we need to reply, request additional information or notify you of a hearing. 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 the public) 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) 886-3713 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).

The U.S. EPA will send a copy of the Proposed Consent Agreement and 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 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 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).