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HEARING CLERK**

Public Notice: Consent Agreement with Utah County for Alleged Violations of the Clean Water Act

Publish Date: March 3, 2025

Summary

The Environmental Protection Agency (EPA) is providing notice of an opportunity for the public to comment on a Consent Agreement. In the Consent Agreement, the EPA alleges that Utah County, Utah (the County) has violated the Clean Water Act (CWA) by discharging pollutants into waters of the United States in Utah County, Utah, located at or near Latitude 40.0674°N and Longitude 111.6884°W, for the construction of the Loafer Mountain Parkway. The construction of Loafer Mountain Parkway involved discharges of dredged and/or fill material in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a), which prohibits the discharge of a pollutant unless authorized, among other things, by a permit issued under section 404 of the CWA, 33 U.S.C. § 1344.

How to Comment

Comments Due: April 2, 2025

Comments must include the commentor's name and complete mailing address as well as a statement that the comment submitter wishes to participate in any future proceedings in this matter.

Please submit written comments to:

Background

The EPA has alleged that the County discharged dredged or fill material into waters of the United States, including Beer Creek and its adjacent wetlands and tributaries to Beer Creek, for the purposes of constructing the Loafer Mountain Parkway after the County's CWA Section 404 permit had expired. The County also conducted additional work that was not authorized by the expired CWA Section 404 permit, resulting in additional discharges. Under the Consent Agreement, the County has agreed to pay a civil administrative penalty of \$85,000 to resolve its federal civil penalty liability for these alleged violations.

The addresses of the EPA and the County are listed below.

Kate Tribbett (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
R8_Hearing_Clerk@epa.gov
Telephone: (303) 312-7059

Please also reference the EPA Docket Number for this matter: CWA-08-2025-0008.

EPA

EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. The EPA Region 8 Water Enforcement Branch Manager is identified in the Consent Agreement as the Complainant.

Respondent

Utah County, 2855 South State, Provo, Utah 84606.

The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of CWA requirements, after providing (1) an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing.

Public Comments

The EPA encourages the public to comment on the Consent Agreement. The Consent Agreement will be available for public review for a comment period of 30 days after the publication of this notice. After the close of this comment period, the EPA will, if appropriate in view of any comments received, enter an order approving the Consent Agreement. The EPA expects to respond to any comments. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (40) days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3). The Consent Agreement is available for review by contacting the person listed in the For Further Information section, below.

For Further Information

Persons wishing to receive a copy of the Consent Agreement or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for the hearing) should contact the EPA Regional Hearing Clerk identified in the box at right.

Docket Numbers

- CWA-08-2025-0008

Last updated on March 3, 2025