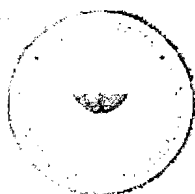


http://www.epa.gov/region7/laws_regulations/CWA/2008/modot_public_notice.htm
Last updated on Monday, March 24th 2008.

Region 7



[EPA Home](#) [Regional 7](#) [Laws & Regulations](#) [CWA](#) Missouri Department of Transportation

Missouri Department of Transportation

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act (ACWA@), 33 U.S.C. 1319(g)(4)(A), and 40 C.F.R. 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (AConsolidated Rules@), the U.S. Environmental Protection Agency (AEPA@) is providing notice of a proposed Administrative Penalty Assessment against the Missouri Department of Transportation (ARespondent@).

Under Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA and Respondent have settled this matter before a complaint was filed. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under EPA=s Consolidated Rules, 40 C.F.R. Part 22. In this case, the Consent Agreement/Final Order alleges that Respondent violated Sections 301 and 402 of the CWA, 33 U.S.C. §§1311 and 1342, by failing to comply with the General Operating Permit for Highway Construction in the state of Missouri, also known as the National Pollution Discharge Elimination System permit ("NPDES Permit"). The NPDES permit required, among other things, that Respondent maintain at all times all pollution control measures in good order. Respondent did not maintain erosion controls adequately during the construction activity at the Highway 40/61 construction site in O'Fallon, St. Charles County, Missouri, resulting in erosion at the site and the discharge of pollutants into tributaries to Dardenne Creek and to Dardenne Creek, which are waters of the United States. The Consent Agreement/Final Order proposes a penalty of seventy-six thousand three hundred eighty-seven dollars (\$76,387.00) for the above violations of the Clean Water Act. Respondent has agreed to pay that amount as a cash penalty.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA=s Consolidated Rules, review the Complaint, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2008-0043. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

03/20/2008
Date

/s/Betty J Berry for
William A. Spratlin