



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-W-NP

OCT 13 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kevin Hart
Regional Manager
Aspen View Homes, LLC
1710 Jet Stream Drive, Suite 100
Colorado Springs, Colorado 80921

Re: Combined Complaint and Consent Agreement

Dear Mr. Hart:

Enclosed with this letter please find a combined complaint and consent agreement (CCCA), which settles the Environmental Protection Agency's (EPA's) proposed administrative penalty action against Aspen View Homes, LLC (Aspen) for failure to follow certain provisions of its National Pollutant Discharge Elimination System (NPDES) Permits COR03G200 and COR03J432 in violation of the Clean Water Act (CWA).

A 40-day public comment period will be provided as an opportunity to comment on the proposed settlement, as required by § 309(g)(4) of the Clean Water Act, 33 U.S.C. § 1319(g)(4). After the public comment period is over (assuming that there are no comments that warrant revising the CCCA) the CCCA will be filed with EPA's Regional Hearing Clerk. We will then request the Regional Judicial Officer to sign a final order approving the CCCA. You will receive a copy of the final order and CCCA soon after the Regional Judicial Officer signs the final order.

Within 30 days of the date the Regional Judicial Officer signs the final order, you should make your payment, following the directions in the CCCA. Please note that you do not have to pay the penalty when you sign the CCCA; the 30-day deadline begins after the Regional Judicial Officer signs the final order.

If you have any questions, the most knowledgeable people on my staff are Brenda Morris, Enforcement Attorney, at (303) 312-6891 and Natasha Davis, Enforcement Officer, at (303) 312-6225.

Sincerely,

A handwritten signature in black ink, appearing to read "Gwenette C. Campbell", written over a horizontal line.

Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures

cc: Mr. Tad Foster, Attorney

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2015 OCT 15 PM 1:46

In the Matter of:)	COMBINED	FILED
)	COMPLAINT AND	EPA REGION VIII
)	CONSENT AGREEMENT	HEARING CLERK
Aspen View Homes, LLC)		
1710 Jet Stream Drive, Suite 100)		
Colorado Springs, CO 80921)		
)		
COLA, LLC)	Docket No. CWA-08-2016-0001	
7910 Gateway Blvd. East, Suite 102)		
El Paso, TX 79915)		
)		
Respondents)		

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Aspen View Homes, LLC (Aspen) and COLA, LLC (Respondents) are agreeing and consenting to settle on the following terms:

A. PRELIMINARY MATTERS

1. The EPA has jurisdiction over these matters pursuant to sections 308 and 309(a) of the Federal Water Pollution Control Act (Clean Water Act or the Act), as amended. 33 U.S.C. §§ 1318 and 1319(a). The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits" (Rules of Practice), 40 C.F.R. part 22, a copy of which has been provided to Respondents.
2. This Combined Complaint and Consent Agreement (CCCA) is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b), and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
3. For the purposes of this proceeding, Respondents admit the jurisdictional allegations and neither admit nor deny the factual allegations. Respondents consent to the assessment of the civil penalty and waive any right to a hearing or appeal before any tribunal and to contest any issue of law or fact set forth herein.
4. Complainant asserts that settlement of this matter is in the public interest, and the parties agree that entry of this CCCA without further litigation and without adjudication of any issue of fact or law is the most appropriate means of resolving this matter.

5. This CCCA, upon incorporation into a final order, applies to and is binding upon the EPA and upon Respondents, and Respondents' employees, agents, successors and assigns. Any change in ownership of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter Respondents' responsibilities under this agreement.
6. This CCCA contains all terms of the settlement agreed to by the parties.

B. STATUTORY AND REGULATORY FRAMEWORK

7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into waters of the United States except as in compliance with a permit issued pursuant to section 402 of the Act, 33 U.S.C. §1342.
8. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, under which the EPA and, upon receiving authorization, states may permit discharges of pollutants into navigable waters, subject to specific terms and conditions.
9. Section 402(p) of the Act 33 U.S.C. §1342(p), establishes a program under which NPDES permits may be issued to authorize discharges of storm water associated with industrial activities.
10. Any discharge from construction activity that disturbs at least one or more acres constitutes a storm water discharge associated with industrial activity. 40 C.F.R. § 122.26(b)(14)(x).
11. 40 C.F.R. § 122.21 requires persons who discharge or propose to discharge "storm water associated with industrial activity" to apply for an individual permit or seek coverage under a promulgated storm water general permit.
12. The State of Colorado was approved by the EPA to administer the NPDES program on March 27, 1975. 40 Fed. Reg. 16713, April 14, 1975. A permit issued by the Colorado Department of Public Health and Environment (CDPHE) under Colorado's EPA-approved NPDES program is known as a CDPS permit.
13. Effective July 1, 2007, CDPHE issued an NPDES general permit, CDPS Permit Number COR030000 (Permit) authorizing discharges of storm water associated with construction activities, if done in compliance with its terms and conditions. Dischargers may apply for authorization to discharge under the Permit by submitting a notice of intent for coverage to CDPHE.
14. Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of a Class II civil penalty of up to \$16,000 per day for each day during which the violation of section 301 of the Act, 33 U.S.C. § 1311, continues, up to a maximum of \$177,500 for violations occurring after January 12, 2009 and prior to

December 6, 2013. For all violations occurring after December 6, 2013, the amount of the penalty is increased to \$16,000 per violation for each day with a maximum total penalty of \$187,500. These amounts have been adjusted for inflation by 40 C.F.R. part 19.

C. GENERAL ALLEGATIONS

15. Respondents are Colorado limited liability companies. Jane B. Fredman is the registered agent for both companies.
16. Respondents are "persons" within the meaning of section 502(5) of the Clean Water Act, 33 U.S.C. § 1362(5).
17. Respondents are engaged in constructing housing within a pre-existing subdivision known as Forest Meadows 3 and located in Colorado Springs, Colorado (the Site).
18. Respondents larger common plan of development at the Site encompasses approximately 20 acres of individual lots within a 390-acre subdivision.
19. Construction activities began at the Site on September 1, 2008.
20. On April 28, 2010, the Respondent, COLA, LLC, was issued a CDPS Authorization Number COR03G276 under the Permit, which authorized the discharge of storm water from construction activities disturbing 5.75 acres at the Site.
21. On April 6, 2010, the Respondent, Aspen, was issued CDPS Authorization Number COR03G200 under the Permit, which authorized the discharge of storm water from construction activities disturbing 5.75 acres at the Site.
22. On July 31, 2012, the Respondent, Aspen, was issued a CDPS Authorization Number COR03J432 under the Permit, which authorized the discharge of storm water from construction activities disturbing 5.785 acres at the Site.
23. The Respondents have, at all times relevant to the allegations in this CCA, had day-to-day responsibility for construction activities at the Site.
24. Storm water, snow melt, surface drainage and runoff water have been leaving the Site and have flowed into the City of Colorado Springs Municipal Separate Storm Sewer System to an outfall on an unnamed tributary of Sand Creek, to Sand Creek.
25. Sand Creek is a "navigable water" as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7), and a "water of the United States" as defined in 40 C.F.R. § 122.2.

26. Sand Creek is a tributary of Fountain Creek.
27. Fountain Creek is a “navigable water” as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7), and a “water of the United States” as defined in 40 C.F.R. § 122.2.
28. Fountain Creek flows year-round to the Arkansas River, which is a navigable-in-fact, interstate waterway.
29. The runoff and drainage from the Site is “storm water” as defined in 40 C.F.R. § 122.26(b)(13).
30. Storm water contains “pollutants” as defined by section 502(6) of the Act, 33 U.S.C. § 1362(6).
31. The Arkansas River, Fountain Creek, and Sand Creek are “navigable waters” as defined by section 502(7) of the Act, 33 U.S.C. § 1562(7), and “waters of the United States” as defined by 40 C.F.R. § 122.2.
32. Each storm water discharge from the Site is the “discharge of a pollutant” as defined by section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2.
33. Each storm water discharge from the Site is a discharge from a “point source” as that term is defined in section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2. In order to restore and maintain the integrity of the nation’s waters, section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402 of the Act, 33 U.S.C. § 1342.
34. On October 29, 2013, EPA inspectors conducted a storm water inspection at the Site to determine compliance with the Act.
35. On September 9, 2015, the EPA and Respondent, Aspen, entered into an Administrative Order on Consent (AOC) pursuant to section 309(a)(3) of the Act, 33 U.S.C. 1319(a)(3), alleging violations of permit COR03J432 at the Site.

D. ALLEGED VIOLATIONS

36. Based on the EPA’s inspection on October 29, 2013, a review of all the information regarding this matter from October 2008 to October 2013, and as alleged in the AOC paragraphs 3 through 51, the Respondents’ regulated industrial construction activity at the Site failed to:
 - a) obtain CDPS Authorization prior to initiating construction activities in 2008 (Permit Part I.A.4.a);

- b) keep the storm water management plan (SWMP) on-Site (Permit Part I.D.5.b);
- c) include required elements in SWMP (Permit Part I.C);
- d) select, install, implement and maintain control measures (Permit Part I.D.2 and Part I.D.7);
- e) address failed control measures as soon as possible (Permit Part I.D.8);
- f) revise the SWMP within 72 hours of changing, adding, or modifying control measures (Permit Part I.D.5.d.1); and
- g) conduct some of the Site inspections (Permit Part I.D.6).

E. CIVIL PENALTY

37. Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3), requires the EPA to take into account the following factors in assessing a civil administrative penalty: the nature, circumstances, extent and gravity of the violation(s) and, with respect to the violator, ability to pay, any prior history of such violations, degree of culpability, any economic benefit or savings gained from the violation, and such other factors that justice may require.

Nature, Circumstances, Extent, and Gravity of Violations

38. As mentioned above, the EPA observed evidence and took photographs of evidence that storm water has run off the Site, which discharged to a stormwater retention pond that discharges to Sand Creek. During the inspection, the EPA inspectors observed sediment in the streets, sediment within the storm water drains, and missing, failed, and/or inadequate Best Management Practices (BMPs). For example, the inspectors observed sediment and debris in storm water drains and roadside gutters along Chasewood Loop, Springwood Terrace, and Forest Valley Loop, a concrete washout located at 7814 Springwood Terrace that was not built to specification, straw wattles that were not maintained in effective operating condition, and trash scattered throughout the Site. Review, after the inspection, of all of the Corrective Action logs demonstrated similar BMP issues at other lots. In addition, the SWMP did not adequately describe the size of the Site or the area planned for disturbance, Site maps did not include all the areas that were under construction nor did the Site maps include all of the structural BMPs on Site, permanent vegetation installed for stabilization, and good housekeeping practices. The site inspections were not conducted within 24 hours of several precipitation events. Additionally, there was no evidence that the stormwater retention pond was constructed to specification prior to initiation of construction.
39. Storm water discharges from construction sites can severely compromise the integrity of our nation's waters. High sediment loads can cause siltation, which EPA found in 1998 to be the largest cause of impaired water quality in rivers and the third largest cause of impaired water quality in lakes. Other pollutants can be absorbed into fine sediment, causing nutrients, especially phosphorus, metals, and organic compounds, to move into aquatic ecosystems. Discharges from

construction sites have been identified as a source of pollution in 6 percent of impaired rivers; 11 percent of impaired lakes, ponds, and reservoirs; and 11 percent of impaired estuaries. Sediment can fill lakes and reservoirs and clog stream channels, with effects extending far downstream of the discharge. EPA has found that erosion rates from construction sites are much greater than from almost any other land use. Suspended sediment concentrations from construction sites have been found to be many times the concentrations from developed urban areas. Excess sediment is associated with increased turbidity, with reduced light penetration in the water column, with long-term habitat destruction, and with increased difficulty in filtering drinking water. See 64 Fed. Reg. 68722, 68728-68731 (Dec. 8, 1999) for more information on how discharges from construction sites cause water pollution.

40. The EPA and states with authorized NPDES programs rely on permits to implement the controls needed to prevent water pollution. Respondents' failure to comply with the Permit jeopardizes the integrity of EPA's and CDPHE's programs to control storm water pollution.

Prior Compliance History

41. This CCCA and the associated Administrative Order for Compliance on Consent (AOC) on this case are the only enforcement actions EPA has issued to Respondent, Aspen, regarding noncompliance with the storm water requirements. CDPHE has not issued any enforcement actions to Respondents regarding noncompliance with the storm water requirements.

Degree of Culpability

42. The EPA's storm water program has been in place since 1990. Respondents should have been aware of the applicable storm water requirements because prior to commencing construction activities at the Site, the Respondents hired a professional stormwater management contractor to prepare the SWMP and Site maps, conduct inspections, as well as implement and maintain BMPs.
43. In 1990, EPA promulgated Phase I of its storm water program. (55 Fed. Reg. 47990-48091, November 16, 1990.) Phase I required NPDES permit authorization for storm water discharges from construction activity disturbing five or more acres of land, either by itself or in conjunction with other parts of a common development. (55 Fed. Reg. at 48066.) In 1999, EPA extended this requirement to storm water discharges from construction activity disturbing between 1 and 5 acres of land. (64 Fed. Reg. 68722, 68839, December 9, 1999.)
44. CDPHE has conducted numerous training and outreach activities over the past several years to increase the regulated community's awareness of storm water control requirements. Since 2007 four training events have been held in the Colorado Springs area, 144 have been held state wide, with the majority of the

training available in the Denver area which is only an hour drive from Colorado Springs.

45. The Respondent, Aspen, is a member of the Housing and Building Association of Colorado Springs, a branch of the National Homebuilders Association. The national and local branches of the homebuilders association provide information on construction storm water compliance and offers educational courses.
46. Therefore, the Respondents should have been fully aware of their responsibility to meet the requirements related to storm water control.

Economic Benefit

47. Respondents received an economic benefit from its failure to fully comply with the requirements in the Permit. Respondents received benefits by failing to timely develop an adequate SWMP, failing to fully implement the SWMP, failing to implement and maintain BMPs, and failing to conduct inspections.

Ability to Pay

48. The EPA did not reduce the proposed penalty due to this factor.

Other Matters that Justice may Require

49. The EPA made no penalty adjustments regarding other matters.

Penalty

50. Respondents consent and agree to pay a civil penalty in the amount of \$92,000 payable in quarterly installments of \$23,000. Respondents consent to the issuance of a final order and consent to the payment of a civil penalty of ninety two thousand dollars (\$92,000). Respondents shall pay an initial installment of twenty three thousand dollars (\$23,000) within thirty (30) days of the effective date of the Final Order in this matter. The remainder of the penalty shall be paid quarterly thereafter in three installments of twenty three thousand dollars (\$23,000) due on the first day of each calendar quarter following the initial installment (January 1, April 1, July 1, October 1).
51. Payments shall be made in the manner described below:
 - a. Payment shall be made according to the instructions on the attached document entitled Attachment 1, Collection Information, which is herein made a part of this CCCA. A copy of the check or evidence or wire transfer shall be sent simultaneously to:

Mike Boeglin, Environmental Scientist
Water Technical Enforcement Program, NPDES Unit (8ENF-W-NP)
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

and

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

- b. In the event payment is not received by the specified due date, interest will accrue from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received, (i.e., on the 1st late day, 30 days of interest accrues).
- c. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the Final Order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6 %) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the Final Order is signed for the initial installment). Payments are first applied to outstanding handling charges, 6 % penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
- d. Respondents agree that the penalty shall never be claimed as a federal or other tax deduction or tax credit.

F. TERMS AND CONDITIONS

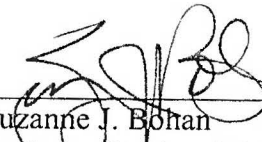
- 52. Nothing in this CCCA shall relieve Respondents of the duty to comply with the Act and its implementing regulations.
- 53. Failure by Respondents to comply with any of the terms of this CCCA shall constitute a breach of the CCCA and may result in referral of the matter to the Department of Justice for enforcement of this CCCA and for such other relief as may be appropriate.
- 54. Nothing in this CCCA shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with

any collection action instituted as a result of Respondents' failure to perform pursuant to the terms of this CCCA.

55. The undersigned representative for Respondents certifies that he is fully authorized to enter into and be bound by the terms and conditions of this CCCA.
56. Respondents waive any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which the Respondents may have, with respect to any issue of fact or law or any terms and conditions set forth in this CCCA, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. sections 701 through 706.
57. In accordance with 40 C.F.R. § 22.45, the EPA will provide public notice of this action. The EPA may modify or withdraw its consent to this CCCA if comments received disclose facts or considerations which indicate that the CCCA is inappropriate, improper, or inadequate.
58. If comments received during the public comment period do not require modification of or withdrawal from this CCCA by the EPA, the parties agree to submit this CCCA to the Regional Judicial Officer, with a request that it be incorporated into a final order.
59. Each party shall bear its own costs and attorney fees in connection with this matter.
60. This CCCA, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, resolve Respondents' liability for Federal civil penalties for the violations alleged herein.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, REGION 8

Date: 10/13/15

By: 
Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice


Aspen View Homes, LLC

Date: 8-18-15

By: 
Kevin Hart, Regional Manager

COLA, LLC

Date: 8-18-15

By: 
Kevin Hart, Regional Manager, for
Randal O'Leary, Chief Executive Officer

Attachment 1
COLLECTION INFORMATION

Payment is due on the due date described in paragraph 50. If the due date falls on a weekend or legal Federal holiday, then the due date is the next business day. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

CHECK PAYMENTS:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Craig Steffen, 513-487-2091

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17th Street, NW

Washington, DC 20074

Contact – Jesse White 301-887-6548

ABA = 051036706

Transaction Code 22 - checking

Environmental Protection Agency

Account 310006

CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.
This payment option can be accessed from the information below:

WWW.PAY.GOV

Enter sfo 1.1 in the search field

Open form and complete required fields.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON A
COMBINED COMPLAINT AND CONSENT AGREEMENT BETWEEN
ASPEN VIEW HOMES, LLC AND COLA, LLC
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TO RESOLVE ALLEGED VIOLATIONS OF
THE CLEAN WATER ACT

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on the Combined Complaint and Consent Agreement (CCCA) between Aspen View Homes, LLC and COLA, LLC (Respondents), and the United States Environmental Protection Agency (EPA), Docket CWA-08-2016-0001. The EPA alleged that the Respondents violated the requirements of the Clean Water Act (CWA) by failing to seek and obtain a discharge permit for the discharge of regulated stormwater to "Waters of the United States" and failing to comply with the requirements of its discharge permit at times when the discharge of regulated stormwater was authorized by a permit. Specifically, the EPA alleged that during times when the Respondents had obtained a permit, the Respondent failed to have an adequate stormwater pollution prevention plan, failed to install required stormwater controls to control pollutants in stormwater, and failed to maintain stormwater controls. The CCCA is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by Title 40 of the Code of Federal Regulations (40 C.F.R.), Section 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3). In the CCCA, Respondent agrees to pay a penalty of \$92,000. The alleged violations took place at a housing development known as "Forest Meadows" located at in Colorado Springs, Colorado. The CCCA is issued under the National Pollutant Discharge Elimination System (NPDES) provisions of the CWA. These regulations govern the discharge of wastewater to "Waters of the United States". The addresses of the EPA and Respondents are listed here.

Respondents:

Aspen View Homes, LLC, 1710 Jet Stream Drive, Suite 100, Colorado Springs, CO 80921

COLA, LLC, 7910 Gateway Blvd. East, Suite 102, El Paso, TX 79915

EPA:

Assistant Regional Administrator, Office of Enforcement, Compliance &
Environmental Justice, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129

The EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that any penalty assessed is appropriate.

PUBLIC COMMENTS

Written comments on the CCCA are encouraged and will be accepted at the address listed below for a period of forty (40) days after the publication of this notice. Written comments submitted by the public as well as information submitted by Respondent will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at:
<http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129.
Telephone: (303) 312-6765

FOR FURTHER INFORMATION:

Persons wishing to receive a copy of other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by the EPA to finalize a settlement in this matter until 40 days after this public notice.