

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 5  
PUBLIC NOTICE

Johnson County Surveyor  
86 W. Court Street  
Franklin, Indiana 46131

and

Johnson County Drainage Board  
86 W. Court Street  
Franklin, Indiana 46131



Docket No. CWA-05-2014-0007

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a Consent Agreement and Final Order (CAFO) against the Johnson County Surveyor and Johnson County Drainage Board (Respondents) for violations of the Clean Water Act. The CAFO will commence and resolve an action to assess civil penalties of \$9,500 against Respondents. These proposed penalties are for civil violations alleging Respondents, through a contractor, discharged fill material into approximately 10,000 linear feet of Grassy Creek and 1,200 linear feet of Short Run in Johnson County, Indiana.

A copy of the proposed CAFO may be viewed at <http://www.epa.gov/region5/newsevents/> by clicking on the link to the matter of Johnson County Surveyor and Johnson County Drainage Board. 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, may attend or present evidence at any hearing scheduled on this matter, or both, 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 <http://www.gpoaccess.gov/cfr/retrieve.html>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

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

Docket No. CWA-05-2014-0007  
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) 886-3617 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://www.epa.gov/region5/newsevents/>, click the link for this matter and then the link to submit a comment electronically. Note that the Agency requires your regular mailing address, since we must use the U.S. Postal Service to fulfill our response obligations. 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 News & Events home page for this matter:**

<http://www.epa.gov/region5/newsevents/>. 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 Respondents or by public commenters) 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) 886-3617 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 commenters 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 CAFO 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 proposed CAFO on the basis that material evidence was not considered, as described in 40 C.F.R. 22.45(c)(4).