

PUBLIC NOTICE

Milton Heilman
d/b/a Heilman Excavating & Septic Services
7025 Central Drive SW
Washington, Illinois 61571
Case Docket No. CWA-05-2013-0010

RECEIVED

APR 24 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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 Milton Heilman d/b/a Heilman Excavating & Septic Services. (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 meet record keeping requirements at 40 C.F.R. § 503.17, from on or about July 2007 through on or about July 2011, in relation to land application of domestic septage. The U.S. EPA and Respondent have agreed in principle that Respondent will pay a civil penalty of \$3,838 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 link 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*. You may access this portion of the Code of Federal Regulations at:

<http://www.gpoaccess.gov/cfr/retrieve.html>

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

Docket No. **CWA-05-2013-0010**
Regional Hearing Clerk
Mail Code E-19J
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

You may submit written comments 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 a fax or a messenger service to deliver your comments or other documents, then 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 U.S. EPA requires your regular mailing address, since we must use the U.S. Postal Service if 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, on 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 any person who during the public comment period submitted a written request to participate in a hearing, of the date, time, and place of that hearing. At the hearing, such persons may attend and present evidence regarding the appropriateness of the proposed penalty assessment by following the instructions at 40 C.F.R. § 22.45(c)(1).

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 in this matter, 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 at 40 C.F.R. § 22.45(c)(4).