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Last updated on Friday, August 19, 2011.

## Region 10: the Pacific Northwest

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# EPA proposes Penalty Against Robert and Nancy Loomis for Clean Water Act Violations

**Name of Case:** Robert and Nancy Loomis  
(Loomis Fill Site)

**Action:** Proposed Penalty Assessment under the Clean Water Act

**Docket Number of the Complaint:** CWA-10-2011-0086

**Description of Violation and Relief Sought:**  
Pursuant to Section 309(g)(4) of the Clean Water Act ("Act"), the Environmental Protection Agency, Region 10 ("EPA") is providing public notice of the proposed penalty described below. In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to 40 days after publication of this notice.

Public Notice Information
<b>Date of Notice:</b> June 24, 2011
<b>Comment Period Ends:</b> July 25, 2011
<b>Case Name:</b> Robert and Nancy Loomis (Loomis Fill Site)
<b>Complaint Docket Number:</b> CWA-10-2011-0086
<b>How to Submit Comments:</b> In accordance with 40 C.F.R. § 22.45, anyone wishing to comment on or participate in this proceeding must notify the Regional Hearing Clerk within 30 days of this notice. Please provide your name, complete mailing address, and any comments you have on this action.

EPA proposes to commence an administrative penalty action against Robert M. and Nancy Loomis ("Respondents") for violations of the Clean Water Act ("CWA"). EPA alleges that the Respondents are in violation of the National Pollutant Discharge Elimination System ("NPDES") General Permit for Storm Water Discharges from Construction Activities ("CGP") authorized under Section 402 of CWA. EPA also alleges that the Respondents are in violation of Section 404 of CWA by engaging in unauthorized fill of wetlands. Violations include discharges without an applicable NPDES permit. EPA proposes to seek the statutory maximum amount for penalties for these two violations of the law.

Persons wishing to comment on EPA's proposed action or to become participants in this action may do so by submitting their address and telephone number, along with written comments, to the Regional Hearing Clerk at the address above within 30 days of the date of this notice. This is a Class II administrative penalty proceeding, governed by Section 309(g)(2)(B) of the CWA and the procedural rules found at 40 C.F.R. Part 22. The requirements that apply to public comment and participation are set forth in 40 C.F.R. § 22.45.

**Name and address of Complainant:**

Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency  
Region 10 (OCE-164)  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

**Name of Respondent:** Robert and Nancy Loomis

**Name, address, and telephone number of Regional Hearing Clerk:**

Carol Kennedy, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10 (ORC-158)  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
(206) 553-0242

**Location of Facility:** Haines, Alaska

**Applicable Permit No.:** AKU000251

**Business/activity of Respondents:** Construction

**Comments Accepted:** In accordance with 40 C.F.R. § 22.45, any person wishing to comment on or participate in this proceeding must notify the Regional Hearing Clerk within 30 days of this notice. The person must provide a name, complete mailing address, and any comments the person has on this action.

A copy of the administrative complaint is available for review and copying between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at EPA's Seattle Office (see address listed above).

For any additional information on this action, please contact Julie Congdon at (206) 553-2752.