

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

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: The EPA is notifying the public of the opportunity to comment on a proposed administrative penalty assessment. The proposed penalty is for alleged violations of the Clean Water Act (CWA) at the Y#1 Lateral pipeline (Pipeline) on the Southern Ute Indian Reservation. The penalty is to be assessed against BP America Production Company (BP America).

Summary: The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of certain provisions of the CWA, after providing (1) an opportunity for the person to be assessed the penalty (the respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is 30 days after issuance of this notice.

On September 30, 2014, the EPA commenced a civil administrative action by filing an administrative complaint alleging that BP America had violated the CWA. The complaint alleges that on or about March 15, 2013, and for an unknown number of days prior to that date, BP America discharged unknown quantities (between five and 200 barrels) of produced water from the Pipeline into Spring Creek and/or an unnamed tributary of Spring Creek and/or wetlands adjacent to Springs Creek and/or adjacent to its unnamed tributary without a CWA permit. The complaint proposes a penalty of \$100,000.

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by BP America 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>. The Docket Number for the complaint is CWA-08-2014-0037.

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 the complaint or 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 any settlement in this matter until 30 days after the issuance of this public notice.