

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

PUBLIC NOTICE: Proposed Settlement with Amrize Cement Inc. for Clean Water Act Violations in Florence, Colorado

Summary: EPA is providing notice of an opportunity for the public to comment on a proposed Consent Agreement with an administrative civil penalty assessment against Amrize Cement Inc. (Amrize). In the Consent Agreement, EPA alleges Amrize violated the Clean Water Act (CWA) by failing to comply with certain terms and conditions of its National Pollutant Discharge Elimination System (NPDES) permits at the Portland Cement Plant in Florence, Colorado.

Background: EPA has alleged that Amrize:

1. discharged groundwater and collected runoff in a manner not authorized by NPDES permit no. CO0000671, in violation of 33 U.S.C. § 1311(a);
2. exceeded the effluent limitations for Total Suspended Solids (TSS), aluminum, pH, and acute toxicity in violation of NPDES permit no. CO0000671;
3. failed to properly operate and maintain all facilities and systems of treatment and control in violation of NPDES permit no. CO0000671;
4. failed to sample in accordance with NPDES permit no. CO0000671; and
5. failed to implement a Stormwater Management Plan in accordance with NPDES permit no. COR900000.

Under the proposed Consent Agreement, Amrize has agreed to pay a civil administrative penalty of \$194,025 to resolve its civil penalty liability for these alleged violations.

The addresses of EPA and Amrize are listed below:

EPA: EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. EPA Region 8's Water Enforcement Branch Manager is identified in the Consent Agreement as the Complainant.

The Respondent: Portland Cement Plant, 3500 State Highway 120, Florence, CO 81226. Amrize is identified in the Consent Agreement as the Respondent.

EPA is authorized in a Class II proceeding under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), to issue an order assessing a civil administrative penalty for violations of the CWA and its implementing regulations, after providing: (1) an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and (2) notification to the public of the proposed penalty and its rights to submit written comments and to participate in a Class II penalty proceeding (hearing), if any.

Public Comments: EPA encourages the public to comment on the proposed Consent Agreement. The proposed Consent Agreement will be available for public review for a comment period of 30 days after the publication of this notice. After the close of this

comment period, EPA will, if appropriate in view of any comments received, file the proposed Consent Agreement and seek entry of an order approving the Consent Agreement. The EPA expects to respond to any comments. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (40) days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3). The proposed Consent Agreement is available for review by contacting the person listed in the **For Further Information** section, below.

How to Comment:

Comments Due: 30 days after publication date

Please submit written comments to:

Kate Tribbett
EPA Region 8 Regional Hearing Clerk (8ORC-IO)
r8_hearing_clerk@epa.gov
Telephone: (303) 312-6661

Comments must include the commentor's name and complete mailing address as well as a statement that the comment submitter wishes to participate in any future proceedings in this matter.

Please also reference EPA Docket Number for this matter: CWA-08-2026-0002.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consent Agreement, or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for any hearing), or to comment upon the proposed penalty assessment, should contact the Regional Hearing Clerk listed in the **How to Comment** box on this page.