

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY** 2013 MAY 30 PM 12:42
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
Langston Concrete, Inc.) **PENALTY COMPLAINT AND**
12998 County Road 225) **NOTICE OF OPPORTUNITY**
Westcliffe, CO 81252) **FOR HEARING**
)
) **Docket No. CWA-08-2013-0014**
)
Respondent.)

INTRODUCTION

In this Penalty Complaint and Notice of Opportunity for Hearing (Complaint), the United States Environmental Protection Agency (EPA) proposes to assess a civil administrative penalty against Langston Concrete, Inc. (Respondent), as more fully described below.

JURISDICTIONAL ALLEGATIONS

The EPA is authorized to take this action pursuant to section 309(g) of the Clean Water Act (the Act), 33 U.S.C. § 1319(g). The rules for this proceeding are the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits, 40 Code of Federal Regulations (C.F.R.) part 22, including but not limited to subpart I. A copy of part 22 is being provided to the Respondent with this complaint.

FACTUAL AND LEGAL ALLEGATIONS

The following allegations apply to all times relevant to this action and to each count of this Complaint:

1. Respondent Langston Concrete, Inc. (Respondent) is a Colorado corporation.
2. Respondent is a "person" as defined by section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
3. Respondent has constructed a river trail along the Arkansas River between 4th Street and Clark Street in Pueblo, Colorado (the Site).
4. The Site encompasses approximately 12.8 acres.
5. Construction activities began at the Site in February of 2011.

6. Respondent had day-to-day responsibility for construction at the Site.
7. The runoff and drainage from the Site constituted "stormwater" as defined by 40 C.F.R. § 122.26(b)(13).
8. Stormwater contains "pollutants" as defined by section 502(6) of the Act, 33 U.S.C. § 1362(6).
9. Stormwater, snow melt, surface drainage and runoff water have flowed from the Site into the Arkansas River.
10. The Arkansas River is a navigable-in-fact water.
11. The Arkansas River is a "navigable water" as defined by section 502(7) of the Act, 33 U.S.C. § 1562(7), and a "water of the United States" as defined by 40 C.F.R. § 122.2.
12. Each discharge of stormwater from the Site was a "discharge of a pollutant" as defined by section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2.
13. Each discharge of a pollutant from the Site was a discharge from a "point source" as that term is defined by section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2.
14. In order to restore and maintain the integrity of the nation's waters, section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402 of the Act, 33 U.S.C. § 1342.
15. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, under which the EPA (and states with authorization from the EPA) may permit discharges of pollutants into navigable waters, subject to specific terms and conditions.
16. Section 402(p) of the Act, 33 U.S.C. § 1342(p), establishes a program under which NPDES permits may be issued to authorize discharges of stormwater associated with industrial activities.
17. The term "stormwater discharge associated with industrial activity" includes, but is not limited to, any discharge from construction activity that disturbs at least five acres or that disturbs a piece of land that is less than five acres but is part of a larger common plan of development ultimately disturbing over five acres. 40 C.F.R. § 122.26(b)(14)(x).
18. Each person discharging stormwater associated with industrial activity must seek and obtain authorization to do so under an individual or a general NPDES permit. 40 C.F.R.

§ 122.26(c); sections 301(a), 308, and 402(p) of the Act, 33 U.S.C. §§ 1311(a), 1318, and 1342(p).

19. The State of Colorado was approved by the EPA to administer the NPDES program on June 13, 1975. 40 Fed. Reg. 28663 (July 8, 1975). A permit issued by the State of Colorado Department of Public Health and Environment (CDPHE) under Colorado's EPA-approved NPDES program is known as a CDES permit.
20. Effective July 1, 2007, CDPHE issued a general permit (CDES Permit No. COR-030000, referenced as the Permit) authorizing discharges of stormwater associated with construction activities, if done in compliance with its terms and conditions. A discharger may apply for authorization to discharge under the Permit by submitting a notice of intent for coverage to CDPHE.
21. On February 7, 2011, Respondent submitted a notice of intent to CDPHE indicating Respondent's intent to have construction at the Site covered by the Permit. Effective February 8, 2011, Respondent was authorized to discharge stormwater at the Site in accordance with the requirements of the Permit.
22. On March 11, 2011, EPA inspectors conducted a stormwater inspection at the Site to determine compliance with the Permit.
23. The Permit requires that Respondent develop and implement an adequate stormwater management plan (SWMP). The SWMP must, among other things, identify pollution sources and describe all best management practices (BMPs) to be used to reduce pollutants in stormwater discharges; include a clear description of the Site; describe any anticipated allowable sources of non-stormwater discharge at the Site, such as uncontaminated springs; include a Site map that designates the locations of structural and nonstructural BMPs, the areas of ground surface disturbance, the areas where buildings materials, equipment, and waste are stored; and describe how all disturbed areas of the Site are to be finally stabilized after construction. Parts I.B and I.C of the Permit. The SWMP must be implemented before construction begins and must be amended under certain circumstances, such as to reflect changes in the design, construction, operation, or maintenance of the relevant site, or if it has proved ineffective in controlling pollutants in stormwater discharges.
24. During the inspection, the EPA inspectors observed that Respondent's SWMP did not describe all BMPs. It did not, for example, indicate the location of structural BMPs such as rock socks and straw wattles. The inspectors also observed that the map of the Site in Respondent's SWMP did not define which areas were disturbed, did not indicate where equipment, chemicals and fuel were or would be stored, and did not describe a natural spring at the Site that was discharging at the time of the inspection.
25. The Permit requires Respondent to select, install, implement, and maintain BMPs. Part I.D of the Permit. BMPs include but are not necessarily limited to structural controls

(such as straw wattles and silt fences) and management practices (such as a dedicated concrete washout area and street sweeping). Part I.C.3.c of the Permit.

26. The Permit requires Respondent to address failed BMPs as soon as possible to minimize discharge of pollutants. Part I.D.8 of the Permit.
27. At the time of the inspection, the EPA inspectors observed excessive sediment in culverts at the Site and missing, failed, and/or inadequate BMPs. For example, the inspectors observed an unprotected, devegetated strip. They also observed that the following BMPs were not being maintained and/or had not been properly installed: a silt fence bordering the trail, silt fence at the base of the culvert near the Main Street Bridge, filter fabric around culverts, and a straw wattle near a natural spring discharge. At least one silt fence had fallen into the Arkansas River.
28. On May 18, 2011, the EPA issued an Administrative Order for Compliance (Order) to Respondent. The Order made findings that Respondent had failed to comply with the Permit's requirements for developing and implementing a complete SWMP, installing, implementing, and maintaining BMPs, and conducting inspections. The Order directed Respondent, among other things, to submit, within 30 days of receiving the Order, a revised SWMP for the Site, narrative descriptions and photographs of corrections made to certain stormwater controls at the Site, and revised site maps identifying dates BMPs had been installed or modified and locations of a spring, storage areas, disturbed and undisturbed areas, and silt fencing.
29. By letter dated September 21, 2011, the EPA notified Respondent that it had not fulfilled all requirements of the Order and requested additional information from Respondent. The EPA's letter requested, among other things, that within 10 days Respondent provide an updated SWMP, photographs and narrative descriptions of corrections to certain stormwater controls, and revised Site maps.
30. By letter dated September 29, 2011, Respondent provided the EPA with an updated SWMP in compliance with the Permit, photographs and narrative descriptions of the corrections to certain stormwater controls, and revised Site maps.
31. After stabilizing the Site, on June 22, 2012, Respondent submitted an Inactivation Notice to CDPHE, as required by part I.A.6 of the Permit.
32. The EPA has consulted with CDPHE concerning the issuance of this Complaint.

COUNT I

33. Respondent violated parts I.B, I.C., and I.D of the Permit by failing to develop and implement a complete and updated SWMP. The duration of the violation was from March 11, 2011, the date of the EPA's inspection, until September 29, 2011, the date Respondent provided a complete, revised SWMP to the EPA.

COUNT II

34. Respondent violated part I.D of the Permit by failing to install, implement, and maintain BMPs. The duration of the violation was from March 11, 2011, the date of the EPA's inspection, until September 29, 2011, the date Respondent provided documentation to the EPA of having corrections made to BMPs.

PROPOSED CIVIL ADMINISTRATIVE PENALTY

Section 309(g)(2)(A) of the Act, 33 U.S.C. §1319(g)(2)(A), authorizes the EPA to assess a Class I civil administrative penalty for any violation of a condition or limitation of a permit issued under section 402 of the Act, 33 U.S.C. § 1342. For any violation occurring after January 12, 2009, the amount of the penalty the EPA can assess is up to \$16,000 per day for each day the violation continues, with a maximum of \$37,500. These amounts are the result of adjustments for inflation, as described in 40 C.F.R. part 19.

Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), requires the EPA to take into account the following factors in assessing a civil administrative penalty: the nature, circumstances, extent and gravity of the violation(s) and, with respect to the violator, ability to pay, any prior history of such violations, degree of culpability, any economic benefit or savings gained from the violation, and such other factors that justice may require.

In light of the statutory factors and the specific facts of this case, the EPA proposes that a penalty of **\$6,600.00** be assessed against Respondent for the violations alleged above, as explained below:

Nature, Circumstances, Extent, and Gravity of Violations

As mentioned above, the EPA's inspectors observed excessive sediment in culverts at the Site, and missing, failed, and/or inadequate BMPs. Had Respondent obtained and complied with the Permit, it would have controlled its discharges and minimized sediment discharges.

Section 305(b) of the Act requires each state to conduct water quality surveys to determine a water body's overall health, including whether designated uses are being met. States and other jurisdictions conduct water quality surveys and report the findings to the EPA every two years. The EPA then prepares a biennial report to Congress, which represents the most complete and up-to-date snapshot of water quality conditions around the country. High sediment loads can cause sedimentation of our nation's waters, which the EPA found in 2004 to be one of the top ten causes of impaired water quality in rivers, streams, lakes, ponds and reservoirs. Discharges from construction sites have been identified as a source of pollution in 14 percent of impaired rivers and 6 percent of impaired lakes, ponds, and reservoirs. *See USEPA, 2009. National Water Quality Inventory: 2004 Report to Congress. EPA841-R-08-001. U.S. Environmental Protection Agency, Office of Water, Washington, DC.* Other pollutants can be absorbed into fine sediment, causing nutrients, especially phosphorus, metals, and organic

compounds, to move into aquatic ecosystems. See USEPA. 1998. *National Water Quality Inventory: 1996 Report to Congress*. EPA841-R-97-008. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

The EPA has found that erosion rates from construction sites are much greater than from almost any other land use. Suspended sediment concentrations from construction sites have been found to be many times the concentrations from developed urban areas. Excess sediment is associated with increased turbidity, reduced light penetration in the water column, long-term habitat destruction, and increased difficulty in filtering drinking water. See 64 Fed. Reg. 68722, 68728-68731 (Dec. 8, 1999) for more information on how discharges from construction sites cause water pollution.

The EPA and states with authorized NPDES programs rely on the permit program to implement the controls needed to prevent water pollution. The Respondent's failure to properly comply with the Permit has jeopardized the integrity of EPA's and CDPHE's programs to control sediment pollution and has demonstrated disregard for the wellbeing of the Arkansas River. To further the goal of protecting the nation's waters through the NPDES permit program, an administrative penalty action holding Respondent accountable for its inaction is appropriate.

Prior Compliance History

This Complaint is the first enforcement action EPA Region 8 has issued to Respondent regarding noncompliance with the stormwater requirements.

Degree of Culpability

Respondent has operated multiple construction sites in Colorado. The EPA's stormwater program has been in place since 1990. As a company with a construction background, Respondent should have been aware of the applicable stormwater requirements.

In 1990, EPA promulgated Phase I of its stormwater program. 55 Fed. Reg. 47990-48091 (November 16, 1990). Phase I required NPDES permit authorization for stormwater discharges from construction activity disturbing five or more acres of land, either by itself or in conjunction with other parts of a common development. 55 Fed. Reg. at 48066. In 1999, EPA extended this requirement to stormwater discharges from construction activity disturbing between 1 and 5 acres of land. 64 Fed. Reg. 68722, 68839 (December 9, 1999).

Additionally, CDPHE has conducted numerous training and outreach activities over the past several years to increase the regulated community's awareness of stormwater control requirements. The training and outreach activities since 2008 include at least five trainings in the City of Colorado Springs for contractors, local government officials, and construction engineers on permit compliance and sediment/erosion control.

Therefore, Respondent should have been fully aware of its responsibilities to meet the requirements related to stormwater control.

Economic Benefit

Respondent received an economic benefit from its failure to comply with the requirements in the Permit. It benefited by not spending the required funds to install and maintain all necessary BMPs, to develop a complete SWMP, and to have knowledgeable personnel on-site.

Ability to Pay

The EPA did not reduce the proposed penalty due to this factor, but it will consider any information Respondent may present regarding Respondent's ability to pay the penalty proposed in this Complaint.

Other Matters that Justice may Require

The EPA has substantially reduced the proposed penalty to account for Respondent's post-inspection efforts in addressing the problems noted during the EPA's inspection.

NOTICE OF OPPORTUNITY FOR A HEARING

Respondent has the right to a public hearing before an EPA judicial officer to dispute any allegation the EPA has made in this Complaint and/or the appropriateness of the penalty the EPA has proposed. If Respondent requests a hearing in its answer, the procedures provided in 40 C.F.R. part 22 will apply to the proceedings, and a Regional Judicial Officer (RJO) will preside. The RJO will be responsible for deciding whether EPA's proposed penalty is appropriate.

To assert its right to a hearing, Respondent must file a written answer (an original and one copy) with the Regional Hearing Clerk of EPA Region 8 (1595 Wynkoop Street, Mail Code 8RC, Denver, Colorado 80202) within 30 days of receiving this Complaint. The answer must clearly admit, deny or explain the factual allegations of this Complaint. It must also state the grounds for any defense, the facts Respondent disputes, and whether it requests a public hearing. Please see 40 C.F.R. §22.15 for more information on what must be in the answer. **FAILURE TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN 30 DAYS MAY WAIVE A RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS AND/OR PROPOSED PENALTY. IT MAY ALSO RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF THE FULL PENALTY PROPOSED IN THIS COMPLAINT OR THE MAXIMUM PENALTY AUTHORIZED BY THE ACT.**

QUICK RESOLUTION

Respondent may resolve this proceeding at any time by paying the penalty amount proposed in this Complaint. Respondent may make this payment by sending a cashier's or certified check for this amount, including the name and docket number of this case, payable to "Treasurer, United States of America," to the U.S. Environmental Protection Agency, Fines and

Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO, 63197-9000, and by filing a copy of the check with the Regional Hearing Clerk for EPA Region 8 at the address given above. If Respondent makes this payment within 30 days of receiving this Complaint, it need not file an answer. Such payment waives Respondent's right to contest the allegations and to appeal any final order resulting from this Complaint. See 40 C.F.R. § 22.18 for more explanation of the quick resolution process.

SETTLEMENT NEGOTIATIONS

The EPA encourages informal settlement conferences. If Respondent wishes to pursue the possibility of settling this matter, or has any other questions, Respondent (or, if it is represented by counsel, its counsel) should contact Peggy Livingston, Enforcement Attorney, by telephone at 1-800-227-8917, extension 6858, or 303-312-6858, or by mail at the address below. **Please note that contacting this attorney or requesting a settlement conference does NOT delay the running of the 30-day period for filing an answer and requesting a hearing.**

To discuss settlement or ask any questions about this case or process, Respondent should contact Peggy Livingston, Enforcement Attorney, by telephoning 303-312-6858, or by writing to the following address:

Peggy Livingston, 8ENF-L
Office of Enforcement, Compliance and
Environmental Justice
Region 8, United States Environmental Protection Agency
1595 Wynkoop Street (ENF-L)
Denver, CO 80202

PUBLIC NOTICE

As required by section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), prior to assessing a civil penalty, the EPA will provide public notice of the proposed penalty and a reasonable opportunity for the public to comment on the matter and, if a hearing is held, to be heard and present evidence.

Dated: 05/15/2013.

By:



Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance and
Environmental Justice
United States Environmental Protection Agency
Region 8
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129

By: Margaret A. Peggy Livingston, Acting for
James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice
United States Environmental Protection Agency
Region 8
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129

CERTIFICATE OF SERVICE

I certify that on May 30, 2013, I sent or delivered, as indicated below, copies of the foregoing
PENALTY COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING to:

Michael Langston
Langston Concrete Inc.
2335 North Interstate 25
Pueblo, CO 81008
Certified Mail, Return Receipt Requested No. 7009 3410 0000 2598 4587

and

Michael Langston, Registered Agent
Langston Concrete, Inc.
12998 County Road 225
Westcliffe, CO 81252
Certified Mail, Return Receipt Requested No. 7009 3410 0000 2598 4594

and

Tina Artemis, Region 8 Hearing Clerk
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
By Hand Delivery – Original and one copy, without 40 C.F.R. part 22

Date: May 30, 2013

By:

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first page

§21.13

approve or disapprove the State issued statement, in accordance with the requirements of §21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with §21.5, on any such statement.

(1) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(i) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

- Sec.
- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 *Ex parte* discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 30 2013

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Langston
Registered Agent
Langston Concrete, Inc.
12998 County Road 225
Westcliffe, CO 81252

Re: Proposed Assessment of Class I Civil
Penalty under Section 309
of the Clean Water Act
Docket No. **CWA-08-2013-0014**

Dear Mr. Langston:

Enclosed is a United States Environmental Protection Agency Region 8 (EPA) Administrative Complaint and Notice of Opportunity for Hearing (Complaint) issued to Langston Concrete, Inc. (Langston Concrete). Based on our review of all available information, the EPA has determined that Langston Concrete is in violation of Construction General Permit No. COR-030000, which was issued by the Colorado Department of Public Health and Environment (CDPHE).

The Complaint proposes a penalty of \$6,600 be assessed for failure to comply with the permit issued by CDPHE. Langston Concrete has the right to a hearing to contest the factual allegations in the Complaint and/or the appropriateness of the proposed penalty. A copy of the procedures for such a hearing is enclosed for your review. Please especially note the requirements for an answer set forth in 40 C.F.R. §§ 22.15 and 22.38.

If Langston Concrete wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, it must file an answer within thirty (30) days of your receipt of the enclosed Complaint to the EPA Region 8 Hearing Clerk at the following address:

Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202

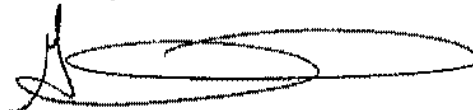
If Langston Concrete does not file an answer within 30 days (see 40 C.F.R. § 22.15(d)), it may be found in default. A default judgment may impose the full penalty of \$6,600 proposed in the Complaint.

As provided in 40 C.F.R. § 22.18(b), the EPA encourages settlement of these proceedings at any time prior to a formal hearing if the settlement is consistent with the provisions and objectives of the Clean Water Act, the permit referenced above, and applicable regulations. Whether or not Langston Concrete requests a hearing, it may confer informally with the EPA concerning the alleged violations or the proposed penalty amount. However, please note that a request for an informal conference does **not** extend the 30-day period for filing an answer and/or requesting a hearing.

If a mutually satisfactory settlement can be reached, it will be formalized in a consent agreement signed by a Langston Concrete representative and the delegated authority for the EPA. Upon final approval of the consent agreement by the Regional Judicial Officer, Langston Concrete will be bound by the terms of the consent agreement and will waive its right to a hearing on, and judicial appeal of, the agreed-upon penalty. Langston Concrete has the right to be represented by an attorney at any stage of the proceedings, including any informal discussions with the EPA, but this is not required.

If you have any questions regarding this letter or the Complaint, or any other matters pertinent to compliance with the Clean Water Act, the most knowledgeable person on my staff regarding these matters are Natasha Davis, Technical Enforcement, at (303) 312-6225. If you are represented by an attorney who has questions, please ask the attorney to call Peggy Livingston, Enforcement Attorney, at (303) 312-6858.

Sincerely,



Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosure: Administrative Complaint and Notice of Opportunity for Hearing

cc: Tina Artemis, Regional Hearing Clerk
Nathan Moore, CDPHE
Langston Concrete, Pueblo Colorado