



# Bettis Asphalt and Construction, Inc. - Clean Water Act Public Notice

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Bettis Asphalt and Construction, Inc. for alleged violations at its facility located at 2350 Northwest Water Works Drive, Topeka, Kansas 66606.

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated the requirements of its NPDES Permit (Permit Number KSR000184) in violation of Section 402 of the Clean Water Act, 33 U.S.C. § 1342. The EPA alleges that Respondent failed to implement and periodically amend an adequate Stormwater Pollution Prevention Plan, failed to implement adequate control measures or take sufficient corrective actions, and failed to adequately document routine site inspections. Respondent has reached agreement with the EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondent will pay a civil penalty of \$10,000. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to obtain additional information on the proceeding, receive a copy of the EPA’s Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2017-0109. For Technical questions contact Delia Garcia, Water Enforcement Branch, at [garcia.delia@epa.gov](mailto:garcia.delia@epa.gov), at the above mailing address or 913-551-7262. Persons with legal questions may contact Katherine Reitz, Office of Regional Counsel, at [reitz.katherine@epa.gov](mailto:reitz.katherine@epa.gov), at the above mailing address or 913-551-7745. In order to provide opportunity for public comment, the EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

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4/27/17 Date	/s/ Jeffery Robichaud Acting Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7

### How to Comment

#### Comments due date

05/31/2017

#### How to comment

Persons wishing to obtain additional information on the proceeding, receive a copy of EPA's Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2017-0109.

### Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Bettis Asphalt and Construction, Inc. for alleged violations at its facility located at 2350 Northwest Water Works Drive, Topeka, KS 66606.

**Program/Statute:** Clean Water Act (CWA)

#### Applicant/Respondent(s):

Bettis Asphalt and Construction, Inc.  
Topeka, Kansas

**Proposed action:** Public Notice of Clean Water Act Administrative Penalty Settlement

**Docket ID:** CWA-07-2017-0109

You may need Adobe Reader to view files on this page. See EPA's [About PDF page](#) to learn more.

- [Bettis Asphalt and Construction, Inc. proposed Consent Agreement Final Order \(PDF\)](#) (12 pp, 423 K)

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