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Silver Oak, Inc. d/b/a Alice Patricia Homes Residential Development - Clean Water Act Public Notice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319 (g), and 40 C.F.R. §§ 22.50-22.52 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation/Termination or Suspension of Permits (“Consolidated Rules”), the Environmental Protection Agency (“EPA”) is providing notice of an Administrative Penalty Assessment in the form of an Expedited Storm Water Settlement Agreement against Silver Oak, Inc. d/b/a Alice Patricia Homes Residential Development, a business located at 10430 New York Ave, Suite C, Urbandale, IA 50322, for alleged violations at Alice’s Road & 284th Lane, Waukee, IA 50263.

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 a Class I penalty proceeding. Any person who, without authorization, discharges a pollutant to a navigable water, as those terms are defined in Section 502 of the CWA, 33 U.S.C. § 1362, may be administratively assessed a Class I civil penalty up to a maximum penalty of \$51,570 by EPA. The EPA provides notice of the proposed assessment of a Class I proceeding pursuant to the EPA’s Consolidated Rules, 64 Fed. Reg. 40138 (July 23, 1999)(Part 22), including Rules related to Administrative Proceedings Not Governed by § 554 of the Administrative Practices Act, 40 C.F.R. §§ 22.50-22.52 (64 Fed. Reg. 40138, 40190).

In this case, the EPA alleges that Silver Oak Inc. d/b/a Alice Patricia Homes Residential Development violated the requirements of its NPDES permit (Permit #IA-28485-28228), in violation of Section 301 of the Clean Water Act, 33 U.S.C. §§ 1311. Respondent has reached agreement with the EPA on the terms of the proposed Expedited Storm Water Settlement Agreement. Respondent will pay a civil penalty of \$5,000.

The EPA will receive written comments on the proposed Expedited Storm Water Settlement Agreement 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 I order or participate in a Class I 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 Expedited Storm Water Settlement Agreement, 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-07-2017-0020. 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.

2/3/17 Date	/s/ Jeffery Robichaud Acting Director Water, Wetlands, and Pesticides Division U.S. EPA, Region 7

How to Comment

Comments due date

03/15/2017

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-07-2017-0020.

Summary

The EPA is providing notice of an Administrative Penalty Assessment in the form of an Expedited Storm Water Settlement Agreement against Silver Oak, Inc. d/b/a Alice Patricia Homes Residential Development, a business located at 10430 New York Ave, Suite C, Urbandale, IA 50322, for alleged violations at Alice’s Road & 284th Lane, Waukee, IA 50263.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Silver Oak, Inc. d/b/a Alice Patricia Homes Residential Development
Waukee, Iowa

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

Docket ID: CWA-07-2017-0020

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

- Silver Oak, Inc. d/b/a Alice Patricia Homes Residential Development proposed Consent Agreement Final Order (PDF) (1 pg, 207 K)

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