

PUBLIC NOTICE

Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Route 22 Construction Project
NPDES Permit No. ILR400493
Lake Zurich, Illinois
Case Docket No. **CWA-05-2010-0001**

RECEIVED
OCT 14 2009

**REGIONAL HEARING CLERK
USEPA
REGION 5**

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a Consent Agreement and Proposed Final Order (proposed CAFO) against the Illinois Department of Transportation (Respondent) for violations of the Clean Water Act. This CAFO will settle U.S. EPA's allegations that the Respondent violated Water Quality Standards in Lake Zurich, failed to maintain proper erosion controls at the project, failed to inspect areas of the project, and failed to update plans as required by its permit. The U.S. EPA and Respondent have agreed in principle that Respondent will pay a civil penalty of \$100,000 to resolve these violations.

A copy of the proposed CAFO may be viewed on-line at:

<http://www.epa.gov/region5/publicnotices/index.htm> by clicking on the Illinois Department of Transportation Consent Agreement and Final Order listed there. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

OPPORTUNITY FOR COMMENT: Section 309(g) of the CWA, 33 U.S.C. §1319(g), requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment on it.

Any person who wishes to comment on this proposed CAFO may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. 22.45), particularly subpart (C) *Comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>.

Comments should be made in writing to the Regional Hearing Clerk at:

Case Docket No. CWA-05-2010-0001
Regional Hearing Clerk
Mail Code E-19J
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk electronically, by mail, or by delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website:

<http://www.epa.gov/region5/publicnotices/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that the U.S. EPA requires your regular mailing address, since we must use the U.S. Postal Service should we need to contact you to reply, request additional information, or notify you of a hearing. If you wish to include any attachments with your comment, please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them **all written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date:" shown on the Public Notices home page for this docket number:**

<http://www.epa.gov/region5/publicnotices/index.htm>

Comments and documents sent to any U.S. EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by the respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the U.S. EPA Regional Office. You may make an appointment for such an inspection by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. 22.45(c)(1).

The U.S. EPA will send a copy of the proposed CAFO assessing a penalty to any persons who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who during the comment period submit written comments or ask to participate in any hearing held in this matter preserve a right to petition the Regional Administrator to set aside the proposed CAFO on the basis that material evidence was not considered, as described in 40 C.F.R. 22.45(c)(4).