

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

**PUBLIC NOTICE OF CONSENT AGREEMENT  
AND OPPORTUNITY TO COMMENT**

**FILED**

**May 29, 2025**

**9:07 am**

**U.S. EPA REGION 8  
HEARING CLERK**

**Summary:** The EPA is providing notice of an opportunity for the public to comment on a Consent Agreement. The Consent Agreement settles allegations by the EPA that the City of Boulder (the City or Respondent) has violated the Clean Water Act (CWA) by discharging pollutants into waters of the United States in Boulder County, Colorado, located at or near Latitude 40.045257° N, Longitude -105.602274° W, without a permit during work on the Albion Dam. The EPA alleges the discharges of dredged and/or fill material occurred in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a), which prohibits the discharge of a pollutant unless authorized, among other things, by a permit issued under section 404 of the CWA, 33 U.S.C. § 1344.

**Background:** The EPA has alleged that the Respondent discharged dredged or fill material into Albion Lake, North Boulder Creek, and adjacent wetlands, for the purposes of repairing and expanding the holding capacity of the Albion Dam. Albion Lake and North Boulder Creek are “waters of the United States” as defined in 33 C.F.R. § 328.3(a). The Respondent failed to obtain authorization under a CWA section 404 permit for discharges to the Waters of the United States. Under the Consent Agreement, the Respondent has agreed to pay a civil administrative penalty of \$20,000 to resolve its federal civil penalty liability for these alleged violations.

The addresses of the EPA and Respondent are listed below.

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

Respondent: City of Boulder, 1777 Broadway, P.O. Box 791, Boulder, CO 80302

The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of CWA requirements, 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 its rights to submit written comments and to participate in any hearing.

**Public Comments:** The EPA encourages the public to review and comment on the specific terms of the Consent Agreement. The 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, the EPA will, if appropriate in view of any comments received, enter an order approving the Consent Agreement. 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 Consent Agreement is available for review by contacting the person listed in the **For Further Information** section, below.

Please submit written comments to:

Kate Tribbett (8RC)  
Regional Hearing Clerk  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)  
Telephone: (303) 312-7059

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

Please also reference the EPA Docket Number for this matter: CWA-08-2025-0010

**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 the hearing) should contact the EPA Regional Hearing Clerk identified above.