

**PUBLIC NOTICE**

**CWA-05-2010-0013**

**Batesville Water & Gas Utility  
7 N. Eastern Avenue  
Batesville, Indiana 47006  
and  
Don Gunter Excavating, LLC  
3598 E. County Road 1200 N.  
Batesville, Indiana 47006**

**RECEIVED**  
**JUN 10 2010**  
**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

The U.S. Environmental Protection Agency (USEPA) Region 5, is hereby giving notice of the issuance of Administrative Complaints to Batesville Water & Gas Utility and Don Gunter Excavating, LLC, both of Batesville, Indiana, and its intention to assess administrative penalties of \$60,000 against Batesville Water & Gas Utility and \$20,000 against Don Gunter Excavating, LLC, under Section 309(g) of the Clean Water Act, 33 U.S.C. Section 1319(g).

USEPA alleges and is seeking administrative penalties for the past filling of approximately 6.3 acres of the Mollenkramer Reservoir during dredging activities without first obtaining authorization under Section 301 of the Clean Water Act, 33 U.S.C. Section 1311. The Mollenkramer Reservoir was dredged on both sides of Coonhunters Road, in Batesville, Ripley County, Indiana.

Interested parties may contact the Agency representative for this action at the following address or by phone to obtain further information or additional copies of USEPA's Complaint:

**Mr. Gregory Carlson  
USEPA-Region 5 (WW-16J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
312-886-0124**

Any person wishing to comment on the proposed penalty order within the complaint must submit comments in writing to the Regional Hearing Clerk at the address listed below within 30 days of the date of this notice. The respondents, Batesville Water & Gas Utility and Don Gunter Excavating, LLC, may request a hearing within 30 days of receipt of this notice by sending a written request for a hearing to:

**Regional Hearing Clerk  
USEPA-Region 5 (E-19J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604**

If a hearing is held, those submitting written comments will be advised of the date and time of the hearing and may appear to present evidence on the appropriateness of the proposed penalty assessment. The final administrative penalty order will be issued after the close of the 30 day comment period, unless a hearing is requested.

The Administrative Record, including information submitted by the respondent, is on file at the