

**PUBLIC NOTICE**

**U.S. Environmental Protection Agency  
Region 5**

**In the matter of: Coal Field Development Company**

**Docket No. CWA-05-2007- 0002**

The U.S. Environmental Protection Agency (EPA), Region 5, hereby provides notice of the issuance of a Consent Agreement and Final Order (CAFO) to Coal Field Development Company (Respondent) for alleged violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311.

EPA has alleged in the CAFO that Respondent discharged fill material from point sources into approximately 700 linear feet of streams and 1.89 acres of wetlands in association with surface coal mining activities at the Hymera Mine site, located south of Hymera, in Sullivan County, Indiana. None of the aforesaid fill activities have been authorized by a Department of the Army permit, under Section 404 of the CWA, 33 U.S.C. § 1344. All of the fill activities occurred in unnamed tributaries to Busseron and Sulphur Creeks and adjacent wetlands thereof. Sulphur Creek flows into Busseron Creek, which then flows into the Wabash River.

EPA and Respondent have agreed to settle this matter without further litigation. Under the CAFO, Respondent has agreed to pay \$50,000 in civil penalties.

Before issuing an order assessing a civil penalty, EPA is providing an opportunity for the public to comment on the appropriateness of the civil penalty. Any person wishing to comment on the proposed civil penalty must submit comments in writing to the Regional Hearing Clerk at the address listed below within 30 days from the date of this notice.

Regional Hearing Clerk  
U.S. Environmental Protection Agency Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

In accordance with 40 C.F.R. § 22.45, EPA will provide to each commenter a copy of the proposed CAFO. Within 30 days of receipt of the CAFO, a commenter may petition the Regional Administrator of Region 5 to set aside the proposed CAFO on the basis that material evidence was not considered.

Interested parties may contact the Agency representative for this action at the following address or by phone to obtain further information on the proposed civil penalty:

Melissa Gebien  
Enforcement Officer  
Water Division (WW-16J)  
U.S. Environmental Protection Agency Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
(312) 886-6833

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