



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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EPA REGION VIII
HEARING CLERK**

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MEMORANDUM

SUBJECT: Combined Complaint and Consent Agreement
In the Matter of the Acme Concrete Paving, Inc.
Docket No. CWA-08-2015-0025

FROM: Suzanne J. Bohan, Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice

TO: Honorable Elyana R. Sutin, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice (ECEJ) is transmitting a combined complaint and consent agreement (CCCA) in the above-referenced matter. We request that you issue a final order approving it, after allowing for a public comment period, as described below.

The EPA has taken this action under the authority of section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1321(g). In the CCCA, the EPA alleges that Acme Concrete Paving, Inc. (Acme) violated certain requirements of a general NPDES permit authorization for storm water discharges associated with construction activities number NDR105966, issued to Acme by the North Dakota Department of Health (NDDH) on or about August 30, 2013, for a project known as "32nd Avenue West – Phase II" (Permit). Specifically, EPA alleges that a pollutant was discharged to a Water of the U.S. in violation of the Permit and that, in violation of specific requirements of the Permit, Acme failed to: sign and certify its Storm Water Pollution Prevention (SWPP) plan; perform and record certain site inspections; keep onsite (or with an individual responsible for overseeing implementation of the SWPP plan) the Permit and certain related documents; incorporate certain required elements into the SWPP plan and site map; ensure concrete truck wastewaters were washed out off-site; install appropriate sediment controls in disturbed areas; and implement temporary or permanent erosion protection in exposed soil areas. The proposed settlement is consistent with applicable settlement penalty policies.

ECEJ is issuing a public notice of this proposed settlement pursuant to section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4). ECEJ requests that you defer signature on any final order to allow ECEJ to address any comments that may be submitted during the public comment period. ECEJ will notify you when the public comment period has closed, and comments, if any, have been addressed. ECEJ also has conferred with the NDDH regarding this proposed settlement.

Acme is represented by Mr. Robert Seghetti, Vice President, Acme Concrete Paving, Inc. 4124 East Broadway, Spokane, WA 99202. His phone number is 509-242-1234, and email address is Robert@acmecpi.com.

The EPA attorney for this matter is Charles Figur, Senior Enforcement Attorney, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202. His phone number is 303-312-6915, and email address is figur.charles@epa.gov.

cc: Robert Seghetti (via email)

Attachment (CCCA)