



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

SEP 11 2000

Reply To
Attn Of: OW-133

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David Palmer, City Manager
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801-1397

Re: Request for Information and Compliance Order
Docket No. CWA-10-2000-0206 and
Administrative Complaint
Docket No. CWA-10-2000-0063

Dear Mr. Palmer:

Enclosed is a Request for Information and Compliance Order that the U.S. Environmental Protection Agency ("EPA") has issued to the City and Borough of Juneau ("Juneau") pursuant to Sections 308 and 309 of the Clean Water Act ("Act"), 33 U.S.C. §§ 1318 and 1319, respectively. Among other requirements, this Compliance Order requires Juneau to cease all discharges of pollutants that are not specifically authorized under its National Pollutant Discharge Elimination System ("NPDES") permit, from its Mendenhall Wastewater Treatment Facility ("Facility") to waters of the United States. The Compliance Order also requires Juneau to develop and submit a written plan to prevent unauthorized discharges from the Facility.

In addition to the Compliance Order, enclosed is an Administrative Complaint that EPA has issued to Juneau pursuant to Section 309(g) of the Act as a result of EPA's determination that Juneau has failed to comply with the requirements of the NPDES permit and has unlawfully discharged pollutants to waters of the United States from the Facility in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). EPA proposes that a penalty of \$60,000 be assessed against Juneau for the violations.

The Administrative Procedure Act, 5 U.S.C. § 551 *et seq.* and 40 C.F.R. Part 22 ("Part 22 Rules") establish the procedures governing this case. A copy of the Part 22 Rules is enclosed. In accordance with Section 22.18(a) of the Part 22 Rules, Juneau may resolve this action at any time (after ten days have elapsed following the close of the public comment period) by mailing the proposed penalty in full to EPA. Juneau also has the right to a hearing to contest the factual allegations in the Complaint. If Juneau admits the allegations, or if they are found to be true after Juneau has had an opportunity for a hearing, Juneau has the right to contest the penalty proposed in the Complaint. Please note the requirements for an Answer in Sections 22.15 and 22.17 of the

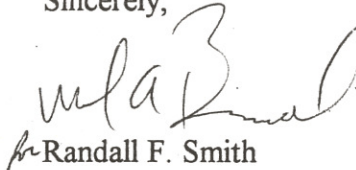
Part 22 Rules. If Juneau wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, Juneau must file an Answer within thirty (30) days of your receipt of the enclosed Complaint with the EPA Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, Washington 98101

If Juneau does not file an Answer within thirty days, Juneau may be found in default. If Juneau is found in default, each allegation in the Complaint will be deemed to be admitted as true by Juneau. If a default order is entered, Juneau will have waived the right to appear in this action for any purpose and will also have waived the right to be notified of any EPA proceedings that occur before a civil penalty may be imposed. Upon default, the Presiding Officer may find Juneau liable for the full civil penalty proposed in the Complaint.

Juneau has the right to be represented by an attorney at any stage of the proceedings, including any informal discussions with EPA. If you have any questions, wish to discuss a settlement of this matter with EPA by an informal conference, or would like to receive an extension of the thirty-day deadline to file an Answer in order to discuss settlement of this case, please contact Cara Steiner-Riley, Assistant Regional Counsel, at (206) 553-1142. A settlement discussion neither relieves Juneau of the need to file an Answer to the Complaint, nor affects what Juneau may choose to say in an Answer.

Sincerely,


for Randall F. Smith
Director
Office of Water

Enclosures

cc: Michele Brown, Commissioner, Alaska Department of Environmental Conservation
(w/enclosures)
Ernie Mueller, Public Works Director, City and Borough of Juneau
Andrew Bronson, Water and Wastewater Utilities Superintendent, City and Borough of
Juneau