

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8  
1595 Wynkoop Street; Denver, CO 80202-1129**

**PUBLIC NOTICE AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT  
SETTLEMENT**

The EPA is providing an opportunity for the public to comment on a Consent Agreement that would settle a proposed EPA civil administrative penalty action against Fisher Sand & Gravel Co. for alleged violations of the Clean Water Act (Act), its implementing regulations, and a related permit.

The EPA's action is authorized by sections 309(g) and 311(b) of the Act, 33 U.S.C. §§ 1319(g) and 1321(b). The requirements for providing public notice of the proposed settlement and an opportunity for the public to comment on the settlement are described in sections 309(g)(4) and 311(b)(6)(C) of the Act, 33 U.S.C. §§ 1319(g)(4) and 1321(b)(6)(C), and 40 C.F.R. § 22.45.

The public is invited to submit comments on the proposed settlement. The proposed settlement and the alleged violations are described in a Consent Agreement filed on May 8, 2020 with the Regional Hearing Clerk for EPA Region 8, at 1595 Wynkoop Street, Denver, Colorado 80202:

In the matter of: Fisher Sand & Gravel Co.  
497 Highway 200S  
Glendive, Montana 59330

EPA Docket Number: CWA-08-2020-0010

Proposed penalty: \$95,000

The violations are alleged to have occurred at the Fisher Sand & Gravel Co. – Glendive Site, which is five miles west of Glendive, Montana. Fisher Sand & Gravel Co. is alleged to have violated a Montana Pollutant Discharge Elimination System Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities, to have discharged storm water pollutants without authorization under the Act, and to have violated the EPA's Oil Pollution Prevention regulations at 40 C.F.R. part 112.

**Written comments on the Consent Agreement are encouraged and will be accepted at the email address listed below for a period of 30 calendar days after the publication of this notice.** Written comments submitted by the public and by Fisher Sand & Gravel Co., if any, will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. **The Consent Agreement has been posted on the internet at: <http://vosemite.epa.gov/oa/rhc/epaadmin.nsf>.**

Submit written comments to: Melissa Haniewicz  
Regional Hearing Clerk (8ORC-IO)  
Haniewicz.melissa@epa.gov

Due to the COVID-19 pandemic, the Region 8 office is currently closed, and EPA employees are currently teleworking. Any individual wishing to review the Consent Agreement by means other than accessing the internet site provided above or to submit comments by means other than email is asked to contact Ms. Haniewicz by telephone at (303) 312-7059 or at the above email address.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of the Consent Agreement or any other relevant documents (such as the regulations in 40 C.F.R. part 22, which establish procedures for hearings) or who have further questions should contact the Regional Hearing Clerk identified above. No action will be taken by EPA to finalize a settlement in this matter until at least 40 calendar days after the issuance of this public notice.