

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

**PUBLIC NOTICE OF PROPOSED COMBINED COMPLAINT AND CONSENT
AGREEMENT AND OPPORTUNITY TO COMMENT**

Summary: The EPA is providing notice of the opportunity to comment on a proposed Combined Complaint and Consent Agreement (CCCA). The CCCA settles allegations by the EPA that Wasatch Commercial Builders, LLC, has violated permits issued pursuant to the Clean Water Act (CWA). EPA alleges that Wasatch Commercial Builders, LLC, violated the following permits: (1) Permit UTR371045 for the Conservice 2 construction site located at 760 South Gateway Drive, River Heights, Utah; (2) Permit UTR370437 for the 4th West Apartments construction site located at 255 North 400 West, Salt Lake City, Utah; and (3) Permit UTR377993 for the Milagro Apartments construction site located at 255 West 200 South, Salt Lake City, Utah.

Background: The EPA and Wasatch Commercial Builders, LLC, have agreed to enter into a CCCA to resolve Wasatch Commercial Builders, LLC's alleged failure to meet permit requirements. EPA alleges that at the Conservice 2 construction site Wasatch Commercial Builders, LLC, failed to maintain permit coverage and discharged without a permit, failed to include the required information on their stormwater pollution prevention plan (SWPPP) sign, failed to have a complete and updated SWPPP and site map, failed to conduct self-inspections and log corrective actions, failed to prevent a prohibited discharge of concrete washout, and failed to implement and maintain required stormwater controls to minimize discharges of sediment and other pollutants into waters of the United States. EPA alleges that at the 4th West Apartment construction site that Wasatch Commercial Builders, LLC, failed to implement required stormwater controls to minimize discharges of sediment and other pollutants into waters of the United States. EPA alleges that at the Milagro Apartments construction site Wasatch Commercial Builders, LLC, failed to have a SWPPP sign and failed to implement required storm controls to minimize discharges of sediment and other pollutants into waters of the United States.

Wasatch Commercial Builders, LLC, has agreed to pay a civil administrative penalty of \$85,000.00 to resolve its civil penalty liability for these alleged violations. Pursuant to section 309(g)(4) of the CWA, the EPA hereby notifies the public of the EPA's proposed penalty assessment.

The addresses of the EPA and Wasatch Commercial Builders, LLC, are listed below.

Wasatch: Wasatch Commercial Builders, LLC, 595 South Riverwood Parkway, Logan, Utah, 84321, is identified in the CCCA as the Respondent.

EPA: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, is identified in the CCCA as the Complainant.

The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of certain CWA requirements, after

providing (1) an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing.

PUBLIC COMMENTS

The EPA encourages the public to comment on the CCCA, which will be available for public review for a comment period of 30 days after the publication or posting of this notice. After the close of this comment period, the EPA will, if appropriate in view of any comments received, enter an order approving the CCCA. The order, if any, would be issued at least 10 days after the close of the public comment period and at least 40 days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3). Any person submitting written comments has a right to participate in a hearing, if one is held. The CCCA will be available for review between 9:00 a.m. and 4:00 p.m. on business days at the address listed below.

Please submit written comments to:

Melissa Haniewicz (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: (303) 312-7059

Please also reference the EPA Docket Number for this matter: CWA-08-2018-0007

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the CCCA or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by the EPA to finalize a settlement in this matter until 30 days after this public notice.