

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)
REGION 8

1595 Wynkoop Street, Denver, CO 80202-1129

CWA-08-2024-0013

**PUBLIC NOTICE OF CONSENT AGREEMENT
AND OPPORTUNITY TO COMMENT**

Summary: The EPA is providing notice of an opportunity for the public to comment on an Expedited Penalty Action and Consent Agreement (Consent Agreement). In the Consent Agreement, the EPA has alleged that Art C. Klein Construction, Inc. has violated a Clean Water Act National Pollutant Discharge Elimination System Construction General Permit for Stormwater Discharges from Construction Activities (Project-specific NPDES ID COR10F0AG) at the Fountain-Fort Carson School District No. 8 Abrams Elementary School construction site located in Fort Carson, Colorado.

Background: The EPA has alleged that Art C. Klein Construction, Inc. has violated permit requirements by, for example, failing to install required stormwater controls at certain locations, failing to ensure all stormwater controls were maintained and remain in effective operating condition, exceeding dewatering benchmark limits set forth in the Permit, failing to implement corrective actions, failing to properly document dewatering sampling events, failing to properly display a site sign, and failing to properly document a dewatering discharge event. Under the Consent Agreement, Art C. Klein Construction, Inc. has agreed to pay a civil administrative penalty of \$21,900 to resolve its civil penalty liability for these alleged violations. Before issuing an order approving the Consent Agreement and assessing this penalty, the EPA is providing an opportunity for the public to submit written comments and to participate in any hearing. Please see section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), for more details.

The addresses of the EPA official serving as Complainant and of Art C. Klein Construction, Inc. are listed below.

EPA Complainant: Emilio Llamozas, Supervisor, NPDES and Wetlands Section, Water Enforcement Branch, Environment and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202, llamozas.emilio@epa.gov, (303) 312-6407.

Art C. Klein Construction, Inc. (Respondent):
3370 Chelton Loop South, Colorado Springs, CO 80909
(719)570-6060.

PUBLIC COMMENTS

The EPA encourages the public to comment on the Consent Agreement. The Consent Agreement will be available for review for a period of 30 days after the publication of this notice. The EPA will accept comments at the address listed below for a period of 30 days after the publication of this notice. Any person submitting written comments has a right to participate in a hearing, if one is held. The Consent Agreement will be available for review at <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf> and between 9:00 a.m. and 4:00 p.m. on business days at the address listed below.

Please submit written comments to:

Kate Tribbett (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
R8_Hearing_Clerk@epa.gov
Telephone: (303) 312-7059

Please also reference the EPA Docket Number for this matter: CWA-08-2024-0013.

FOR FURTHER INFORMATION: Any person wishing (1) to comment upon the proposed penalty assessment or upon any other aspect of this matter or (2) to obtain any other information on this proceeding should contact the EPA Regional Hearing Clerk identified above.