



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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2015 SEP 23 PM 2:55

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EPA REGION VIII
HEARING CLERK

AUG - 6 2015

Ref: 8ENF-L

MEMORANDUM

SUBJECT: Combined Complaint and Consent Agreement
In the Matter of the City of Burlington, Colorado
Docket No. **CWA-08-2015-0024**

FROM: Gwenette C. Campbell, Unit Chief, NPDES Enforcement Unit
Office of Enforcement, Compliance and Environmental Justice

James H. Eppers, Supervisory Attorney, Legal Enforcement Program
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)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6)(B)(i). In the CCCA, the EPA alleges that the City of Burlington, Colorado (City) violated various requirements relating to sewage sludge at its wastewater treatment facility in Burlington, Colorado. The counts of violation are: (1) Failure to Monitor Pollutant Concentrations; (2) Failure to Monitor for Pathogen Reduction; (3) Failure to Monitor for Vector Attraction Reduction; (4) Failure to Develop and Retain Records; (5) Failure to Submit a Closure Plan; (6) Failure to Monitor Ground Water; (7) Failure to Meet Pathogen Requirements; (8) Failure to Meet Vector Attraction Reduction Requirements; and (9) Failure to Ensure Compliance. 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 for 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. ECEJ has also conferred with the Colorado Department of Public Health and Environment regarding this proposed settlement.

The City is represented by Timothy Gablehouse, Gablehouse Granberg, LLC, 410 Seventeenth Street, Suite 1375, Denver, Colorado 80202. His telephone number is 303-572-0050, and his email address is tgablehouse@gcglc.com.

The EPA attorney for this matter is Peggy Livingston, Enforcement Attorney, at 303-312-6858 and livingston.peggy@epa.gov.

cc: Timothy Gablehouse (via email)

Attachment (CCCA)