

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

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

Summary: The EPA is providing notice of the opportunity to comment on a proposed Consent Agreement. The Consent Agreement settles allegations by the EPA that Foxridge Development Corporation (Foxridge) violated a stormwater construction permit (UTR370179) issued pursuant to the Clean Water Act (CWA) at the Saddlerock Subdivision located at 900 East 600 South, River Heights, Utah (the Site).

Background: The EPA and Foxridge have agreed to enter into a Consent Agreement to resolve Foxridge's alleged failure to meet permit requirements. Effective July 1, 2014, the Utah Division of Water Quality issued a NPDES General Permit for Discharges from Construction Activities (Permit) authorizing discharges of storm water associated with construction activities, if done in compliance with its terms and conditions. Between March 2, 2015, and March 2, 2016, Foxridge obtained coverage under the Permit (UPDES Permit number UTR370179) by submitting a NOI as the named permittee of the Site for Phase 2. For Phase 3 of the Site, Foxridge similarly obtained coverage by submitting a NOI between February 25, 2017, and February 25, 2018. The Site encompasses approximately 11.15 acres, including Phase 2 (approximately 6.6 acres) and Phase 3 (approximately 4.55 acres). On July 11, 2016, inspectors from the EPA conducted a storm water inspection of the Site. Based on the inspection and subsequent information provided by Foxridge, the EPA alleges that between March 2, 2015, and March 2, 2016, Foxridge did not have a SWPPP and an adequate site map for the Site and did not conduct self-inspections (Phase 2), and between February 25, 2017 and February 25, 2018, Foxridge did not have an adequate site map for the Site (Phase 3).

Foxridge has agreed to pay a civil administrative penalty of \$20,000 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 Foxridge are listed below.

Foxridge: Foxridge Development Corporation, 225 Buckingham Drive, Providence, Utah 84332. Foxridge is identified in the Consent Agreement as the Respondent.

EPA: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. The EPA Region 8's Director for the Enforcement and Compliance Assurance Division is identified in the Consent Agreement 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 Consent Agreement. The Consent Agreement will be available for public review for a comment period of thirty (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 Consent Agreement. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (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 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:

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

Please also reference the EPA Docket Number for this matter: CWA-08-2020-0001

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consent Agreement 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.