

**PUBLIC NOTICE**

**U.S. Environmental Protection Agency  
Region 5  
In the matter of: Seminole Stone, Inc.  
Docket No. CWA-05-2010-0010**

**RECEIVED**  
APR 22 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

The U.S. Environmental Protection Agency (EPA), Region 5, hereby provides notice of the issuance of a combined Complaint and Consent Agreement and Final Order (CAFO) to Seminole Stone, Inc. (Respondent) for alleged violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311.

EPA has alleged in the Complaint/CAFO that Respondent filled by discharge of dredged and fill material and organic debris with earth moving equipment, a total of approximately 2,984 linear feet of two unnamed streams at the Knies Farm property (Site) that flow to the Patoka River. The Site property is comprised of approximately 25 acres situated at Farm 261, Tract 997 and Farm 267, Tract 998, in the SW ¼ of Section 2, Township 2 South, Range 5 West, in the southeast of Jasper, Dubois County, Indiana. The aforementioned earth moving activities were not authorized by a Department of the Army permit, under Section 404 of the CWA, 33 U.S.C. § 1344. The Patoka River is a "traditionally navigable water", and a tributary to the Wabash River, an interstate water body and a "traditionally navigable water."

EPA and Respondent have agreed to settle this matter without further litigation. Under the CAFO, Respondent has agreed to pay \$25,750 in civil penalties.

Before issuing an order assessing a civil penalty, EPA is providing an opportunity for the public to comment on the appropriateness of the civil penalty. Any person wishing to comment on the proposed civil penalty must submit comments in writing to the Regional Hearing Clerk at the address listed below within 30 days from the date of this notice.

**Regional Hearing Clerk  
U.S. Environmental Protection Agency Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590**

In accordance with 40 C.F.R. § 22.45, EPA will provide to each commentator a copy of the proposed Complaint/CAFO. Within 30 days of receipt of the Complaint/CAFO, a commentator may petition the Regional Administrator of Region 5 to set aside the proposed Complaint/CAFO on the basis that material evidence was not considered.

Interested parties may contact the Agency representative for this action at the following address or by phone to obtain further information on the proposed civil penalty:

**Gregory T. Carlson, Enforcement Officer  
U.S. Environmental Protection Agency (WW-16J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
(312) 886-0124**