

PUBLIC NOTICE

Joseph Zdrilich
8599 Youngstown Pittsburgh Road
Poland, Ohio 44514

Polo Development, Inc.
10 Water Street
Poland, Ohio 44514

AIM Georgia, LLC
2345 Stone Willow Way
Buford, Georgia 44514



RHC Docket No. CWA-05-2013-0003 ²⁰

The U.S. Environmental Protection Agency (EPA), Region 5, is providing this notice of its proposal to assess a civil penalty of \$7,500 against Joseph Zdrilich, AIM Georgia, LLC, and Polo Development, Inc., (Respondents), for an alleged violation of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311. In addition, the Respondents have agreed to restore approximately 0.82 acres of wetlands adjacent to Burgess Run in response to a Restoration Order filed on October 26, 2011. This civil penalty and restoration would resolve the allegations that the Respondents discharged pollutants from a point source into wetlands and streams in Poland, Ohio, without a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA, 33 U.S.C. § 1344. The alleged violation is of environmental significance because it allegedly led to the loss of wetlands and streams and their functions and values within the Yellow River watershed.

A copy of the Proposed Consent Agreement and Final Order (CAFO) may be viewed on-line at <http://www.epa.gov/region5/newsevents> by clicking on the AIM Georgia, LLC, and Polo Development, Inc. Consent Agreement and Final Order listed there. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

OPPORTUNITY FOR COMMENT: Section 309(g) of the CWA, 33 U.S.C. §1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to

comment on it. Any person who wishes to comment on the proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. 22.45) particularly subpart (c) *Comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <http://gpo.gov/fdsys/search/home.action>.

Comments should be made in writing to the Regional Hearing Clerk at:

Docket No. CWA-05-2013-0003²⁵
Regional Hearing Clerk
Mail Code E-19J
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard (E-19J)
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk electronically, by mail, or by delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use a FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://www.epa.gov/region5/newsevents>, click the word "electronically," on the applicable public notice, and complete the blanks. Note that EPA requires your regular mailing address since we must use the U.S. Postal Service should we need to contact you to reply, request additional information or notify you of a hearing. If you wish to include any attachments with your comment then please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them, **all written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the "Comment Period End Date:" shown on the Public Notices home page for this docket number:**

<http://www.epa.gov/region5/publicnotices/index.htm>

Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the EPA Regional Office. An appointment for such an inspection may be made by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If the proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

EPA will send a copy of the proposed CAFO to any person who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who during the comment period submit written comments or ask to participate in any hearing held in this matter preserve a right to petition the Regional Administrator to set aside the final CAFO on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).