

PUBLIC NOTICE

Rutlin Cranberry Company, Inc.
30693 Exodus Avenue
Warrens, Wisconsin

Case Docket No. CWA-05-2018-0002



The U.S. Environmental Protection Agency (U.S. EPA), Region 5, provides this notice of its intent to file a proposed Consent Agreement and Final Order (proposed CAFO) against Rutlin Cranberry Company, Inc. (Respondent) which alleges it discharged fill material into approximately 23.71 acres of wetlands in 2006 and 2012 in Wyeville, Monroe County, Wisconsin without a Clean Water Act Section 404(b) Dredge and Fill Permit. As part of the CAFO, the Respondent will spend at least \$100,800 to conduct a supplemental environmental project, in which the company will convert uplands to wetlands and provide a buffer to the wetlands restored as part of a related administrative order on consent. In addition to the SEP, the CAFO proposes that Respondent pay a civil penalty of \$25,000. The alleged violations are of environmental significance because the wetlands at the East Fork of the Lemonweir River site serve to filter surface and ground water. The wetlands provide critical habitat and flood storage.

A copy of the CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events and by clicking on the "CAFO" link on the Region 5 events calendar for the docket number identified above. Alternatively, the CAFO may be received by contacting the Regional Hearing Clerk at the address listed below.

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 CAFO and the proposed civil penalty and a reasonable opportunity to comment. Any person who wishes to comment on the proposed civil penalty may submit written comments, may attend or present evidence at any hearing scheduled on this action, 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 <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-voll-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

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

Regional Hearing Clerk
Mail Code E-19J
Region 5, U.S. EPA
77 West Jackson Boulevard
Chicago, Illinois 60604

Case Docket No. CWA-05-2018-0002

Written comments may be submitted to the Regional Hearing Clerk by email to whitehead.ladawn@epa.gov; or by mail or 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 deliver your comments or other documents in person, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:00 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events. 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 4:00 p.m. (Central Time) 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.

Should EPA choose to issue the CAFO after considering any comments received, EPA must mail a copy of the CAFO to each commenter. Commenters then have 30 days to petition the Regional Administrator to set aside the CAFO on the basis that material evidence was not considered. The specific procedures that apply when a commenter petitions the Regional Administrator include, among other things, an opportunity for complainant to withdraw the CAFO. If complainant does not withdraw the CAFO, the assigned Petition Officer shall issue written findings as to, among other things, the extent to which the petition states an issue relevant and material to the issuance of the CAFO and whether resolution of the proceeding is appropriate without a hearing. *See* 40 C.F.R. § 22.45(c)(4).