

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

2012 OCT -4 AM 8:10

**PUBLIC NOTICE OF PROPOSED PENALTY COMPLAINT AND
OPPORTUNITY TO COMMENT**

EPA REGION VIII
FEDERAL OFFICE OF ENVIRONMENTAL PROTECTION

Action: The United States Environmental Protection Agency Region 8 (EPA) is providing notice of the opportunity for any member of the public to comment on an administrative complaint for penalties (Complaint) being issued by EPA for alleged violations of the Clean Water Act (CWA) National Pollutant Discharge and Elimination System (NPDES) permit held by the City of Polson (Polson). The address of Polson is 106 1st ST East, Polson, MT 59860.

Summary: The EPA is authorized by section 309(g)(2) of the CWA, 33 U.S.C. § 1319(g)(2), 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 (the respondent) to request a hearing to contest the penalty, and (2) notification to the public of the right of the public to submit written comments and to participate in any hearing. The deadline for the public to submit comments for the Complaint is thirty (30) days after first issuance of this notice. Please see the following EPA Region 8 website for the date the public comment period on this Complaint begins: <http://www.epa.gov/region8/compliance/publicnotice/>.

The EPA Docket Number for Complaint is

In the Complaint, EPA alleges that Polson has failed to monitor its wastewater discharge, has failed to report wastewater discharge monitoring results and has discharged pollutants into waters of the United States in excess of its permit-required effluent limitations. The Complaint alleges over 80 NPDES discharge permit violations.

The Complaint proposes that a total penalty of \$45,000.00 be imposed for the alleged violations.

PUBLIC COMMENTS

Written comments on the Complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the first publication of this notice. Written comments submitted by the public as well as information submitted by Polson will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf> by searching for the city name or Docket Number.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: (303) 312-6765

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Complaint or other documents in, or relating to, this proceeding (such as the regulations at 40 C.F.R. Part 22, which set out the administrative hearing process), or to comment upon the proposed penalty assessment or upon any other aspect of this matter, should contact the Regional Hearing Clerk identified above.