

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Tom Villegas and Amy Villegas, a individuals located at 25599 WCR 4, Hudson, Colorado 80642, for alleged violations at the site centered at approximately 41.008047, -100.453985, in Section 13, Township 12 North, Range 28 West, Lincoln County, Nebraska (the “Site”).

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondents discharged pollutants from a point source into waters of the United States without a permit issued pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, in violation of Section 301 of the CWA, 33 U.S.C. § 1311. The EPA alleges that Respondents used earth moving equipment to excavate and clear vegetation from wetlands, widen existing tributaries, create ponded areas, construct roadways, create culverted road crossings, and construct berms at the Site. In performing these activities, Respondents and/or persons acting on their behalf discharged dredged or fill material including dirt, spoil, rock, culverts, trees, and sand into waters of the United States including the Platte River, tributaries to

the Platte River, and adjacent wetlands. The EPA is seeking a penalty of up to \$299,857 for these violations.

Persons wishing to comment on or participate in the proceedings must notify the Regional Hearing Clerk, in writing, pursuant to 40 CFR § 22.45 at the address provided below. The procedures by which the public may comment on or otherwise participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to obtain additional information on the proceeding, receive a copy of the EPA's [Consolidated Rules](#), or review the Complaint, should contact Regional Hearing Clerk, at [R7\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R7_Hearing_Clerk_Filings@epa.gov) or 913-551-7972. Please reference Docket No. CWA-07-2022-0104. For Technical questions contact Dr. Delia Garcia, Enforcement and Compliance Assurance Division, at [garcia.delia@epa.gov](mailto:garcia.delia@epa.gov) or 913-551-7262. Persons with legal questions may contact Natasha Goss, Office of Regional Counsel, at [goss.natasha@epa.gov](mailto:goss.natasha@epa.gov) or 913-551-7752.

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David Cozad  
Director  
Enforcement and Compliance Assurance Division