



United States
Environmental Protection
Agency

REGION 5
77 WEST JACKSON BLVD
CHICAGO, IL 60604-3590

PUBLIC NOTICE

The City of Blaine
10801 Town Square Drive N.E.
Blaine, Minnesota 55449-8101

Case Docket No. CWA-05-2016-0019

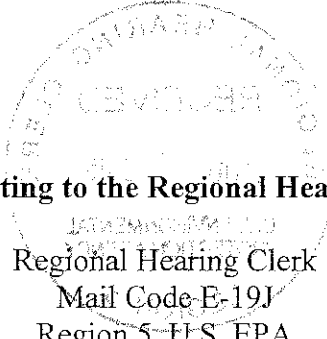
The U.S. Environmental Protection Agency (U.S. EPA), Region 5, provides this notice that it filed a Complaint against the City of Blaine (Respondent) which alleged it discharged pollutants into approximately 1.11 acres of wetlands into the Lexington Athletic Complex and 1.22 acres of wetlands into Aquatore Park, in violation of sections 301 and 404 of the Clean Water Act. The Lexington Athletic Complex site is southeast of the intersection of Main Street N.E. and Lexington Avenue N.E. in Anoka County, Minnesota. The Aquatore Park site is southeast of the intersection of Clover Leaf Parkway N.E. and Lincoln Street N.E. in Anoka County, Minnesota. The Complaint proposes a civil penalty of \$90,000. The alleged violations are of environmental significance because stream side wetlands at the Lexington Athletic Complex site serve to filter surface and ground waters before they eventually reach downstream Rice Creek, and the stream side wetlands at the Aquatore site serve to filter surface and ground waters before they reach adjacent Springbrook Creek (also known as County Ditch 17). Both wetlands provide critical habitat and flood storage.

A copy of the Complaint may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events and by clicking on the "Complaint" link on the Region 5 events calendar for the docket number identified above. Alternatively, the Complaint 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 Complaint and the proposed civil penalty and a reasonable opportunity to comment. Any person who wishes to comment on the Complaint and 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-vol1-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-05-2016-0019

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. 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 parties to the Complaint resolve this action amicably, there will be no administrative hearing. If a hearing is held, we will advise commenters 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).

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