

May 22, 2023

10:32AM

To: Regional Hearing Clerk
US Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, KS. 66219

May 22, 2023

Received by
EPA Region 7
Hearing Clerk

and

R7_Hearing_Clerk_Filings@epa.gov

See attached reply to Catherine Chiccine on April 27, 2023.

You have the wrong guy. Clearwater USA, Inc. sold the Triple Creek Farm development project due to financial problems. Clearwater USA, Inc. has been closed down and no longer operating any business for nearly 3 years now. I am sorry I can't help you in this matter. If you need a better explanation, I can engage my attorney to communicate more clearly.

Best Regards,

Dan Quinn, (former) President
Clearwater USA, Inc.
dan@quinnkc.com
913-484-3778

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BLVD.
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. CWA-07-2023-0028
Clearwater USA, Inc.)	
)	COMPLAINT AND NOTICE OF
Respondent)	OPPORTUNITY FOR HEARING
)	
Proceedings under Section 309(g) of the)	
Clean Water Act, 33 U.S.C. § 1319(g))	
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COMPLAINT

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.

2. This Complaint and Consent Agreement/Final Order serves as notice that the U.S. Environmental Protection Agency (“EPA”) has reason to believe that Respondent has violated the limits and conditions of its National Pollutant Discharge Eliminations System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and regulations promulgated thereunder.

3. The authority to take action under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), is vested in the Administrator of the EPA. The Administrator has delegated this authority to the Regional Administrator, EPA Region 7, who in turn has delegated the authority to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7 (collectively referred to as the “Complainant”).

4. Respondent Clearwater USA, Inc. (“Respondent”) is and was at all relevant times a corporation incorporated under the laws of the state of Kansas.

Statutory and Regulatory Framework

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants, except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA provides that pollutants may be discharged in accordance with the conditions or limitations of a NPDES permit issued pursuant to that Section.

Subject: Adobe Scan Apr 27, 2023.pdf - Clearwater USA, Inc.
Date: Thursday, April 27, 2023 at 11:30:29 AM Central Daylight Time
From: Dan
To: chiccine.catherine@epa.gov
Attachments: Adobe Scan Apr 27, 2023.pdf

Cathie. I tried to reach you by phone. I received your certified mail last Friday. I briefly spoke to someone in your department this week and they essentially said I needed to turn it over to my attorney to respond. I can do that but it seems silly because this has essentially been just poor communication, so I thought I would shoot you a quick email overview of this matter. (please see a

Sometime in 2020 (I did not check the exact date) Clearwater USA, Inc. sold the Triple Creek Farm development to another development company. Clearwater ran out of money to complete the development and subsequently went broke and went out of business. Prior to the sale of this project, the ownership always communicated with the city of OP after large rain events and corrected all types of erosion control measures to make sure no silt/mud made it into the Blue Valley, Coffee Creek. I assume after follow up inspections your department saw that things were in order. But most importantly you have been notifying me about a project that I have not owned for quite some time now. Frankly, I would have assumed that the city of OP environmental department would have communicated that to the EPA or that you all would have confirmed ownership when no one was replying to your department.

A couple points to note relating to bad communication on both our parts. As you can see on the attached letter from you dated as recently as January 5, 2023, apparently you have been mailing notices to me for some time to an incorrect address which, therefore, I had obviously not been receiving. Somehow you all found my correct home address and recently sent me the certified mail which I did receive...which is my purpose for writing you to clarify what has occurred and put this matter to rest. Additionally, my email Norton anti virus is cranked up quite high so your emails were being accumulated in my junk file for the most part. If by chance an email happened to come thru I am sure I ignored it because Clearwater no longer owned the property.

If anyone from your department has not been out to this development lately, your find a mostly completed project with nearly all the 21 lots sold, families living there and the entire property established in turf or a home construction project managing erosion control in coordination with the city inspectors who are on site regularly.

Please call me after you receive and I am glad to answer any other questions you may have.

Best Regards,

Dan Quinn 913-484-3778