

Public Notice No. 09SC001

Russell Wise
Docket Number CWA-04-2009-5504

U. S. Environmental Protection Agency, Region 4
Wetlands Enforcement Section - Clean Water Enforcement Branch
61 Forsyth Street, SW
Atlanta, Georgia 30303

Date: September 23, 2009

The U.S. Environmental Protection Agency (EPA), Region 4, proposes to issue an Administrative Complaint for Class II Penalty (Complaint), Docket No. CWA-04-2009-5504 that assesses an administrative penalty of up to \$177,500.00 dollars to Russell Wise (Respondent), under the authority of Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g).

EPA alleges the Respondent has made unauthorized discharges of dredged and/or fill material into waters of the United States in violation of Section 301 of the Clean Water Act, 33 U.S.C. Section 1311. The discharges, which were made during construction activities associated with a farm pond, have impacted approximately 18 acres of wetlands. The waters of the United States impacted are forested wetlands adjacent to Chinners Swamp which is tributary to the Little Pee Dee River, a navigable water of the United States. The subject property is located adjacent to Chinners Swamp, on Edwards Road, near the city of Cool Springs, Horry County, South Carolina, near latitude 33° 58.8' north and longitude 79° 8.5' west.

Any person wishing to comment in writing on the proposed Complaint must submit such comments in writing or send an email on the EPA Region 4 Website: http://www.epa.gov/region4/water/wpeb/npdes_states.html#email to the Regional Hearing Clerk at U.S. EPA, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia, 30303, within thirty (30) days of the date of this Notice. Please include the Public Notice and Docket Number on the first page of submitted comments. Interested parties also may submit comments by e-mail to the EPA representatives listed below. The Respondent may request a hearing within thirty (30) days of receipt of this notice by sending a written request for a hearing to the Regional Hearing Clerk at the same address. If a hearing is requested, those submitting written comments will be advised of the date and time of the hearing and may appear to present evidence on the appropriateness of the proposed penalty assessment. The Complaint will be filed after the close of the thirty (30) day comment period unless a public hearing is requested.

Interested parties may contact either of the EPA representatives for this action, Mr. Mike Wylie, Wetlands Enforcement Coordinator at (404) 562-9409, to obtain information or additional copies of this proposed Complaint. The Administrative Record, including information submitted by the Respondent, and comments received by the public, is available for review at the EPA office address listed above. The file will be open for public review during the thirty (30) day comment period between 9:00 a.m. and 4:00 p.m., Monday through Friday.