

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

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: EPA is providing notice of a Complaint and Settlement Agreement with penalty assessment and the opportunity to comment on the proposed assessment for alleged violations of the Clean Water Act.

Summary: EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the CWA and implementing regulations, after providing the person subject to the penalty notice and opportunity for a hearing, and after providing the public with notice of the proposed penalty, opportunity to submit written comments and to participate in a Class II penalty proceeding, if any. The deadline for submitting public comment is thirty days after issuance of this notice.

On September 30, 2009, EPA filed a Complaint and Settlement Agreement pursuant to Section 311(b)(6)(C) of the CWA, EPA hereby notifies the public of this proposed penalty assessment:

In the matter of: Public Service Company of Colorado d/b/a Xcel Energy
 1225 17th Street
 Denver, CO 80202-5533

EPA Docket Number: CWA-08-2009-0037

Proposed penalty in the Complaint and Settlement Agreement: \$95,000

Alleged violations: Failure to prepare and implement Spill Prevention Control and Countermeasure (SPCC) Plans in accordance with 40 C.F.R. §§ 112.7(a)(2), 112.7(g), 112.7(c)(1) and 112.8(c)(2) from February 14, 2008, through September 14, 2009, at several facilities in Colorado. The facilities are:

Arapahoe Station located at 2601 S. Platte River Drive, Denver, CO;
Cabin Creek Hydroelectric Station located at 6276 County Rd. 381, Georgetown, CO;
Shoshone Hydroelectric Station located at I-70 & Exit 123, Glenwood Springs, CO;
Tacoma Hydroelectric Station located on the narrow gauge railroad line, Rockwood,
 La Plata County, CO;
Valmont Station located at 1800 63rd Street, Boulder, CO; and
Zuni Station located at 1335 Zuni Street, Denver, CO.

Discharges of oil from its Cabin Creek facility on May 22, 2006, into South Clear Creek; from its Shoshone facility on September 8, 2006, into the Colorado River; from its Tacoma facility on October 31, 2005, into the Animas River; and from its Zuni Station facility on March 26, 2007, into the South Platte River.

Submit written comments to: Tina Artemis
 Regional Hearing Clerk (8RC);
 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 Consolidated Rules, the Complaint, or other documents in this proceeding, or to comment upon the proposed penalty assessment, or any other aspect of the matter, should contact the Regional Hearing Clerk identified above. The administrative record for the proceeding is located in the EPA Region 8 Hearing Clerk Office identified above and the file will be open for public inspection during normal business hours. No action will be taken by EPA to finalize a settlement in this matter until 30 days after this public notice.