

**U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 8**

**1595 Wynkoop Street  
Denver, CO 80202-1129**

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT ON CLEAN WATER ACT COMPLAINT**

Purpose of Public Notice

The purpose of this notice is to state the U.S. Environmental Protection Agency's (EPA's) intention to assess an administrative penalty against:

Farmers Canal Company  
P.O. Box 36  
108 Center Street  
Burlington, Wyoming 82411

REFERRED TO HEREINAFTER AS THE RESPONDENT, for violations of the Clean Water Act (CWA) within the Greybull River and its adjacent wetlands near Burlington, Wyoming, and give the public the opportunity to comment on the proposed assessment.

Process Information

Under the CWA, the EPA is authorized to issue orders assessing civil penalties for violations of the statute. 33 U.S.C. § 1319(g). The EPA may issue such orders after the commencement of an administrative penalty proceeding. As required by law, the EPA is hereby providing public notice of the proposed assessment. 33 U.S.C. § 1319(g)(4)(A).

Administrative enforcement proceedings are conducted under the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. part 22. The procedures through which the public may submit written comment on a proposed order, participate in a proceeding, and by which a respondent may request a hearing are set forth in the Consolidated Rules. 40 C.F.R. § 22.45. The deadline for submitting public comment on a proposed order is thirty (30) days after the date of this public notice.

Case Summary

The case against the Respondent, Docket No. CWA-08-2013-0036, was filed on September 30, 2013. The action is an Administrative Complaint with a proposed penalty of \$25,000 for the unpermitted discharges of dredged and/or fill material to the Greybull River and its adjacent wetlands at a site near Burlington, Wyoming, in sections 7 and 18, Township 51 North, Range 97 West, Big Horn County, Wyoming. On at least two occasions, one in June and/or July of 2011, and the other in April and/or May of 2012, Respondent discharged dredged and/or fill material to 7.9 acres of the Greybull River, as well as its adjacent wetlands. The Greybull River and its adjacent wetlands are, and were at all relevant times, waters of the United States.

### Further Information and Comments

Persons wishing to receive a copy of any documents filed in these proceedings, comment upon the proposed assessment, or otherwise participate in any of the proceedings should contact the Regional Hearing Clerk, Tina Artemis, U.S. Environmental Protection Agency, Region 8 (8RC), 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone 303-312-6765. Comments must be directed to the Regional Hearing Clerk by the deadline set forth above in this public notice. For technical questions, contact Monica Heimdal, Technical Enforcement Program, at [heimdal.monica@epa.gov](mailto:heimdal.monica@epa.gov), the same EPA address above, or 303-312-6359. Questions from counsel should be directed to Peggy Livingston, Legal Enforcement Program, at [livingston.peggy@epa.gov](mailto:livingston.peggy@epa.gov), the same EPA address above, or 303-312-6858.

The case docket for this proceeding is located in the EPA Region 8 office identified above and the file will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the case docket, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, no final order assessing a penalty in these proceedings will be issued prior to **30 calendar days after publication of this notice.**