

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

**PUBLIC NOTICE OF PROPOSED EXPEDITED SETTLEMENT AGREEMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: The EPA is providing notice of a proposed expedited settlement agreement and the opportunity to comment on the proposed agreement for alleged violations of the Clean Water Act (CWA) at the Boulder Ridge #5 and #6 developments, being constructed by Smiley Construction, P.O. Box 135, Napoleon, ND 58501 (Logan County).

Summary: The EPA is authorized by section 309(g)(2) of the CWA, 33 U.S.C. § 1319(g)(2) and by 40 C.F.R. § 22.13(b), to issue an order assessing a civil administrative penalty for violations of certain provisions of the CWA, after providing (1) an opportunity for the person to be assessed the penalty (the Respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is forty days after issuance of this notice.

On September 18, 2013 the EPA commenced a civil administrative action by offering an expedited settlement offer against the Respondent identified below, alleging violations of the CWA and its regulations. Pursuant to section 309(g)(4) of the CWA, the EPA hereby notifies the public of the EPA's proposed penalty assessment against:

Smiley Construction
PO Box 135
Napoleon, ND 58561

EPA Docket Number:

Proposed penalty in the Complaint: \$5,500.00

Alleged violations: (1) Failing to acquire a stormwater construction permit, and (2) failing to create and maintain a stormwater pollution prevention plan.

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of forty (40) days after the publication of this notice. Written comments submitted by the public will be available for public review. Any person submitting written comments has a right to participate in a hearing, if one is held. The Complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: <http://www.epa.gov/region8/compliance/publicnotice> under EPA Docket Number:

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129.
Telephone: (303) 312-6765

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the complaint or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by the EPA to finalize a settlement in this matter until 40 days after this public notice.