

**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 proposed administrative penalty assessment and the opportunity to comment on the proposed assessment for alleged violations of the Clean Water Act (CWA) at the 1470 East and Medical Center Drive construction site located in St. George, Utah.

Summary: EPA is authorized by section 309(g)(2) of the CWA, 33 U.S.C. § 1319(g)(2), 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 thirty days after issuance of this notice.

On December 12, 2013, EPA commenced a civil administrative action by filing an administrative complaint against the respondent identified below, alleging violations of the CWA and its regulations. Pursuant to section 309(g)(4) of the CWA, EPA hereby notifies the public of EPA's proposed penalty assessment against:

Mr. Judd P. Palmer
Registered Agent
JP Excavating, Inc.
1906 S. Stone Canyon Dr.
St. George, Utah 84790

EPA Docket Number: CWA-08-2014-0008

Proposed penalty in the Complaint: \$35,000.00

Alleged violations: (1) failure to properly implement and maintain Best Management Practices on the 1470 East and Medical Center Drive construction site; (2) failure to properly stabilize the site prior to certifying stabilization requirements were achieved; and (3) failure to develop an adequate Stormwater Pollution Prevention Plan in accordance with the NPDES Permit.

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by respondent will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. 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>

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 EPA to finalize a settlement in this matter until 30 days after this public notice.