

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

**PUBLIC NOTICE OF PROPOSED COMBINED COMPLAINT CONSENT
AGREEMENT AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT
COMPLAINT**

Action: EPA is providing notice of a proposed combined complaint consent agreement and the opportunity to comment on the proposed agreement for alleged violations of the Clean Water Act (the Act) at the Eagle Crest #4 and #5 homebuilding construction project located in Bismarck, North Dakota. The Eagle Crest #4 and #5 homebuilding site was subject to the North Dakota Department of Health's (NDDH) general permit for the discharge of storm water associated with construction activities (NDPDES Permit No. NDR10-0000).

Summary: EPA is authorized by section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2), to issue an order assessing a civil administrative penalty for violations of certain provisions of the Act, after providing (1) an opportunity for the persons to be assessed the penalty (the Respondents) 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 March 17, 2014, EPA commenced a civil administrative action by settling an administrative complaint against the Respondents identified below, alleging violations of the Act and its regulations. Pursuant to section 309(g)(4) of the Act, EPA hereby notifies the public of EPA's proposed penalty assessment against:

West Valley Contracting
PO Box 1711
Bismarck, ND 58503

EPA Docket Number: CWA-08-2014-0015

Proposed penalty in the Complaint: \$28,000.00

Alleged violations: 1) failure to develop, implement and update a complete storm water pollution prevention plan; 2) failure to implement and maintain site best management practices; and 3) failure to conduct and document inspections.

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://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

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.