

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

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

Action: EPA is providing notice of a proposed combined complaint and consent agreement (Agreement) and the opportunity to comment on the proposed Agreement for alleged violations of the Clean Water Act (the Act) at the 32nd Avenue West – Phase II road construction site located in Williston, North Dakota. The construction site was subject to the North Dakota Department of Health’s (NDDH) general permit for 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 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 August 18, 2015, EPA commenced a civil administrative action by settling an administrative complaint against the Respondent identified below, alleging violations of section 301(a) of the Act, 33 U.S.C. § 1311(a), or of any permit condition or limitation implementing such section. Pursuant to section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), EPA hereby notifies the public of EPA’s proposed penalty assessment against:

Acme Concrete Paving, Inc.
2124 East Broadway
Spokane, WA 99202

EPA Docket Number: CWA-08-2015-0025

Proposed penalty in the Agreement: \$30,962.00

Alleged violations: 1) failure to develop and implement a complete storm water pollution prevention plan; 2) failure to implement and maintain site best management practices; 3) failure to conduct and document inspections; and 4) failure to keep required documents on-site.

PUBLIC COMMENTS

Written comments on the Agreement 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 Agreement 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 Agreement 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.