

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

**PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON A
COMBINED COMPLAINT AND CONSENT AGREEMENT BETWEEN
ASPEN VIEW HOMES, LLC AND COLA, LLC
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TO RESOLVE ALLEGED VIOLATIONS OF
THE CLEAN WATER ACT**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on the Combined Complaint and Consent Agreement (CCCA) between Aspen View Homes, LLC and COLA, LLC (Respondents), and the United States Environmental Protection Agency (EPA). The EPA alleged that the Respondents violated the requirements of the Clean Water Act (CWA) by failing to seek and obtain a discharge permit for the discharge of regulated stormwater to “Waters of the United States” and failing to comply with the requirements of its discharge permit at times when the discharge of regulated stormwater was authorized by a permit. Specifically, the EPA alleged that during times when the Respondents had obtained a permit, the Respondent failed to have an adequate stormwater pollution prevention plan, failed to install required stormwater controls to control pollutants in stormwater, and failed to maintain stormwater controls. The CCCA is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by Title 40 of the Code of Federal Regulations (40 C.F.R.), Section 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3). In the CCCA, Respondent agrees to pay a penalty of \$92,000. The alleged violations took place at a housing development known as “Forest Meadows” located at in Colorado Springs, Colorado. The CCCA is issued under the National Pollutant Discharge Elimination System (NPDES) provisions of the CWA. These regulations govern the discharge of wastewater to “Waters of the United States”. The addresses of EPA and Respondents are listed here.

Respondents: Aspen View Homes, LLC, 1710 Jet Stream Drive, Suite 100,
Colorado Springs, CO 80921

COLA, LLC, 7910 Gateway Blvd. East, Suite 102, El Paso, TX 79915

EPA: Assistant Regional Administrator, Office of Enforcement, Compliance &
Environmental Justice, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado
80202-1129.

EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that any penalty assessed is appropriate.

PUBLIC COMMENTS

Written comments on the CCCA 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 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 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.