

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

**PUBLIC NOTICE
ON COMBINED COMPLAINT AND CONSENT AGREEMENT BETWEEN
LIQUID WASTE MANAGEMENT, INC. AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TO RESOLVE ALLEGED VIOLATIONS OF A NPDES PERMIT
AND THE CLEAN WATER ACT**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on the Combined Compliant and Consent Agreement (CCCA) between Liquid Waste Management, Inc. and the United States Environmental Protection Agency (EPA), bearing Docket # CWA-08-2013-0022. Liquid Waste Management, Inc. is permitted to use and/or dispose of sewage sludge by means of land application, landfill, and surface disposal in accordance with specific limitations, monitoring requirements, management practices and other conditions set forth in the biosolids general permit (COG650000). EPA alleged that Liquid Waste Management violations took place at the Liquid Waste Management land application sites: 249, 507, 514 and 541 located in Colorado. 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, Respondents agree to pay a penalty of \$4,500 to resolve the violations. 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 as follows:

Respondent: Liquid Waste Management, Inc., 204 South Bowen, Longmont, CO 80501.

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.

BACKGROUND

Pursuant to section 405(d)(1) of the Act, 33 U.S.C. § 1345(d)(1), the EPA promulgated regulations providing guidelines for the disposal of sludge and use of sludge for various purposes at 40 C.F.R. part 503. Pursuant to 40 C.F.R. § 503.1(b), the regulations apply to any person who prepares sewage sludge or applies sewage sludge to the land. The State of Colorado has not

applied for or obtained primary authority to administer and enforce the sludge management program pursuant to 40 C.F.R. part 501. On February 7, 2012, Liquid Waste Management sampled the biosolids removed from the St. Vrain wastewater lagoons. The results of the analysis dated February 27, 2012 showed that the Nickel concentration of the sludge was 438.6 mg/kg. The Biosolids general permit and 40 CFR 503.13(a) state that no sewage sludge shall be land applied if the concentration of any pollutant in the sewage sludge exceeds the ceiling concentration for the pollutants in Table 1 of 503.13. Table 1 of 503 lists the ceiling concentration for Nickel as 420 mg/kg. Liquid Waste Management land applied the sludge from the St. Vrain wastewater lagoon at following sites: 249, 507, 514 and 541 located in Colorado.

PUBLIC COMMENTS

Written comments on the CCCA 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 Liquid Waste Management 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 CCCA 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://www2.epa.gov/region8/public-notices-proposed-administrative-penalty-assessments>

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. This action will not be resolved until ten (10) days after the close of the public comment period.