

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT CONSENT AGREEMENT

Purpose of Public Notice

The purpose of this notice is to announce the United States Environmental Protection Agency's (EPA's) intention to enter into a combined complaint and consent agreement with:

Public Service Company of Colorado
1800 Larimer Street, Suite 1100
Denver, Colorado 80202

for alleged violations of the Clean Water Act (CWA) on South Clear Creek, Clear Creek County, Colorado, and to give the public the opportunity to comment on the proposed consent agreement.

Process Information

Under the CWA, EPA is authorized to issue orders assessing civil penalties for violations of the CWA. 33 U.S.C. § 1319(g). EPA may issue such an order after the commencement of an administrative penalty proceeding. As required by law, EPA is hereby providing public notice of the proposed consent agreement. 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45(b).

Administrative enforcement proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. part 22. The procedures through which the public may submit written comment on a proposed consent agreement and participate in a proceeding are set forth in 40 C.F.R. § 22.45. The proposed consent agreement has been entered into by the parties for the purpose of simultaneously commencing and concluding this matter as authorized by 40 C.F.R. § 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The deadline for submitting public comment on a proposed consent agreement is forty (40) days after the date of public notice.

Case Summary.

The case against Public Service Company of Colorado (Respondent), Docket No. CWA-08-2013-0011, was filed on April 18, 2013. The complaint that initiated this case was combined with a consent agreement with a proposed penalty of \$14,400 for unpermitted discharges of dredged or fill material into South Clear Creek, near Georgetown, Clear Creek County, Colorado. The unpermitted discharges occurred on September 21 - 22, 2011, during the drawdown of the Georgetown Forebay Reservoir. South Clear Creek is, and was at all relevant times, a water of the United States.

Further Information and Comments

Persons wishing to receive a copy of any documents filed in these proceedings, comment upon the proposed consent agreement, or otherwise participate in any of the proceedings should contact the Regional Hearing Clerk, Tina Artemis, U.S. Environmental Protection Agency, Region 8 (8RC), 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone: 303.312.6765. Written comments on this proposed consent agreement must be directed to the Regional Hearing Clerk by the deadline set forth above in this public notice. For technical questions, contact Kenneth Champagne, Technical Enforcement Program, at champagne.kenneth@epa.gov, the same EPA address above, or 303.312.6608. Persons with legal questions may contact Wendy Silver, Legal Enforcement Program, at silver.wendy@epa.gov, or 303.312.6637.

The case docket for this proceeding is located in the EPA - Region 8 office identified above and the file will be open for public inspection during normal business hours. Written comments submitted by the public are available as part of the case docket, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, no final order assessing a penalty in these proceedings will be issued prior to **40 calendar days after publication of this notice.**

April 18, 2013

Date of Publication