

PUBLIC NOTICE

Duluth Seaway Port Authority
802 Garfield Avenue
Duluth, Minnesota 55802
Case Docket No. CWA-05-2025-0012

The U.S. Environmental Protection Agency (EPA), Region 5, is providing notice of intent to execute an Expedited Settlement Agreement (ESA) with Duluth Seaway Port Authority (“Respondent”) for alleged violations of the Clean Water Act (CWA). EPA alleges that Respondent discharged industrial stormwater from its facility to Superior Bay, in violation of the Respondent’s National Pollutant Discharge Elimination System (NPDES) Permit (“Permit”), in violation of the Section 301 of the CWA, 33 U.S.C. § 1311.

EPA and Respondent have agreed that Respondent will pay a civil penalty of \$5,860. Full payment of the penalty will resolve Respondent’s liability for federal civil penalties for the violation alleged in the ESA.

A copy of the ESA may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the “Proposed Consent Agreement and Final Order” link on the Region 5 events calendar for the docket number identified above. Alternatively, the proposed ESA may be received by contacting the Regional Hearing Clerk at the address below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. § 1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment. Any person who wishes to comment on this proposed ESA may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (c) *comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1/pdf/CFR-2015-title40-vol1-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

We request that all written comments be sent via email to the Regional Hearing Clerk at r5hearingclerk@epa.gov. If you are unable to submit written comments by email, please contact the Regional Hearing Clerk at (312) 886-9868.

If you are unable to email or mail your comments and plan to deliver your comments or other

documents in person, please call the Regional Hearing Clerk for further instructions. Your comments should include the case name, docket number, and your complete mailing address. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter. Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information, or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available electronically on the EPA website: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>. An appointment for an in-person inspection of the documents may be made by calling (312) 886-9868 or by writing the Regional Hearing Clerk at the address above.

If this ESA is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

Only persons who, during the comment period submit written comments or ask to participate in any hearing held in this matter, preserve a right to petition the Regional Administrator to set aside any consent agreement and proposed final order on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).