

**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 Consent Agreement and Final Order with:

**Knife River Corporation**  
**5654 134<sup>th</sup> Avenue NW**  
**Williston, North Dakota 58801**

for alleged violations of the Clean Water Act (CWA) on the Little Muddy River and adjacent wetlands in Williston, North Dakota, 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 Knife River Corporation (Respondent), Docket No. CWA-08-2014-0001, was filed on October 2, 2014. The complaint that initiated this case was combined with a consent agreement for a penalty of \$7,650 for violations of the storm water discharge permit issued by the State of North Dakota. As the operator under the permit, Respondent was responsible for managing storm water at its construction of water, sewer, storm drain and street improvements at 42<sup>nd</sup> Street East and University Avenue in Williston, North Dakota. The permit violations occurred in July 2014 and were discovered during an EPA inspection on July 15, 2014. The Respondent had failed to install and maintain storm water best management practices, failed to meet permit requirements for a Storm Water Pollution Prevention Plan, and failed to conduct site inspections to assess the effectiveness of best management practices. Potential discharges of storm water pollutants from Respondent's construction operations flowed toward the Little Muddy River and adjacent wetlands. The Little Muddy River 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.

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.**

**December 5, 2014**  
Date of Publication

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