U.S. ENVIRONMENTAL PROTECTION AGENCY – REGION 5
PUBLIC NOTICE

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REGIONAL HEARING CLERK
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REGION 5

IN RE: DAYTON POWER AND LIGHT COMPANY
1065 Woodman Drive
Dayton, Ohio 45432

The U.S. Environmental Protection Agency, Region 5, is providing this notice of its intent to file a proposed Consent Agreement and Final Order (proposed CAFO) against the Dayton Power and Light Company (Respondent) for violations of the Clean Water Act (CWA). This CAFO will settle the EPA's allegations that Respondent violated the CWA by discharging fill material into waters of the United States during tree and land clearing activities to prepare for the construction of a 245 acre residual waste landfill. In the CAFO, EPA and Respondent have agreed that Respondent will pay a civil penalty of $120,000 to resolve the alleged CWA violation.

A copy of the proposed CAFO may be viewed on-line at: http://www.epa.gov/region5/newsevents/ by clicking on *Dayton Power and Light Company*. A draft of the Consent Agreement and Final Order may be found there. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

OPPORTUNITY FOR COMMENT: Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), requires that interested persons be given notice of any proposed penalty regarding alleged violations of the CWA and a reasonable opportunity to comment on it.

Any person who wishes to comment on the proposed penalty regarding the alleged CWA violation may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 22.45 (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 http://www.gpoaccess.gov/cfr/retrieve.html.

Comments should be made in writing to the Regional Hearing Clerk at:

Docket No. **CWA-05-2013-0016**
Regional Hearing Clerk
Mail Code E-19J
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk electronically, by mail or by delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website: http://www.epa.gov/region5/newsevents/, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that EPA requires your regular mailing address since we must use the U.S. Postal Service should we need to contact you to reply, request additional information or notify you of a hearing. If you wish to include any attachments with your comment, then please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete and readable form.

Regardless of how you submit them, **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 Public Notices home page for this docket number: CWA-05-2013-0016** http://www.epa.gov/region5/newsevents/

Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the EPA Regional Office. You may make an appointment for such an inspection by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this proposed CAFO 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 CWA penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

EPA will send a copy of the proposed CAFO assessing a penalty to any person who submitted written comments or attended a hearing, provided they give us their current mailing address.

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 the proposed CWA portion of this CAFO on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).