

**PUBLIC NOTICE**

**U.S. Environmental Protection Agency  
Region 5**

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JUN 15 2006  
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v.

**Ace Ethanol, L.L.C. and John S. Olynick, Inc.**

**Docket No. CWA-05-2006-0006**

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The U.S. Environmental Protection Agency (USEPA), Region 5, hereby provides notice of the issuance of a Consent Agreement and Final Order (CAFO) to Ace Ethanol, L.L.C. and John S. Olynick, Inc. (the Respondents) for alleged violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311.

USEPA has alleged in the CAFO that Respondents discharged 1,462 yards of fill material into approximately 9,900 square feet (0.23 acres) of wetlands adjacent to waters of an unnamed tributary, located in Stanley, Clark County, Wisconsin, without a Federal permit issued by the U.S. Army Corps of Engineers, Buffalo District, under Section 404 of the CWA, 33 U.S.C. § 1344. The wetlands and unnamed tributary flow into the Wolf River, a navigable water of the United States. Therefore, the wetlands are subject to Federal jurisdiction under the CWA.

USEPA and Respondents have agreed to settle this matter without further litigation under the CAFO. Under the CAFO, Respondents have agreed to payment to USEPA of a total amount of \$61,000 in civil penalty.

Before issuing an order assessing a civil penalty, USEPA is providing an opportunity for the public to comment on the appropriateness of the civil penalty. Any person wishing to comment on the proposed civil penalty must submit comments in writing to the Regional Hearing Clerk at the address listed below within forty (40) days from the date of this notice.

Regional Hearing Clerk  
USEPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

In accordance with 40 C.F.R § 22.45, USEPA shall provide to each commentator a copy of the proposed CAFO. Within thirty (30) days of receipt of the CAFO, a commentator may petition the Regional Administrator of Region 5 to set aside the proposed CAFO on the basis that material evidence was not considered.

Interested parties may contact the Agency representative for this action at the following address or by phone to obtain further information on the proposed civil penalty:

David W. Schulenberg  
Senior Enforcement Officer  
Water Division (WW-16J)  
USEPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
(312) 886-6680