



Region 7

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), notice is hereby given that a Consent Agreement and Final Order ("CAFO") is proposed with David and Peg Bruce, doing business as Bruce Feedlot, ("Respondents") regarding their beef feeding operation in Mills County, Iowa.

Under the Clean Water Act ("CWA"), the Environmental Protection Agency ("EPA") is authorized to issue orders assessing civil penalties for various violations of the CWA. EPA may issue such orders after beginning either a Class I or Class II penalty proceeding. EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to Section 309 of the CWA. Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, EPA alleges that Respondents discharged feedlot-related pollutants to Indian Creek, a water of the United States, in violation of their National Pollution Discharge Elimination System (NPDES) permit and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342. Respondents have reached agreement with EPA on the terms of a proposed CAFO that would resolve this matter. Under the proposed CAFO, Respondent will pay a civil penalty of \$31,265, plus interest. Final approval of the proposed CAFO is subject to the requirements of 40 C.F.R. § 22.45.

EPA will receive written comments on the CAFO for a period of thirty (30) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding and the procedures by which a respondent may request a hearing are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA's Consolidated Rules, review the CAFO, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2010-0094. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

5-14-2010
Date

/s/ Karen A. Flournoy for
William A. Spratlin
Director
Water, Wetlands and Pesticides Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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