



http://www.epa.gov/region7/public_notices/CWA/2013/monroe_branstad_forest_city_ia.htm

Last updated on Thursday, September 19, 2013

Region 7

You are here: [EPA Home](#) [About Region 7](#) [Laws & Regulations](#) [CWA](#) Monroe Branstad dba as Branstad Farms-Feedlot, Forest City, IA

Monroe Branstad dba as Branstad Farms-Feedlot, Forest City, IA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act ("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 ("CA/FO") is proposed with Monroe Branstad, doing business as Branstad Farms-Feedlot ("Respondent") regarding his animal feeding operation near Forest City, Iowa.

Under the CWA, the U.S. 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 Respondent violated Section 402 of the CWA, 33 U.S.C. § 1342, when he failed to perform, among other things, sampling necessary to guide land application activities and the recordkeeping requirements of the National Pollutant Discharge Elimination System Permit for his concentrated animal feeding operation. Respondent has reached agreement with EPA on the terms of a proposed consent agreement and final order that would resolve this matter. Under the proposed consent agreement and final order, Respondent will pay a civil penalty of \$5,100. To mitigate the remaining CWA penalty, Respondent has proposed to expend a minimum of \$26,200 to restore and place under perpetual conservation easement wetlands on Respondent's property pursuant to the U.S. Department of Agriculture Wetland Reserve Program as a Supplemental Environmental Project. Final approval of the proposed consent agreement and final order is subject to the requirements of 40 C.F.R. § 22.45.

EPA will receive written comments on the CA/FO 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 proposed consent agreement and final order \(PDF\)](#) (10 pp., 1.32MB, [About PDF](#)), comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd. Lenexa, Kansas 66219. Please reference Docket No. CWA-07-2012-0030. 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.

9-18-2013

Date

/s/

Karen A. Flournoy
Division Director
Water, Wetlands, and Pesticides Division
U.S. EPA, Region 7