

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

98 SEP 22 AM 10:31
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF) Docket No. VII-98-W-0037
)
AG Processing, Inc.)
WASTEWATER) Proceedings under Section 309(a)(3)
TREATMENT FACILITY) of the Clean Water Act
) 33 U.S.C. § 1319(a)(3)
)
NPDES Permit No.)
IA0064262)

I. Statutory Authority

The following Findings of Violation are made and Order for Compliance issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the above-referenced statute and duly delegated to the Regional Administrator of EPA Region VII who redelegated this authority to the Director, Water, Wetlands and Pesticides Division.

II. Findings of Violation

A. Pursuant to Section 402(a)(1) of the Clean Water Act (Act), 33 U.S.C. § 1342(a)(1), the Director of the Iowa Department of Natural Resources (IDNR) issued a National Pollutant Discharge Elimination System (NPDES) Permit No. IA0064262 to AG Processing, Inc. Wastewater Treatment Facility, Manning, Iowa (Permittee).

B. By letter dated March 10, 1997, under the authority of Section 308(a) of the Act, 33 U.S.C. § 1318(a), EPA required Permittee to participate in a quality assurance program. Under the program, Permittee was required to order and analyze the performance evaluation samples provided to it by EPA and submit the results of the analyses to ManTech Environmental Technology, Inc., P.O. Box 12313, 2 Triangle Drive, Research Triangle Park, NC 27709.

C. As of the date of this Order, Permittee has not

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submitted the required results. Accordingly, Permittee has violated § 308(a) of the Act.

III. Order for Compliance

Pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), it is hereby ORDERED:

A. Within ten (10) days of the effective date of this Order, Permittee shall provide EPA a written statement explaining its previous failure to provide the required results of Study 17 performance evaluation sample analyses, as cited in Paragraph II.C., above.

B. Permittee shall comply with the requirements of the 1998 quality assurance program. **If for any reason, permittee has not yet ordered DMR-QA Study 18 samples, Permittee shall call Darrell McCallister, IDNR, 515-281-8869 and arrange for participation in DMR-QA Study 18.**

C. Within (10) days of receipt of the performance evaluation samples sent by EPA pursuant to the 1998 quality assurance program, Permittee shall notify EPA of the receipt of said samples. If permittee has already received the 1998 performance evaluation samples, please notify EPA of this fact at the same time a response to III.A. is sent.

D. The statement and notification required by Paragraphs III and III.A., above shall be sent to EPA as follows:

Martha R. Steincamp
Regional Counsel
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

E. Pursuant to Section 309(a)(4) of the Act, 33 U.S.C. § 1319(a)(4), Permittee may confer with the Regional Administrator or his designee concerning the violations set out in this Order.

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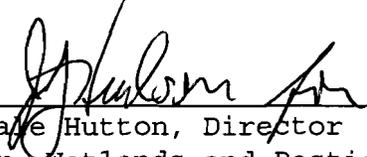
Any such request for a conference must be received by the Agency's legal representative, identified in Paragraph III.D., above, within 10 days of Permittee's receipt of this Order.

F. Unless Permittee requests a conference, this Order shall become effective ten (10) days after its receipt by Permittee.

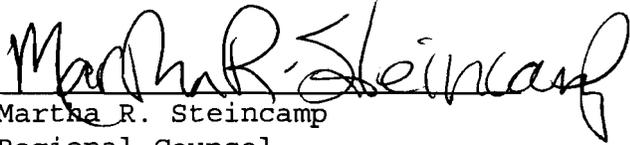
G. This Order does not constitute a waiver or modification of any requirements of the Clean Water Act, 33 U.S.C. § 1251, et seq., all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under Section 309(b), (c), (d), or (g) of the Act, 33 U.S.C. § 1319(b), (c), (d), or (g), for any violation cited in this Order.

Issuance of the Order shall not be deemed an election by EPA to forego any civil or criminal action to seek penalties, fines, or other appropriate relief under the Act for any violations whatsoever.

Dated this 21 day of September, 1998.



U. Gale Hutton, Director
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101



Martha R. Steincamp
Regional Counsel
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 1998, the original of the foregoing Findings of Violation and Order for Compliance was hand-delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, KS and that a true and correct copy was sent by certified mail, return receipt requested, to the following persons:

Scott Barnard
AG Processing, Inc.
P.O. Box 187
Manning, IA 51455

Larry J. Wilson
Director
Iowa Department of Natural Resources
Wallace State Office Building
900 Grand Avenue
Des Moines, IA 50319-0034

Betty A. Reuster



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

SEP 22 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Scott Barnard
AG Processing, Inc.
P.O. Box 187
Manning, IA 51455

Dear Mr. Watkins:

As mentioned in my phone call recently, enclosed is the Administrative Compliance Order which requests a brief explanation for the failure of the AG Processing, Inc. Wastewater Treatment Facility to participate in the 1997 EPA Performance Evaluation Program. Most importantly, the Order requires participation in the 1998 program.

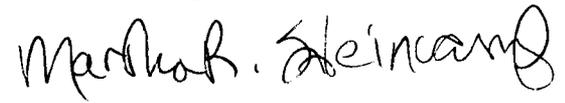
If the necessary samples for the 1998 Performance Evaluation Program have not been ordered, please do so immediately. You may call Darrell McCallister, IDNR, 515-281-8869, for assistance.

This is an important and useful program to you as well as EPA because it will provide information on how accurately the laboratory which analyzes your samples is performing.

If AG Processing, Inc. fails to participate in the 1998 program, EPA will consider issuing a penalty complaint in addition to an administrative Compliance Order.

If you have any questions, please call me at 913\551-7246.

Sincerely yours,

A handwritten signature in black ink that reads "Martha R. Steincamp". The signature is written in a cursive style with a large, looped initial 'M'.

Martha R. Steincamp
Regional Counsel

Enclosure: Administrative Compliance Order