



U.S. Environmental Protection Agency

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CWA Public Notice - Sellers Farms, Inc

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act, 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 is proposed with Sellers Farms, Inc. ("Respondent"), regarding its 12,000-head livestock facility in Rice County, Kansas.

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

In this case, EPA alleges that Respondent, among other things, discharged storm water runoff containing feedlot wastes from its livestock facility into a tributary of Little Cow Creek and Cow Creek, waters of the United States, in violation of Section 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. Respondent has reached agreement with EPA on the terms of a proposed Consent Agreement and Final Order which would resolve this matter. Under the proposed Consent Agreement and Final Order Respondent will pay a civil penalty of \$12,411 and complete a Supplemental Environmental Project worth \$3,535. Final approval of the proposed Consent Agreement and Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the Consent Agreement and Final Order 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 Consent Agreement and Final Order, 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 VII, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2006-0204. 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.

08/15/06
Date

/s/
Betty J. Berry for
William A. Spratlin
Director
Water, Wetlands and Pesticides Division

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