



Gibbon Packing, LLC - Clean Water Act Public Notice

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”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Gibbon Packing, LLC, for alleged violations at the facility located in 218 East Highway 30, P.O. Box 730, Gibbon, Nebraska 68840 (“facility”).

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA hereby provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated Sections 301, 307 and 402 of the CWA, 33 U.S.C. §§ 1311, 1317, and 1342; and regulations promulgated thereunder, including the General Pretreatment Regulations at 40 C.F.R. 403.5(a)(1), the facility’s National Pollutant Discharge Elimination System (“NPDES”)/Nebraska Pretreatment Permit (“NPP”) (Permit No. NE0124061), and authorization under Nebraska’s general industrial stormwater permit (Permit authorizations NE-R000206 and NE-R900567). The EPA alleges that Respondent violated prohibitions or effluent limits in its NPP permit (Count 1). Secondly, EPA alleges that Respondent caused and/or contributed to the pass through of pollutants in violation of the City of Gibbon’s publicly owned treatment work’s (“POTW”) permit and/or the interference of the POTW’s treatment processes and operations, in violation of 40 C.F.R. 403.5(a)(1)(Count 2). Lastly, EPA alleges Respondent violated the terms of its NPDES stormwater permit (Count 3). Respondent has reached agreement with the EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondent will pay a civil penalty of \$204,576.50. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. 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 obtain additional information on the proceeding, receive a copy of the EPA’s Consolidated Rules, review the proposed Consent Agreement/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 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2017-0027. For Technical questions contact Paul Marshall, Pretreatment Coordinator, Water Enforcement Branch, at marshall.paul@epa.gov, at the above mailing address or 913-551-7419. Persons with legal questions may contact Howard Bunch, Office of Regional Counsel, at bunch.howard@epa.gov at the above mailing address or 913-551-7879. In order to provide opportunity for public comment, the EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

3/1/17 Date	/s/ Jeffery Robichaud Acting Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7

How to Comment

Comments due date

04/14/2017

How to comment

Persons wishing to obtain additional information on the proceeding, receive a copy of EPA's Consolidated Rules, review the proposed Consent Agreement/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 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2017-0027.

Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Gibbon Packing, LLC, for alleged violations at the facility located in 218 East Highway 30, P.O. Box 730, Gibbon, NE 68840 ("facility").

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Gibbon Packing, LLC
Gibbon, Nebraska

Proposed action: Public Notice of Clean Water Act Administrative Penalty Settlement

Docket ID: CWA-07-2017-0027

You may need Adobe Reader to view files on this page. See EPA's [About PDF page](#) to learn more.

- [Gibbon Packing, LLC proposed Consent Agreement Final Order \(PDF\)](#) (18 pp, 2 MB)

LAST UPDATED ON MARCH 15, 2017

