



## EPA in Kansas

# Acme Foundry, Inc. - 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, Issuance of Compliance or Corrective Action Orders, 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 Acme Foundry, Inc., for alleged violations at its facility located at 1502 South Spruce Street, Coffeyville, Kansas 67337.

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after filing a Complaint commencing 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 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 the requirements of its industrial stormwater permit, General Permit No. KS-R000038, and discharged pollutants into waters of the United States, in violation of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. The EPA alleges that Respondent violated its general stormwater permit by failing to develop an adequate Storm Water Pollution Prevention Plan (“SWPPP”), update its SWPPP, perform facility inspections, conduct annual comprehensive site compliance evaluations, conduct visual stormwater monitoring and conduct employee training. In addition, the EPA observed discharges from the Respondent’s facility that were not composed entirely of stormwater and that entered a tributary of the Verdigris River. 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 \$28,975, and the remainder of the civil penalty will be mitigated by Respondent through performance of a Supplemental Environmental Project (“SEP”). The SEP, which has an estimated cost of \$600,000, will replace the existing wet scrubber air emissions controls at its Coffeyville, Kansas, facility with a fabric filter by no later than January 1, 2017. For purposes of this settlement, Respondent is required to complete the SEP and spend at least \$285,000 on the project. 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 I or 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-07-2016-0034. 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.

5-18-16	/s/
Date	Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7

## How to Comment

**Comments due date**

06/18/2016

**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-07-2016-0034.

**Summary**

The EPA is providing notice of a proposed Administrative Penalty Assessment against Acme Foundry, Inc., for alleged violations at its facility located at 1502 South Spruce Street, Coffeyville, Kansas 67337

**Program/Statute:** Clean Water Act (CWA)

**Applicant/Respondent(s):**

Franklin County, Kansas

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

**Docket ID:** CWA-07-2016-0034

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- Acme Foundry, Inc. proposed Consent Agreement Final Order (PDF) (20 pp, 2 MB)

Last updated on May 19, 2016