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Region 7

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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 Langley Recycling, Inc. ("Respondent"). Langley Recycling, Inc. is a business located at 3557 Stadium Drive, Kansas City, Missouri.

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 and Respondents have settled this matter before a complaint was filed. 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 EPA's Consolidated Rules, 40 C.F.R. Part 22. In this case, the Consent Agreement/Final Order alleges that Respondent had an illegal discharge of pollutants associated with an industrial activity into waters of the United States, in violation of Section 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342. The EPA alleges that Respondent failed to comply with the terms of a National Pollutant Discharge Elimination System (NPDES) permit, including the failure to maintain best management practices and failure to comply with narrative water quality-based effluent limitations. The Consent Agreement/Final Order proposes a penalty of forty thousand nine hundred fifty dollars (\$40,950) for the above violation of the CWA.

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. 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/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-07-2008-0014. 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.

11/30/07
Date

/s/
William A. Spratlin
Director Water, Wetlands, and Pesticides
U.S. EPA, Region VII