



EPA in Nebraska

Loveland Products, Inc., Fairbury, NE - 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 Loveland Products, Inc., for alleged violations at its facility located at 56906 Hwy. 8, Fairbury, Nebraska, 68352.

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 NPDES permit (Permit No. NE0138347) in violation of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. The EPA alleges that Respondent discharged pollutants in stormwater in violation of its permit limitations, including cadmium, copper, lead, nickel and zinc; failed to use approved sampling and analysis methods; failed to update its storm water pollution prevention plan even after determining that the pollutant controls measures were ineffective; and had discharges from its facility that were not associated with wet weather events.

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 \$145,000. 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-07-2015-0084. 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.

1-28-16	/s/
Date	Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7

How to Comment

Comments due date

03/04/2016

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-07-2015-0084.

Summary

The Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Loveland Products, Inc., for alleged violations at its facility located at 56906 Hwy. 8, Fairbury, Nebraska, 68352.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Loveland Products, Inc.
Fairbury, NE

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

Docket ID: CWA-07-2015-0084

You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.

- Loveland Products, Inc. proposed Consent Agreement Final Order (PDF) (14 pp, 2 MB)
Consent Agreement Final Order In the Matter of Loveland Products, Inc. - EPA Docket No. CWA-07-2015-0084

Last updated on February 3, 2016