



Region 7

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Fiberight-Blairstown Operating, LLC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Sections 309(g)(4)(A) and 311(b)(6)(C) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1319(g)(4)(A) and 1321(b)(6)(C), 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 Fiberight-Blairstown Operating, LLC, 2154 78th Street, Blairstown, Iowa 52209, for alleged violations of the CWA.

Under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), 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) and 1321(b)(6)(C)(i). Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated Sections 301, 311 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311, 1321 and 1342, at its ethanol production facility in Blairstown, Iowa. The EPA alleges that Respondent: (1) discharged pollutants to waters of the United States in October 2010 in violation of Section 301 of the CWA; (2) failed to comply with its permit issued pursuant to the authority of Section 402 of the CWA for discharges of stormwater from industrial facilities by failing to develop an adequate stormwater pollution prevention plan ("SWPPP"), failing to conduct employee training on the SWPPP and failing to inspect stormwater controls; and (3) failed to prepare and implement an adequate spill prevention, control and countermeasures ("SPCC") plan and failed to conduct employee training regarding the SPCC plan in violation of Section 311 of the CWA.

Respondent has reached agreement with 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 \$17,500 for its violations of Sections 301 and 402 of the CWA, and a civil penalty of \$17,500 for its violations of Section 311 of the CWA. 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. 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 [proposed Consent Agreement/Final Order \(PDF\)](#) (20 pp., 93K, [About PDF](#)), comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Please reference Docket No. CWA-07-2014-0001. 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.

4-17-14
Date

/s/
Karen A. Flournoy
Division Director
Water, Wetlands, and Pesticides Division
U.S. EPA, Region 7

4-21-14
Date

/s/
Becky Weber
Division Director
Air and Waste Management Division
U.S. EPA, Region 7