



## U.S. Environmental Protection Agency

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## CWA Public Notice - Honey Creek Farms, LLC, Lawrence, Kansas

### 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 U.S. Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Honey Creek Farms, L.L.C. ("Respondent"). Honey Creek Farms, L.L.C., is a company located at 1109 Oaktree Drive, Lawrence, Douglas County, Kansas 66049.

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 EPA's Consolidated Rules, 40 C.F.R. Part 22. In this case, the EPA is filing a Complaint against Respondent that alleges that the Respondent discharged storm water associated with an industrial activity that failed to comply with the requirements of a National Pollution Discharge Elimination System (NPDES) permit issued pursuant to Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, on property generally located at 166th Street and U.S. 24/40 Highway, Basehor, Leavenworth County, Kansas. The EPA alleges that Respondent failed to comply with the terms of a NPDES permit, specifically including the failure to properly design, install and/or maintain a sedimentation basin, failure to maintain best management practices, and failure to inspect and document inspections regularly. In conjunction with the Complaint, EPA is filing a Consent Agreement and Final Order which resolves the alleged violations. Under the proposed Consent Agreement and Final Order, the assessed civil penalty is Forty Thousand Dollars (\$40,000).

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 Complaint, 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-07-2006-0174. In order to provide opportunity for public comment, EPA will not issue a final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

8/16/07  
Date

/s/Betty J. Berry for  
William A. Spratlin  
Director  
Water, Wetlands, and Pesticides  
Division  
U.S. EPA, Region VII

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