

Region 7

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City of Maryville, Maryville, MO

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 City of Maryville, Missouri, a municipality located at 415 North Market Street, Maryville, Missouri 64468, for alleged violations at the City of Maryville, Missouri Publicly Owned Treatment Works ("POTW") located in Maryville, Missouri.

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 alleges that Respondent discharged pollutants from its POTW into waters of the United States in violation of its permit issued pursuant to Section 402 of the Clean Water Act, in violation of Section 301 of the Clean Water Act, 33 U.S.C. § 1311. Respondent's NPDES permit required it to "implement and enforce its approved pretreatment program in accordance with the requirements of 40 C.F.R. Part 403." 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, the assessed civil penalty is Thirty Three Thousand Dollars (\$33,000). Respondent will pay Twenty Thousand Four Hundred Dollars (\$20,400) in cash, and the remainder of the civil penalty will be mitigated through performance by Respondent of a Supplemental Environmental Project. The Supplemental Environmental Project requires Respondent to expend Thirty Two Thousand Dollars (\$32,000) for the installation of a 30-horsepower centrifugal pump with a variable frequency drive at the Maryville Water Treatment Plant. The Respondent anticipates that a significant increase in energy efficiency will result from the installation of this pump. 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 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-07-2009-0103. 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.

08/11/2009
Date

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