

http://www.epa.gov/region7/public_notices/CWA/2014/sunderman-feedlots-norfolk-ne.htm

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Region 7

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Douglas and Renee Sunderman D/B/A/ Sunderman Feedlots

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 and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), notice is hereby given that a Consent Agreement and Final Order is proposed with Douglas and Renee Sunderman, doing business as Sunderman Feedlots, ("Respondents") regarding its animal feeding operation near Norfolk, Nebraska.

Under the CWA, the U.S. Environmental Protection Agency ("EPA") is authorized to issue orders assessing civil penalties for various violations of the CWA. EPA may issue such orders after beginning either a Class I or Class II penalty proceeding. EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to Section 309 of the CWA. Class II proceedings are conducted under EPA=s Consolidated Rules, 40 C.F.R. Part 22.

In this case, EPA alleges that Respondents violated Sections 301 and 402 of the CWA, 33 U.S.C. " 1311 and 1342, when Respondents' concentrated animal feeding operation discharged process wastewater from production and land application area to a tributary of the Elkhorn River. Respondents have reached agreement with EPA on the terms of a proposed consent agreement and final order that would resolve this matter. Under the [proposed consent agreement and final order \(PDF\)](#) (9 pp., 1.03MB, [About PDF](#)) , Respondents will pay a civil penalty of \$16,500. Final approval of the proposed consent agreement and final order is subject to the requirements of 40 C.F.R. ' 22.45.

EPA will receive written comments on the consent agreement and final order 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 and final order, 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 Blvd. Lenexa, Kansas 66219. Please reference Docket No. CWA-07-2014-0085. 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.

7-21-14
Date

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