



Missouri Smelting Technology, Inc. - 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 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 Missouri Smelting Technology, Inc. (MOST), for alleged violations at a facility located at 50 Cherry Blossom Way, Troy, Missouri 63379 (“facility”). The facility is a secondary metal production facility that receives scrap from machining operations. The scrap is cleaned, dried, and crushed prior to melting. The main source of pollutants in stormwater runoff is runoff from scrap storage areas and contaminated soils.

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA hereby provides notice of the proposed assessment of a Class I civil penalty pursuant to 33 U.S.C. § 1319(g)(4). Class I proceedings are conducted under the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated Section 402 of the CWA, 33 U.S.C. § 1342, and regulations promulgated thereunder, including Section 402(p) of the CWA, and its authorization under the Missouri general industrial stormwater permit (General Permit No. #MO-R203), which is applicable to stormwater discharges associated with the industrial activity related to Ferrous and Nonferrous foundries, casting, extrusion, rolling, galvanizing and finishing, structural steel production, light metal fabrication, electrical equipment manufacturing (which includes Respondent’s SIC Code of 3499). The EPA alleges that Respondent failed to conduct and document appropriate corrective actions to reduce pollutant levels below the Permit’s reference benchmarks, and had failed to incorporate the required Corrective Action Reports into the facility’s Stormwater Pollution Prevention Plan (Count 1). Secondly, EPA alleges that Respondent failed to analyze pH within the allowable holding time as required by applicable provisions of 40 C.F.R. Part 136 (Count 2).

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 \$7,313 and to expend a minimum of \$43,500 to perform a “supplemental environmental project” (SEP). The SEP consists of the construction of a canopy structure to protect scrap and production materials from exposure to precipitation and to reduce runoff of contaminated stormwater into the adjacent tributary.

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 I order or participate in a Class I 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-07-2017-0146. For Technical questions contact Stephen Pollard, Compliance Offer, Water Enforcement Branch, at pollard.stephen@epa.gov, at the above mailing address or 913-551-7582. Persons with legal questions may contact Howard Bunch, Office of Regional Counsel, at bunch.howard@epa.gov at the above mailing address or 913-551-7879. 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.

<p>5/25/17 Date</p>	<p>/s/ Jeffery Robichaud Acting Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7</p>

How to Comment

Comments due date

07/05/2017

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-07-2017-0146.

Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Missouri Smelting Technology, Inc. (MOST), for alleged violations at a facility located at 50 Cherry Blossom Way, Troy, Missouri 63379 ("facility"). The facility is a secondary metal production facility that receives scrap from machining operations. The scrap is cleaned, dried, and crushed prior to melting. The main source of pollutants in stormwater runoff is runoff from scrap storage areas and contaminated soils.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Missouri Smelting Technology, Inc.
Troy, Missouri

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

Docket ID: CWA-07-2017-0146

You may need Adobe Reader to view files on this page. See EPA's [About PDF page](#) to learn more.

- [Missouri Smelting Technology, Inc. proposed Consent Agreement Final Order \(PDF\)](#) (13 pp, 2 MB)

LAST UPDATED ON JUNE 5, 2017

