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EPA in Iowa

David Cozad, Michael Schumacher and/or Brad Peterson (d/b/a Credit Island Recycling), Davenport, Iowa

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 David Cozad, Michael Schumacher and/or Brad Peterson (d/b/a/ Credit Island Recycling), for alleged violations of an industrial stormwater permit issued by the Iowa Department of Natural Resources ("IDNR") (General Permit No. 1 for stormwater discharges associated with industrial activity) for an appliance recycling facility located in Davenport, Iowa ("Site"). By correspondence dated March 1, 2013, Respondent Cozad submitted a Notice of Intent to IDNR on behalf of all Respondents that requested coverage under the General Permit. On March 8, 2013, IDNR issued Permit Authorization No. IA-23124-22882 (hereafter "Permit Authorization") to Respondents (d/b/a Credit Island Recycling).

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 commencing either a Class I or Class II penalty proceeding. This action is a Class I penalty proceeding that is being simultaneously commenced and concluded in a Consent Agreement and Final Order pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2). The EPA provides notice of the proposed assessment of a Class I civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class I proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, based on findings during an inspection by EPA in May 2014, the EPA alleges that the Respondents violated the requirements of its general industrial storm permit that had been applied for by Respondents and authorized by IDNR, in violation of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342. The alleged violations include Respondents' failure to develop and implement a storm water pollution prevention plan (SWPPP), failure to conduct visual inspections and unauthorized discharges of non-stormwater pollutants. Respondents have 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, Respondents will pay a mitigated civil penalty of \$5,000. This penalty was negotiated pursuant to the statutory penalty factors set forth at Section 309(g)(3) of the Clean Water Act, which include the "nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay." The 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 EPA's Consolidated Rules, review the proposed Consent Agreement/Final Order (attached below), 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-07-2015-0101. 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.

10/1/15 Date	/s/ Jeffery Robichaud for Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7
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How to Comment

Comments due date

11/06/2015

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-07-2015-0101.

Summary

The EPA is providing notice of proposed Administrative Penalty Assessment against David Cozad, Michael Schumacher and/or Brad Peterson (d/b/a Credit Island Recycling), for alleged violations of an industrial stormwater permit issued by IDNR for an appliance recycling facility located in Davenport, Iowa.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

David Cozad, Michael Schumacher and/or Brad Peterson (d/b/a Credit Island Recycling)
Davenport, Iowa

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

Docket ID: CWA-07-2015-0101

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- Credit Island Recycling Proposed Consent Agreement Final Order (PDF) (15 pp, 2 MB)

Last updated on October 7, 2015