



Region 7

You are here: [EPA Home](#) [About Region 7](#) [Public Notices](#) [Clean Water Act](#) Table of Clean Water Act NPDES Storm Water Public Notices



**Table of Clean Water Act  
 Civil Penalty Order Public Notices**  
 (Posted below are penalties that have been publically noticed in last 30 days)

[Public Notice Archives](#)

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Date	Docket Number	In the Matter of	Proposed Penalty
5/2/2013	CWA-07-2012-0043	International Dehydrated Foods, Inc., Monett, MO	\$9,750.00
4/17/2013	CWA-07-2013-0026	City of Rockaway Beach, MO	\$23,000.00

## 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 the City of Rockaway Beach, Missouri, for alleged violations of the City at the City’s Publicly Owned Treatment Works (“POTW”).

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 into a water of the United States at limits exceeding the terms of its National Pollutant Discharge Elimination System permit, in violation of Section 301 of the Clean Water Act, 33 U.S.C. § 1311. 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, Respondent will pay a civil penalty of \$23,200 in four equal installments with interest paid on the second, third, and fourth installments. 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 proposed Consent Agreement/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, KS 66219. Please reference Docket No. CWA-07-2013-0026. 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.

4-15-13  
Date

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