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## Region 7

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# **Hickory Hill Farms, Inc. Sioux County, IA**

## 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 Hickory Hill Farms, Inc. ("Respondent"), a concentrated animal feeding operation located in the northwest ¼ of Section 12 of Township 95 North, Range 44 West, in Sioux County, Iowa.

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. 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, EPA alleges that Respondent had an illegal discharge of pollutants associated with its animal feeding operation into waters of the United States, in violation of Section 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342. Respondent has reached an agreement with EPA on the terms of a proposed Consent Agreement and Final Order ("CA/FO") which would resolve this matter. Under the proposed CA/FO, Respondent will pay a civil penalty of \$10,000.00. Final approval of the CA/FO is subject to the requirements of 40 C.F.R. § 22.45.

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 CA/FO, 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, 901 North Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2011-0043. 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.

3-4-2011  
Date

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