



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 23 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8653 3630

Mike Flint
Plant Manager
BD Diagnostics
150 South 1st Avenue
Broken Bow, Nebraska 68822

Re: Termination of Findings of Violation and Order for Compliance
and Termination of Section 308 Information request of July 23, 2010
Docket No.: CWA-07-2010-0084

Dear Mr. Flint:

On July 26, 2010, the above referenced Findings of Violation and Order for Compliance (Order) was filed with the Regional Hearing Clerk under the authority of Section 309(a)(3) of the Clean Water Act, 33 U.S.C. § 1319(a)(3). In addition, the Environmental Protection Agency issued an Information Request Letter pursuant to Section 308 of the Act that required monthly reporting on sampling and flow measurements of the Becton Dickinson discharges. The EPA has been monitoring these reports and believes that BD is no longer causing interference at the City of Broken Bow's wastewater treatment plant. In addition, we are aware that the Nebraska Department of Environmental Quality proposed a draft permit earlier this year that will soon be in place. Therefore, at this time we are terminating both the Order and the §308 monitoring requirements for your facility. The EPA's decision to terminate the Order is conditioned upon the accuracy of your representations to the EPA in response to the requirements of the Order and §308 request.

The effect of this termination is limited to the requirements imposed under the Order and §308 request. The EPA reserves all of its authorities, both legal and equitable, under the CWA and any other statutory, regulatory, or common law authorities of the United States.

If you have any questions relating to this termination letter or the above referenced enforcement action, please contact Paul Marshall of my staff at (913) 551-7419, or Howard Bunch, the attorney assigned to this matter at (913) 551-7879.

Sincerely,

Karen A. Flourney

Director

Water, Wetlands and Pesticides Division

cc: Marty Link, Nebraska Dept. of Environmental Quality
Bill Ford, Lathrop & Gage
Regional Hearing Clerk, EPA Region 7



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