



## Region 7

[http://www.epa.gov/region7/public\\_notices/CWA/2012/iola\\_ks.htm](http://www.epa.gov/region7/public_notices/CWA/2012/iola_ks.htm)  
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## City of Iola, KS

### 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 Iola, Kansas, for alleged violations regarding implementation of its authorized Pretreatment Program.

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 failed to implement its approved Pretreatment Program, in violation of Sections 307 and 402 of the Clean Water Act, 33 U.S.C. §§ 1317 and 1342. The EPA alleges that Respondent failed to properly develop local discharge limits for Industrial Users of the Respondents wastewater collection and treatment system, have adequate personnel to implement the Pretreatment program, and to investigate noncompliance by Industrial Users. 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 \$12,000 and perform a Supplemental Environmental Project consisting of the purchase and installation of an energy efficient variable frequency drive pump for its drinking water system valued at least \$40,000. Final approval of the [proposed Consent Agreement/Final Order \(PDF\)](#) (12 pp., 54K, [About PDF](#)) is subject to the requirements of 40 C.F.R. § 22.45. In the event that Respondent fails to perform the SEP, the Consent Agreement/Final Order allows EPA to require payment of an additional stipulated penalty not to exceed \$8,000.

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 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, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2012-0019. 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.

8/28/2012  
Date

/s/ Jamie Green for  
Karen A. Flournoy  
Division Director  
Water, Wetlands, and Pesticides Division  
U.S. EPA, Region 7