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Last updated on Wednesday, August 11, 2010

## Region 7

You are here: [EPA Home](#) | [Region 7](#) | [Laws & Regulations](#) | [CWA](#) | Mineral Technologies, Inc., Fairbury, NE

# **Mineral Technologies, Inc., Fairbury, NE**

## **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 and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), notice is hereby given that a Consent Agreement and Final Order ("CA/FO") is proposed with International Mineral Technologies, Inc., ("Respondent") regarding its fertilizer and feed supplement manufacturing facility in Fairbury, Nebraska.

Under the CWA, the Environmental Protection Agency ("EPA") is authorized to issue orders assessing civil penalties for various violations of the CWA. EPA may issue such orders after beginning either a Class I or Class II penalty proceeding. EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to Section 309 of the CWA. Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, EPA alleges that Respondent violated its National Pollution Discharge Elimination System ("NPDES") permit and Section 402 of the CWA, 33 U.S.C. § 1342, when it discharged contaminants that resulted in violations of Nebraska Water Quality Standards and failed to adequately meet requirements related to its Stormwater Pollution Prevention Plan. Respondent has reached agreement with EPA on the terms of a proposed CA/FO that would resolve this matter. Under the proposed CA/FO, Respondent will pay a civil penalty of \$30,000. Final approval of the proposed CA/FO is subject to the requirements of 40 C.F.R. § 22.45.

EPA will receive written comments on the CA/FO 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-07-2010-0118. 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.

8-2-10  
Date

/s/ Karen A. Flourney  
William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division