



URL: [http://yosemite.epa.gov/r10/ENFORCE.NSF/Current+Public+Notices/vierstra\\_dairy\\_10](http://yosemite.epa.gov/r10/ENFORCE.NSF/Current+Public+Notices/vierstra_dairy_10)

Last updated on Tuesday, May 18th, 2010.

## Region 10: the Pacific Northwest

RECEIVED  
10 MAY 18 PM 4:21

You are here: [EPA Home](#) [Region 10](#) [Compliance and Enforcement](#) [Current Public Notices](#)  
vierstra\_dairy\_10

HEARINGS CLERK  
EPA -- REGION 10

# EPA proposes Penalty Against Vierstra Dairy for Clean Water Act Violations

**Name of Case:** Vierstra Dairy

### Description of Violation and Relief Sought:

Pursuant to Section 309 (g) under the Clean Water Act ("Act"), the Environmental Protection Agency, Region 10 ("EPA") is providing public notice of the proposed penalty described below. In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to 40 days after publication of this notice.

EPA has commenced an administrative penalty action against Vierstra Dairy ("Respondent") for violations of the Clean Water Act ("CWA"). EPA alleges that the Respondent is in violation of the National Pollutant Discharge Elimination System ("NPDES") The violation included four days of discharge which is a violation of Section 301 of the Act, 33 U.S.C. § 1311(a). Pursuant to Section 309(g)(2)(B) of the Act, and 40 C.F.R. Part 19. EPA proposes to assess a penalty of \$30,000.

Persons wishing to comment on EPA's proposed action or to become participants in this action may do so by submitting their address and telephone number, along with written comments, to the Regional Hearing Clerk at the address above within 30 days of the date of this notice. This is a Class II administrative penalty proceeding, governed by Section 309(g) (2)(B) of the CWA and the procedural rules found at 40 C.F.R. Part 22. The requirements that apply to public comment and participation are set forth in 40 C.F.R. § 22.45.

**Docket Number of the Complaint:** CWA-10-2010-0018 (originally filed under CWA-10-2009-0268)

### Name and address of Complainant:

Edward J. Kowalski Director  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency  
Region 10 (OCE-164)  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

### Name and address of Respondent:

Vierstra Dairy  
2588 East 3500 North

### Public Notice Information

**Date of Notice:** May 18, 2010

**Comment Period Ends:** June 17, 2010

**Case Name:** Vierstra Dairy

**Complaint Docket Number:** CWA-10-2010-0018 (originally filed under CWA-10-2009-0268)

**How to Submit Comments:** In accordance with 40 C.F.R. § 22.45, anyone wishing to comment on or participate in this proceeding must notify the Regional Hearing Clerk within 30 days of this notice. Please provide your name, complete mailing address, and any comments you have on this action.

Twin Falls, Idaho 83301

**Name, address, and telephone number of Regional Hearing Clerk:**

Carol Kennedy, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10 (ORC-158)  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
(206) 553-0242

**Location of Facility:** Twin Falls, Idaho

**Applicable Permit No.:** N/A

**Business/activity of Respondents:** Dairy

**Comments Accepted:** In accordance with 40 C.F.R. § 22.45, any person wishing to comment on or participate in this proceeding must notify the Regional Hearing Clerk within 30 days of this notice. The person must provide a name, complete mailing address, and any comments the person has on this action.

A copy of the administrative complaint is available for review and copying between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at EPA's Seattle Office (see address listed above). For any additional information on this action, please contact Steven Potokar at (206) 553-6354.