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Bruening Rock Products, Inc. - Clean Water Act Public Notice

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”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Bruening Rock Products, Inc, a business located at 900 Montgomery Street, Decorah, Iowa 52101, for alleged violations at the S&S Mine facility (“the facility”), located at 1746 Highway 14, Knoxville, Iowa.

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 the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated the requirements of the facility’s National Pollutant Discharge Elimination System (“NPDES”) permit (Permit number IA-0084051, “Permit”), issued to Respondent by the Iowa Department of Natural Resources (“IDNR”) on August 1, 2012, pursuant to the authority of Section 402 of the CWA, 33 U.S.C. § 1342; and as such, EPA alleges Respondent violated of Section 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342. On or about April 30, 2018 through May 2, 2018, an EPA representative performed a Compliance Sampling Inspection of the facility to evaluate compliance with the facility’s NPDES permit and the CWA.

EPA subsequently reviewed discharge monitoring reports (DMRs) and found numerous violations of the Permit’s limits for Total Suspended Solids (“TSS”) and sulfate (“SO₄”), continuing through July 2018. EPA also found that throughout the term of the Permit that Respondent had failed to monitor effluent discharges in accordance with the Permit. Respondent has reached agreement with the 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 \$120,000 over six months, plus applicable interest. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

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. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. 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 obtain additional information on the proceeding, receive a copy of the EPA’s Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2019-0177. For technical questions contact Ms. Cynthia Sans, Compliance Officer, Water Enforcement Branch, at sans.cynthia@epa.gov, at the above mailing address or 913-551-7492. Persons with legal questions may contact Mr. Howard Bunch, attorney, Office of Regional Counsel, at bunch.howard@epa.gov, at the above mailing address or 913-551-7879.

In order to provide opportunity for public comment, the EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

<p>4/30/19 Date</p>	<p>/s/ DeAndre Singletary Acting Director Enforcement and Compliance Assurance Division U.S. EPA, Region 7</p>
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How to Comment

Comments due date
05/31/2019

How to comment
Persons wishing to obtain additional information on the proceeding, receive a copy of EPA’s Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2019-0177.

Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Bruening Rock Products, Inc, a business located at 900 Montgomery Street, Decorah, IA 52101, for alleged violations at the S&S Mine facility (“the facility”), located at 1746 Highway 14, Knoxville, IA.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Bruening Rock Products, Inc.
Knoxville, Iowa

Proposed action: Public Notice of Clean Water Act Administrative Penalty Settlement

Docket ID: CWA-07-2019-0177

You may need a PDF reader to view some of the files on this page. See EPA's [About PDF page](#) to learn more.

- [Bruening Rock Products, Inc. proposed Consent Agreement Final Order \(PDF\)](#) (12 pp, 1 MB)

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