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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
) **CLEAN WATER ACT**
)
)
SRG Global, Inc.)
Siegel-Robert, Inc. (d/b/a)) **ADMINISTRATIVE COMPLAINT, AND**
SRG Global Farmington)
) **NOTICE OF OPPORUNITY**
) **FOR HEARING**
)
Respondents)
)
)
)
Farmington, Missouri)
)
)
) **Docket No. CWA-07-2014-0047**
)
_____)

STATUTORY AND REGULATORY AUTHORITY

1. This Complaint and Notice of Opportunity for Hearing (“Complaint”) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”), by Section 309(g) of the Clean Water Act (“CWA” or the “Act”), 33 U.S.C. § 1319(g), as delegated by the Administrator to the Regional Administrator, EPA Region 7, and further delegated to the Director, Water, Wetlands and Pesticides Division, EPA Region 7 (“Complainant”). This Complaint is issued in accordance with 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, 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

2. Section 301(a) of the Act, 33 U.S.C. § 1311 (a), prohibits discharge of pollutants from a point source into navigable waters of the United States, except in compliance with, inter alia, Sections 307 and 402 of the Act, 33 U.S.C. §§ 1317 and 1342. Section 402 provides that pollutants may be discharged into navigable waters of the United States only in accordance with the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to that section. Section 307 provides for the promulgation of regulations establishing pretreatment standards for introduction of pollutants into publicly owned treatment works.

General Pretreatment

3. Pursuant to Section 307(b) of the Act, 33 U.S.C. § 1317(b), EPA promulgated regulations at 40 C.F.R. Part 403 establishing the General Pretreatment Regulations and at 40 C.F.R. Parts 405 through 471 establishing the Point Source Categorical Standards. These regulations and standards are designed to regulate the introduction of pollutants into publicly owned treatment works (“POTW”) which are determined not to be amenable to treatment by such treatment works or which could interfere with the operation of such treatment works.

4. The state of Missouri, through the Missouri Department of Natural Resources (“MDNR”), is authorized to administer the federal NPDES program pursuant to Section 402 of the Act, 33 U.S.C. § 1342, implementing regulations, and a Memorandum of Understanding between EPA and MDNR dated October 30, 1974. MDNR is also authorized to administer the Pretreatment Program, pursuant to Section 402 of the Act, 33 U.S.C. § 1342, implementing regulations at 40 C.F.R. § 403.10, and a Memorandum of Understanding between EPA and MDNR dated June 3, 1981. As such, MDNR is the Approval Authority for the Pretreatment Program in Missouri.

5. 40 C.F.R. § 403.5(a) sets forth “general prohibitions” and states that a “User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.”

6. 40 C.F.R. § 403.5(b) establishes “specific prohibitions” for industrial dischargers to POTWs and prohibits “Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.”

7. 40 C.F.R. § 403.3(k) defines “Interference” to mean “a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and ((2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the” ... CWA.

8. 40 C.F.R. § 403.3(p) defines “Pass Through” as a discharge “which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit.”

9. 40 C.F.R. § 403.3(j) states “Industrial User means a source of Indirect Discharge,” and 403(i) states that “Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.”

Categorical Pretreatment

10. 40 C.F.R. § 403.6 establishes “Categorical Standards” or national standards for quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

11. Pursuant to 40 C.F.R. § 403.3(v), all industrial users subject to Categorical Standards that discharge greater than 100 gallons per day (“gpd”) are also “Significant Industrial Users.”

12. Manufacturers that perform metal finishing and that discharge wastewater to a POTW are subject to the Categorical Metal Finishing Point Source Category Pretreatment Standards (“Metal Finishing Standards”) found at 40 C.F.R. Part 433. This Part applies to plants which perform any of the following six metal finishing operations on any basis material: Electroplating, Electroless Plating, Anodizing, Coating (chromating, phosphating, and coloring), Chemical Etching and Milling, and Printed Circuit Board Manufacture.

13. Pursuant to 40 C.F.R. § 403.6(b), compliance with Categorical Standards is required within three years of their promulgation. The Metal Finishing Standards set forth in 40 C.F.R. Part 433 have been effective since 1983.

14. In pertinent part, 40 C.F.R. § 433.17 establishes the following limitations on industrial users that are subject to the Metal Finishing Standard:

Constituent	Daily Maximum (mg/l)	Monthly Average (mg/l)
Chromium (Total)	2.77	1.71
Nickel (Total)	3.98	2.38

15. Pursuant to 40 C.F.R. § 403.12(e), in order to document compliance with the limits promulgated in a Categorical Standard, Industrial Users that are subject to Categorical Standards must, by at least each June and December of each year, submit a report to the Control Authority (which in Missouri is MDNR) that documents the nature and concentration of pollutants in their discharge, the average and maximum daily flows, and other information needed to ascertain compliance.

16. Pursuant to 40 C.F.R. § 403.12(l), the reports required by 40 C.F.R. § 403.12(e) are required to include the certification statement as set forth in §403.6(a)(2)(ii) and to be signed as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

17. 40 C.F.R. § 403.12(f) requires that “All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §403.5(b), by the Industrial User.”

18. 40 C.F.R. § 403.12(b)(5)(ii) requires that industrial users perform measurement of pollutants in a manner that is representative of daily operations.

19. 40 C.F.R. § 403.12(b)(3)(v) requires that industrial users perform all sampling and measurements that support reports submitted under § 403.12(e) “in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

20. According to 40 C.F.R. § 136.3, the approved procedure for determination of total metals (which are equivalent to total recoverable metals) requires that the sample not be filtered before processing. Rather, it requires a digestion procedure to solubilize analytes in suspended material and to break down organic-metal complexes (to convert the analyte to a detectable form for colorimetric analysis).

Sludge Requirements

21. Section 405(d)(1) of the CWA, 33 U.S.C. § 1345(d)(1), provides that the Administrator shall develop and publish regulations establishing requirements for the disposal of sewage sludge and the utilization of sludge for various purposes.

22. Pursuant to Section 405(d)(1) of the CWA, 33 U.S.C. § 1345(d)(1), EPA promulgated the regulations governing the Standards for the Use or Disposal of Sewage Sludge, which are set forth at 40 C.F.R. Parts 501 and 503. These regulations include record keeping and reporting

requirements, pollutant limits and site management practices applicable to owners or operators of treatment works treating domestic sewage, and standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works.

23. 40 C.F.R. § 503.13 sets forth that bulk sewage sludge or sewage sludge sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the sewage sludge exceeds the ceiling concentration for any pollutant as it is set forth in Table 1 of the same Part. Table 1 of 40 C.F.R. § 503.13, sets forth a ceiling concentration for Nickel of 420 milligrams per kilograms (“mg/kg”) on a dry weight basis.

GENERAL FACTUAL ALLEGATIONS

24. Respondents’ Farmington, Missouri, facility, addressed at 2065 Progress Drive, Farmington, Missouri, 63640 (“Farmington facility,” or “facility”) was formerly owned by Siegel Robert, Inc. In approximately 2008, Siegel-Robert, Inc. was bought by Guardian Industries Corp (“Guardian”). Thereafter, SRG Global, Inc., was formed as a wholly owned subsidiary of Guardian. SRG Global Farmington, Inc. is a fictitious registration for Siegel-Robert, Inc.

25. Respondent SRG Global, Inc., is a corporation registered and in good standing to do business in the state of Missouri. Respondent SRG’s registered agent for service is CT Corporation, 120 South Central Avenue, Clayton, Missouri 63105.

26. Respondent Siegel-Robert, Inc., remains a corporation registered and in good standing to do business in the state of Missouri. Respondent Siegel-Robert’s registered agent for service is CT Corporation, 120 South Central Avenue, Clayton, Missouri 63105

27. From 2008 through the present Respondents have at all relevant times been either the “owner” and/or “operator” of the Farmington facility.

28. The facility manufactures chrome-plated and/or painted plastic parts for the automobile industry. Manufacturing processes include plastic injection molding, electroplating (of plastic resins), painting, vapor deposition, and assembly.

29. The city of Farmington (“the City”), Missouri, is a “person” as defined by Section 502 of the Act, 33 U.S.C. § 1362(5), that owns and operates a POTW for the treatment of both domestic and industrial wastewater. The City’s POTW consists of a wastewater collection system and two Wastewater Treatment Plants (“WWTP”). Only Farmington’s wastewater collection system and the West WWTP, to which the SRG facility discharges, are relevant for this proceeding.

30. The City's POTW generates "sewage sludge" that is used for "land application" on "agricultural land," as those terms are defined by 40 C.F.R. §§ 503.9(w), 503.11(h) and 503.11(a), respectively.

31. The City's POTW is a "point source" that "discharges pollutants" into an unnamed tributary to the St. Francois River, as these terms are defined by Section 502(14) and (12) of the CWA, respectively, 33 U.S.C. § 1362(14) and (12).

32. On May 5, 2006, MDNR granted NPDES permit No. M0-0040312, (hereafter "West WWTP NPDES permit"), to the city of Farmington for discharges from the Farmington West WWTP to an unnamed tributary to the St. Francois River, subject to compliance with conditions and limitations set forth in the NPDES permit. The NPDES permit was revised June 16, 2006, and had an expiration date of May 4, 2011; and was revised and reissued on May 20, 2011, with and expiration date of May 19, 2016.

33. Part III.A of the Standard Conditions for the 2006 West WWTP NPDES permit incorporates by reference all applicable federal sludge disposal regulations under 40 C.F.R. Part 503, including the ceiling concentration for Nickel of 420 milligrams per kilograms ("mg/kg") on a dry weight basis.

34. The unnamed tributary, St. Francois River and the Kennedy Branch of Wolf Creek are each considered a "navigable water" of the United States, as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

35. Beginning in 2006, the city of Farmington began violating the 40 C.F.R. Part 503 criteria for nickel for the land application of sludge, as incorporated into the City's NDPEs permit for the West WWTP. Respondents' Farmington facility is the only known source of nickel (and chromium) in wastewater being treated by the West WWTP.

36. In 2008, in order to determine the source and impact of Respondents' discharges of wastewater to the City's West WWTF, the City began monitoring wastewater from Respondents' facility at a manhole located directly east of Respondents' facility. The results of the monitoring performed by the City documented high levels of chromium and nickel in wastewater originating from the Respondents' facility. The City continued this monitoring of Respondents' wastewater discharges from 2008 through 2013.

37. Between January 26-30, 2009, EPA conducted an inspection of the city of Farmington, Missouri's POTW in order to determine the City's compliance with the requirements of the CWA, 33 U.S.C. § 1281, *et seq.* At the close of the inspection, EPA provided the City a Notice of Potential Violation ("NOPV") for violations of 40 C.F.R. Part 503 criteria for application of

sewage sludge for nickel and for violations of the City's NPDES permits' limits for ammonia, in violation of Section 402 of the CWA, 33 U.S.C. § 1342.

38. On January 30, 2009, EPA conducted an Industrial User Compliance Inspection at Respondents' Farmington facility.

39. In March or April 2009, the City contacted representatives of the facility and informed Respondent(s) of the elevated levels of nickel and chromium documented by the City's samples of wastewater originating from Respondents' facility.

40. On or about February 1, 2010, EPA issued the city of Farmington an Administrative Order for Compliance ("2010 Order"), pursuant to the authority of Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), that alleged the City had violated the sludge requirements of Part 503 every year between 2006 and 2009, and had violated the ammonia limits in its NPDES permits for the years between 2007 and 2009. The 2010 Order required the City to take actions to resolve the cited violations.

41. EPA has conducted an investigation of Respondents' operations, which has included inspections of the facility, review of operating records, and interviews of past and present employees.

42. On or about May 11, 2011, EPA and the city of Farmington entered into an administrative settlement via a Complaint, Consent Agreement and Final Order ("2011 CAFO"), issued pursuant to the authority of Section 309(g) of the CWA, 33 U.S.C. 1319(g). The 2011 CAFO required the City to pay a penalty of \$61,566 to resolve the violations of the sludge requirements of 40 C.F.R. Part 503 between 2006 and 2009, and the ammonia limits in its NPDES permits for the years between 2007 and 2009.

SPECIFIC ALLEGATIONS

43. SRG, Global Inc. (hereafter "Respondent" or "SRG") is a person within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

44. Siegel-Robert, Inc. (hereafter "Respondent" or "Siegel-Robert") is a person within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

45. Respondents discharge greater than 100 gallons per day of process wastewater from the Farmington facility into the City's POTW, and therefore are an "industrial user," as defined by 40 C.F.R. § 403.3(j).

46. Respondents' wastewater is a "pollutant," and contains "pollutants," as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

47. As an electroplating manufacturing facility, Respondents' Farmington facility is subject to the Metal Finishing Point Source Category Pretreatment Standards, at 40 C.F.R. Part 433, and is therefore considered a "Categorical" Industrial User and a "Significant Industrial User."

48. In accordance with the requirements of 40 C.F.R. § 403.12, during the years of 2009 and 2010, Respondent SRG filed quarterly reports with MDNR documenting its compliance 40 C.F.R. Part 403 and the Metal Finishing Standard of 40 C.F.R. Part 433.

49. The reports filed by Respondent SRG to MDNR in 2009 and 2010 failed to identify any non-compliance with the standards of 40 C.F.R. Part 403 and/or the Metal Finishing Standard of 40 C.F.R. Part 433 (for chromium and nickel) and/or with the requirements of 40 C.F.R. § 403.12.

50. During the period of 2009 and 2010, Respondents filtered the wastewater samples that were used to measure the concentrations of pollutants contained in its discharges of wastewater to the POTW.

51. Respondents' filtering of samples before performing the measurement of pollutants prevented Respondents from obtaining an accurate and representative measurement of pollutants (total metals) contained in the wastewater discharged to the POTW.

52. During the period of 2009 and 2010, Respondents performed the analysis for metals contained in its wastewater without first properly preparing the samples in order to dissolve the metals in accordance with 40 C.F.R. Part 136 methods.

53. Respondents' failure to digest samples of wastewater before performing the measurement of metals prevented Respondents from obtaining an accurate and representative measurement of total metals contained in the wastewater that it discharged to the POTW.

54. During the period of 2009 and 2010, Respondents failed to certify and/or sign the reports submitted to MDNR as required by 40 C.F.R. § 403.12(l).

55. During the period of 2009 and 2010, peak discharges of wastewater to the Farmington facility's pretreatment facility typically occurred during weekends (Friday to Sunday), when plating bath tanks and/or rinse tanks were emptied, and their contents were discharged to the facility's wastewater pretreatment system.

56. During such periods of peak loadings of wastewater (eg. on weekends when plating bath tanks and/or rinse tanks were being emptied), the facility's wastewater pretreatment system lacked the capacity to properly treat wastewater before discharge to the POTW.

57. During the period of 2009 and 2010, discharges of partially treated wastewater to the City's POTW occurred when the treatment capacity of the Respondents' Farmington facility's wastewater pretreatment system was exceeded.

58. During the period of 2009 (specifically after April 2009), Respondents failed to inform the City of discharges from the facility which Respondents had reason to believe would cause problems for the POTW.

59. During the period of 2009 and 2010, Respondents typically performed the sampling and measurements of pollutants contained in its discharges of wastewater to the POTW on days when plating bath tanks and/or rinse tanks were not being emptied.

60. During the period of 2009 and 2010, Respondents performed the sampling and measurements of pollutants contained in its discharges of wastewater to the POTW in a manner that was not representative of its daily operations.

61. During the period of 2009 and 2010, Respondents' improper measurement of the pollutants contained in its discharges resulted in Respondents under reporting, to both MDNR and the City, the concentrations of pollutants (nickel and chromium) in its discharges of wastewater to the POTW.

62. During the period of 2009 through 2013, the results of sampling performed by the City of wastewater originating from Respondents' Farmington facility document concentrations of nickel and chromium in excess of the limitations on industrial users subject to the Metal Finishing Standard set forth in 40 C.F.R. Part 433.

63. The city of Farmington has submitted to EPA and/or MDNR annual reports prepared pursuant to 40 C.F.R. Part 503 documenting the City's application of sewage sludge for the calendar years 2009 and 2010.

64. The annual sludge reports submitted by the City document that in 2009 and 2010, the City land applied sewage sludge that contained levels of nickel in excess of the levels allowed by 40 C.F.R. Part 503 (420 mg/kg), which is a violation of the City's West WWTP NPDES permit.

65. During the period of 2009 through 2010, Respondents' discharges of wastewater to the POTW caused and/or contributed to the presence of levels of nickel in the sludge that was land applied by the City, in violation of levels allowed by 40 C.F.R. Part 503 (420 mg/kg) and the city's 2006 NPDES permit for the West WWTF.

FINDINGS OF VIOLATION

Claim I:

Violation of the sampling/monitoring requirements of 40 C.F.R. § 403.12 and/or 40 C.F.R. Part 136

66. The facts stated in Paragraphs 1 through 65, above, are hereby incorporated by reference.

67. During the period of 2009 and 2010, Respondents failed to perform required monitoring that was representative of the daily operations and/or quality of pollutants contained in its discharges of industrial wastewater, in violation of 40 C.F.R. § 403.12(b)(5)(ii), and Section 307 of the CWA, 33 U.S.C. § 1317.

68. During the period of 2009 and 2010, Respondents failed to perform required monitoring in conformance with the requirements of 40 C.F.R. Part 136, in violation of 40 C.F.R. § 403.3(b)(5), and Section 307 of the CWA, 33 U.S.C. § 1317.

Claim II:

Violation of the requirement to properly sign and certify compliance monitoring reports submitted to MDNR

69. The facts stated in Paragraphs 1 through 68, above, are hereby incorporated by reference.

70. During the period of 2009 and 2010, Respondents failed to properly sign and/or certify the reports submitted to MDNR pursuant to 40 C.F.R. § 403.12(e), in violation of 40 C.F.R. § 403.12(l), and Section 307 of the CWA, 33 U.S.C. § 1317.

Claim III:

Violation of the requirement to properly notify the POTW of discharges that cause problems at the POTW

71. The facts stated in Paragraphs 1 through 70, above, are hereby incorporated by reference.

72. During the period from at least April of 2009 through at least through July 2010, Respondents failed to properly notify the POTW of discharges it had reason to believe would cause problems with the operations of the POTW, in violation of 40 C.F.R. § 403.12(f), and Section 307 of the CWA, 33 U.S.C. § 1317.

Claim IV:

Violation of the effluent limitations in the Metal Finishing Categorical Standard of 40 C.F.R. Part 433

73. The facts stated in Paragraphs 1 through 72, above, are hereby incorporated by reference.

74. During the period of 2009 through 2013, Respondents' discharges of wastewater violated the limitations of the Metal Finishing Categorical Standard for both chromium and nickel, in violation of 40 C.F.R. § 433.17, and Section 307 of the CWA, 33 U.S.C. § 1317.

Claim V:

Violation of the prohibition against Interference set forth at 40 C.F.R. § 403.5(a) and 403.5(b)

75. The facts stated in Paragraphs 1 through 74, above, are hereby incorporated by reference.

76. During the period of 2009 through 2010, Respondents' discharges of wastewater to the city of Farmington's POTW caused and/or contributed to the City's violations of the terms of the City's 2006 NPDES permit for the West WWTF and the sludge requirements of 40 C.F.R. Part 503, and thus caused "interference" with the operations of the Farmington POTW, in violation of 40 C.F.R. § 403.5(a), and Section 307 of the CWA, 33 U.S.C. § 1317.

REQUEST FOR RELIEF

77. Respondents are subject to civil penalties under Section 309(g) of CWA, 33 U.S.C. § 1319(g) for violations of Section 307 of CWA, 15 U.S.C. § 1317. Pursuant to Section 309(g) of CWA, 33 U.S.C. § 1317, and based upon the facts set forth above, it is proposed that a civil administrative penalty of \$177,500 be assessed against Respondents.

78. Section 309(g)(2)(B) of CWA, 33 U.S.C. § 1319(g), authorizes the EPA Administrator to assess a "Class II" civil penalty of up to \$10,000 for each violation of the CWA (including Section 307) up to a maximum of \$125,000. Each day that such a violation continues constitutes a separate violation of Section of the CWA. The Debt Collection Improvement Act of 1996, 31

U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased the statutory per day maximum for penalties to \$16,000, for violations that occurred from January 12, 2009, through December 6, 2013, and increased the limit for administrative “Class II” penalty actions during that same time period to \$177,500.

79. The proposed penalty is based upon the facts alleged in this Complaint and upon the factors set forth in Section 309(g)(3) of CWA, 33 U.S.C. § 1319(g)(3), including taking into account “the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.”

80. To assess a penalty for the alleged violations in this Complaint, Complainant has taken into account the particular facts and circumstances of this case. Complainant proposes that Respondents be assessed a civil penalty in the amount of One Hundred Seventy Seven Thousand Five Hundred Dollars (\$177,500) for the CWA violations alleged in this Complaint. In satisfaction of 40 C.F.R. § 22.14(a)(4)(i), the specific facts considered by Complainant in proposing the penalty include, but are not limited to: Respondents’ failure to properly sample, measure and/or report their discharges; the fact that Respondents violated the Metal Finishing Categorical Standards in 40 C.F.R. Part 433; the fact that Respondents’ discharges caused and/or contributed to the City’s violations of the sludge standards set forth in 40 C.F.R. Part 503, and Respondents’ discharges thus caused and/or contributed to “interference” with the operations of the City’s POTW and violations of the City’s 2006 NPDES permit. In this case, Complaint has proposed a penalty that is the maximum allowed for a Class II administrative penalty action by Section 309(g)(2)(B).

81. The proposed penalty is based on the best information available to Complainant at the time the Complaint is issued. The penalty may be adjusted if the Respondents establish bona fide issues of ability to pay or other defenses relevant to the appropriate amount of the proposed penalty.

Payment of Proposed Penalty in Full

82. A Respondent may resolve this proceeding at any time by paying the full penalty proposed in the Complaint and filing a copy of the check or other instrument of payment with the Regional Hearing Clerk. Payment of the total penalty, \$177,500, may be made by certified or cashier's check or by wire transfer. If made by certified or cashier's check, it must be made payable to the “Treasurer, United States of America,” and remitted to:

In the matter of
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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

If made by wire transfer, it should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

A copy of the check must simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219;

and

Howard Bunch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Checks should reference the name and docket number of this Complaint.

Payment of Proposed Penalty in Lieu of an Answer

83. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer to the Complaint may do so within thirty (30) days of receipt of the Complaint, in accordance with the procedures set forth above. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer but who needs additional time to pay the penalty, may file a written statement with the Regional Hearing Clerk within thirty (30) days of receipt of the Complaint, in accordance with Rule 22.18(a)(1) of the Consolidated Rules. The written statement shall state that Respondent agrees to pay the proposed penalty in full within sixty (60) days of receipt of the Complaint. The written statement need not contain any response to, or admission of, the allegations in the Complaint. A Respondent must then pay the full amount of the proposed penalty within sixty (60) days of receipt of the Complaint. Failure to pay the full penalty within sixty (60) days of receipt of the Complaint may subject a Respondent to default, as set forth below.

NOTICE OF OPPORTUNITY FOR HEARING

Answer and Request for Hearing

84. A Respondent must file a written Answer within thirty (30) days of receipt of this Complaint if Respondent: a) contests any material fact upon which this Complaint is based; b) contends that the penalty proposed in this Complaint is inappropriate; or c) contends that it is entitled to judgment as a matter of law. The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which a Respondent has any knowledge. Where a Respondent has no knowledge of a particular factual allegation, the Answer shall so state. Failure to admit, deny or explain any of the factual allegations in the Complaint constitutes an admission of the allegation. The Answer shall also state: a) the circumstances or arguments which are alleged to constitute the grounds of any defense; b) the facts that a Respondent disputes; c) the basis for opposing the proposed penalty; and d) whether a hearing is requested.

85. Respondent's written Answer to the Complaint, and any motions or other filings prior to the filing of the Answer, should be filed with the Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

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86. After the filing of Respondent's Answer to the Complaint, the Hearing Clerk at EPA Headquarters will serve as the Regional Hearing Clerk, and all further filings in this matter must be filed with the Hearing Clerk at the following addresses, as appropriate:

If using the US Postal Service:

Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mailcode 1900R
1200 Pennsylvania Avenue NW
Washington, DC 20460.

If using UPS/FedEx/DHL:

Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue NW
Washington, DC 20460.

87. Additionally, a Respondent may file and serve documents by email pursuant to the terms of the November 21, 2013, Standing Order, issued by EPA's Office of Administrative Law Judges, which may be found at the following internet address:

http://www.epa.gov/oalj/orders/2013/Standing_Order_2013-11-21_E-Mail_Filing_&_Service_Signed.pdf

Default

88. If, within thirty (30) days of receipt of a Complaint, a Respondent fails to: a) submit full payment of the proposed penalty; b) submit a written statement to the Regional Hearing Clerk that Respondent agrees to pay the penalty within sixty (60) days of receipt of the Complaint; or c) file a written Answer to the Complaint; a Respondent may be found in default. Default by a Respondent constitutes, for the purposes of this proceeding, an admission of all facts alleged in the Complaint and a waiver of a Respondents' right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalty proposed in the Complaint shall be assessed unless the Presiding Officer finds that the proposed penalty is clearly inconsistent with the record of the proceeding or CWA.

Informal Settlement Conference

89. The EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of CWA and the regulations upon which this action is based. Regardless of whether a Respondent requests a hearing, a Respondent may request an informal settlement conference to discuss the facts of this case, the proposed penalty, and the possibility of settlement. To request an informal settlement conference, please contact:

Howard Bunch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Telephone (913) 551-7879.

90. Any settlement which may be reached as a result of such a conference shall be recorded in a written consent agreement signed by all parties or their representatives and shall conform with the provisions of Section 22.18(b)(2) of the Consolidated Rules. No settlement or consent agreement shall dispose of this proceeding without a final order from the Regional Judicial Officer or the Regional Administrator.

91. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer must be filed.

Date: Jan. 24, 2014


Karen Flournoy
Director
Water, Wetlands and Pesticides Division

Date: 1/24/2014

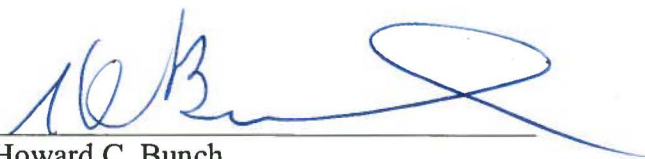

Howard Bunch
Attorney
Office of Regional Counsel

In the matter of
SRG Global, Inc. /Siegel-Robert, Inc.
(d/b/a) SRG Global Farmington
Administrative Complaint and
Notice of Opportunity for Hearing
Docket No. CWA-07-2014-0047
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CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint, and Notice of Opportunity for Hearing were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, on this date. A true and correct copy of the foregoing Complaint, and Notice of Opportunity for Hearing together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits were sent by certified mail to Respondents, return receipt requested, on this date:

1/24/14
Date


Howard C. Bunch
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219