



Region 7

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Shine Bros. Corp. Spencer, IA

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 Shine Bros. Corp., for alleged violations at its facility located at 528 East Park Street, Spencer, Iowa 51301.

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 violated the requirements of its Industrial Stormwater NPDES permit (IA-3688-3521), resulting in discharges of pollutants in stormwater into the waters of the United States, in violation of Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342(p). The EPA alleges that Respondent failed to update and implement its stormwater pollution prevention plan ("SWPPP"), as required by its permit. Specific violations alleged include, but are not limited to, failure to train employees regarding the SWPPP, conduct routine inspections, install and maintain structural stormwater controls and implement best management practices. The EPA further alleges that failure to implement its industrial stormwater program resulting in discharge of pollutants in stormwater away from the facility and eventually into the Little Sioux River. 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 \$120,000. In settlement of this matter, Respondent has also substantially completed actions to remove pollutants from a property adjacent to its facility that the EPA alleges were discharged in the facility's stormwater discharges. 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 EPA's Consolidated Rules, review the proposed [Consent Agreement/Final Order \(PDF\)](#) (23 pp., 3.59MB, [About PDF](#)), 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, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2014-0051. 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.

9/30/14
Date

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