



**EPA in Kansas**

**City of Leavenworth, KS - 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, 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 the City of Leavenworth, Kansas, a municipality located at 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas for alleged violations of its National Pollutant Discharge Elimination System (“NPDES”) permits (permit Nos. KS-0036366 and KS-R044011) for discharges from the City’s Publicly Owned Treatment Works (“POTW”) into the Missouri River. The POTW is located at 1800 South 2<sup>nd</sup> Street, Leavenworth, Kansas.

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 the City of Leavenworth violated the requirements of its NPDES permit, in violation of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342. 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 \$85,000. Respondent will pay \$46,200 in cash, and the remainder of the civil penalty will be mitigated through performance by Respondent of a Supplemental Environmental Project. The Supplemental Environmental Project requires Respondent to spend \$38,800 to make improvements to water quality in its stormwater system. The project will include curb inlet modifications, upgrades to the stream channel, and bioswales. The Respondent anticipates the project will significantly improve water quality and reduce pollutants that enter the stormwater system in the areas of the improvements. 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 Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2016-0002. 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.

12/21/15 Date	/s/ Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7
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**How to Comment**

**Comments due date**

01/22/2016

**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 Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2016-0002.

**Summary**

The Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against the City of Leavenworth, Kansas, a municipality located at 100 N. 5th Street, Leavenworth, Kansas for alleged violations of its National Pollutant Discharge Elimination System ("NPDES") permits (permit Nos. KS-0036366 and KS-R044011) for discharges from the City's Publicly Owned Treatment Works ("POTW") into the Missouri River. The POTW is located at 1800 South 2nd Street, Leavenworth, Kansas.

**Program/Statute:** Clean Water Act (CWA)

**Applicant/Respondent(s):**

City of Leavenworth, Kansas  
Leavenworth  
Kansas

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

**Docket ID:** CWA-07-2016-0002

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- City of Leavenworth, Kansas proposed Consent Agreement Final Order (PDF) (21 pp, 2 MB)

Last updated on December 28, 2015