



**EPA in Iowa**

**City of West Union, Iowa - 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 West Union, Iowa, a municipality, for alleged violations of its National Pollutant Discharge Elimination System (“NPDES”) permit (permit No. IA-0035378) for discharges from the City’s Publicly Owned Treatment Works (“POTW”) into Otter Creek. The POTW is located at 9875 Echo Valley Road, West Union, 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 EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that the City of West Union 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 \$9,200. Respondent will pay \$5,520 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 \$3,680 to replace the current City Hall parking lot surface with permeable pavers installed at the parking stalls. The permeable pavers infiltrate water and direct it to the northeast corner of the parking lot. In the northeast corner, additional depth of storage aggregate would be included to provide additional storage of storm water. A drain tile will be located within the storage area to direct flow to the drainage ditch which flows to nearby Otter Creek. The proposed project also includes construction of a rain garden on the northeast corner of City Hall that will collect and treat roof drainage. The rain garden will contain an underdrain that would flow into the storage aggregate of the permeable pavers. The Respondent anticipates the project will significantly improve water quality and reduce pollutants that enter Otter Creek 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 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-07-2016-0078. 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.

8-16-16	/s/
Date	Karen A. Flournoy
	Director
	Water, Wetlands, and Pesticides Division
	U.S. EPA, Region 7

## How to Comment

**Comments due date**

09/16/2016

**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-07-2016-0078.

**Summary**

The EPA is providing notice of a proposed Administrative Penalty Assessment against the City of West Union, IA, a municipality, for alleged violations of its National Pollutant Discharge Elimination System permit (permit No. IA-0035378) for discharges from the City's Publicly Owned Treatment Works into Otter Creek. The POTW is located at 9875 Echo Valley Road, West Union, IA.

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

**Applicant/Respondent(s):**

City of West Union, Iowa  
West Union, Iowa

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

**Docket ID:** CWA-07-2016-0078

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- City of West Union, Iowa proposed Consent Agreement Final Order (PDF) (15 pp, 1 MB)

Last updated on August 17, 2016