



**EPA in Nebraska**

**Sioux City Foundry Company, South Sioux City, Nebraska - 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 Sioux City Foundry Company, an industry located at 2400 G Street, South Sioux City, Nebraska, for alleged violations of the Clean Water Act, 33 U.S.C. § 1319(g) for discharges from the facility into the Missouri River.

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 Sioux City Foundry Company violated Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a) for unauthorized discharges of pollutants into the Missouri 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 \$61,000. Respondent will pay \$20,000 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 \$41,000 to replace the standard facility light fixtures with energy-efficient, light-emitting diodes (LED) at its facility, located at 2400 G Street, South Sioux City, Nebraska. The Respondent anticipates the project will secure significant environmental protection and 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-07-2016-0083. 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 Date	/s/ Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7
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**How to Comment**

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**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-07-2016-0083.

**Summary**

The EPA is providing notice of a proposed Administrative Penalty Assessment against the Sioux City Foundry Company, an industry located at 2400 G Street, South Sioux City, NE, for alleged violations of the Clean Water Act, 33 U.S.C. § 1319(g) for discharges from the facility into the Missouri River.

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

**Applicant/Respondent(s):**

Sioux City Foundry Company  
South Sioux City, Nebraska

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

**Docket ID:** CWA-07-2016-0083

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- Sioux City Foundry Company proposed Consent Agreement Final Order (PDF) (12 pp, 1 MB)

Last updated on August 17, 2016