



http://www.epa.gov/region07/laws_regulations/CWA/2011/idot_jb_holland_peterson_scheckel_ia.htm

Last updated on Friday, January 28, 2011

Region 7

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Iowa Department of Transportation, Ames, IA; JB Holland Construction, Inc., Decorah, IA; Peterson Contractors, Inc., Reinbeck, IA; Scheckel Construction, Inc., Bellevue, 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 the Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, JB Holland Construction, Inc., 2092 Highway 9 West, Decorah, Iowa 52101, Peterson Contractors, Inc., 104 Blackhawk Street, Reinbeck, Iowa 50669, and Scheckel Construction, Inc., 21334 Highway 62, Bellevue, Iowa 52031 ("Respondents"), for alleged violations at the U.S. Highway 30 Road Construction Project around and through the cities of Tama and Toledo, 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 Respondents violated of the requirements of their National Pollution Discharge Elimination (NPDES) permit, and as such, violated Sections 301(a) and 402(p) of the CWA, 33 U.S.C. § 1311(a) and § 1342(p). Respondents have 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, Respondents will pay a civil penalty of \$60,000. 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. 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 receive a copy of EPA's Consolidated Rules, review the Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City,

Kansas 66101. Please reference Docket No. CWA-07-2011-0004. 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.

1-27-2011
Date

/s/
Karen A. Flourney
Acting Division Director
Water, Wetlands, and Pesticides Division
U.S. EPA, Region VII