



Region 7

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Besser Company USA

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 Besser Company USA, a business located at 801 Johnson Street, Alpena, Michigan 49707, for alleged violations at the company's Quinn Machine & Foundry facility located near Boone, 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 Respondent violated requirements of its National Pollutant Discharge Elimination System Permit (authorization number 0626-0440 for General Permit No. 1, which governs discharges associated with industrial activity), in violation of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. The EPA alleges that Besser Company's Storm Water Pollution Prevention Plan lacked many elements; the facility failed to implement adequate control measures; the facility failed to conduct SWPPP training; there were numerous inadequacies with the sampling protocols; the facility failed to conduct self-inspections required by its SWPPP; and there were unauthorized non-stormwater discharges. 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 \$38,609. 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 \(PDF\)](#) (15 pp., 2.09MB, [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-07-2015-0049. 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.

7-14-15
Date

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