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Region 7

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Grain Processing Corporation, Muscatine, 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 Grain Processing Corporation, a business located at 1600 Oregon Street, Muscatine, Iowa, 52761, for alleged violations at the plant located in Muscatine, 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 Section 301 of the Clean Water Act, 33 U.S.C. § 1342 by failing to comply with the terms and conditions of its National Pollutant Discharge Elimination System permit, which was issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342. The EPA alleges that Respondent failed to take measurements that were representative of the volume and nature of its wastewater; failed to perform the required settleability test; failed to operate as efficiently as possible and maintain all facilities and control systems in good working order; and violated effluent limitations for BOD5, TSS, temperature, and pH. 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 \$129,000. 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 [proposed Consent Agreement/Final Order \(PDF\)](#) (12 pp, 65K, [About PDF](#)), 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, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2012-0037. 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.

2-25-13
Date

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