



EPA in Missouri

Central Missouri AGRIService, LLC - 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 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 Central Missouri AGRIService, LLC, a business located at 211 North Lyon Avenue in Marshall, Missouri, for alleged CWA violations at a construction site located at 1324 Santa Fe Trail in Marshall, Missouri.

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 the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent violated the requirements of its NPDES permit (Permit # MORA05939) and discharged fill material into the waters of the United States in violation of Sections 402 and 404 of the Clean Water Act, 33 U.S.C. §§ 1342 and 1344. The EPA alleges that Respondent failed to timely develop a SWPPP; failed to fully implement the SWPPP; failed to properly implement pollution control measures; failed to properly conduct and document site inspections; failure to amend and update the SWPPP; and failed to notify on-site workers of the SWPPP. Additionally, the EPA alleges that Respondent discharged pollutants from a point source into waters of the United States without a permit issued pursuant to Section 404 of the CWA, 33 U.S.C. § 1344. Respondent has reached agreement with the EPA on the terms of a proposed Complaint and Consent Agreement/Final Order (“CA/FO”) which would resolve this matter. Under the proposed CA/FO, Respondent will pay a civil penalty of \$166,914. Final approval of the proposed CA/FO 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 the EPA’s Consolidated Rules, review the proposed CA/FO, 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, Kansas 66219. Please reference Docket No. CWA-07-2016-0018. In order to provide opportunity for public comment, the 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/ Jeffery Robichaud for Karen A. Flournoy Director Water, Wetlands and Pesticides Division U.S. EPA, Region 7
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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-07-2016-0018.

Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Central Missouri AGRIService, LLC, a business located at 211 North Lyon Avenue in Marshall, MO, for alleged CWA violations at a construction site located at 1324 Santa Fe Trail in Marshall, MO.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Central Missouri AGRIService, LLC
Marshall, Missouri

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

Docket ID: CWA-07-2016-0018

You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.

- Central Missouri AGRIService, LLC proposed Consent Agreement Final Order (PDF) (16 pp, 2 MB)

Last updated on August 17, 2016