



http://www.epa.gov/region07/laws_regulations/CWA/2010/east_penn_llc_corydon_ia.htm

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Region 7

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East Penn LLC, Corydon, IA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g), and 40 C.F.R. Part 22 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 U.S. Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against East Penn LLC ("Respondent") for violations of the federal Clean Water Act ("CWA").

Respondent owns and operates a battery manufacturing facility in Corydon, Iowa, which utilizes lead and lead oxide powder (paste) as the raw materials within the battery cells. East Penn purchased the Corydon facility in November 2006. Process wastewaters are produced by the Respondent's battery washing operation, laundry operation and from clean up of the paste application and acid filling areas and are discharged to the Publicly Owned Treatment Works (POTW) of the City of Corydon. As a lead acid battery manufacturing facility, Respondent's Corydon facility is subject to the Battery Manufacturing Point Source Category Pretreatment Standards, at 40 C.F.R. Part 461, and is therefore considered a "Categorical" Industrial User and a "Significant Industrial User" of the POTW for treatment of its wastewater.

On July 20-23, 2009, the U.S. Environmental Protection Agency ("EPA") conducted an inspection of the City of Corydon, Iowa ("City" or "Corydon") Publicly Owned Treatment Works ("POTW") in order to determine the City's compliance with the requirements of the Clean Water Act ("CWA"), 33 U.S.C. § 1281, *et seq.* During the inspection of the City's POTW, EPA first discovered that the East Penn Corydon facility was discharging industrial process wastewater to the POTW. As of the date of EPA's inspection, the East Penn facility had never applied for a pretreatment permit from its pretreatment Control Authority, the Iowa Department of Natural Resources ("IDNR"). Additionally, during the period of Respondent East Penn's ownership, between November 2006 and EPA's inspection in July 2009, Respondent failed to perform required monitoring sufficient to determine compliance with 40 C.F.R. Part 461, and/or submit semi-annual reports to the Control Authority, as required by 40 C.F.R. § 403.12(e). Following EPA's inspection, Respondent submitted an application to IDNR and commenced monitoring and reporting to IDNR. The proposed settlement resolves East Penn's violations of the requirements of 40 C.F.R. § 403.12(e) between November 2006 and November 2009.

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. EPA provides notice of the proposed assessment of a Class II penalty of \$53,547 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. This action is being simultaneously commenced and concluded in a Consent Agreement and

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 CAFO, 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, 913-551-7567. Please reference Docket No. CWA-07-2010-0090. 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.

6-7-10
Date

/s/
William A. Spratlin, Director,
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency
Region 7