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Heath Van Essen - 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 Mr. Heath Van Essen, Respondent, an individual who owns or operates an animal feeding operation (“Facility”) that is located in Section 27 of Township 98 North, Range 47 West, in Lyon County, Iowa, and has a street address of 2020 260th Street, Inwood, Iowa, for alleged violations of the CWA at the Facility.

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 I civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(A). Class I proceedings are conducted under the EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent discharged pollutants into the waters of the United States, in violation of Section 301 of the CWA, 33 U.S.C. § 1311. On or around June 18 and 19, 2014, EPA personnel conducted a compliance evaluation inspection of the Facility. At the time of EPA’s inspection, EPA observed that facility production areas lacked runoff controls necessary to contain precipitation-related runoff, and that Respondent’s Facility was discharging manure, litter and/or process wastewater into Dry Run Creek and its tributaries, waters of the United States. Respondent did not have a National Pollutant Discharge Elimination System permit authorizing the observed pollutant discharges. Respondent has reached agreement with the 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 \$15,000. 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. 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 I order or participate in a Class I 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 Consent Agreement/Final Order,

comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd, Lenexa, KS 66219. Please reference Docket No. CWA-07-2015-0047. For technical questions contact Don Hamera, Compliance Officer, Water Enforcement Branch, at hamera.don@epa.gov, at the above mailing address or 913-551-7818. Persons with legal questions may contact Howard Bunch, Office of Regional Counsel, at bunch.howard@epa.gov, at the above mailing address or 913-551-7879. 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.

<p>8/24/17 Date</p>	<p>/s/ Jeffery Robichaud Acting Director Water, Wetlands, and Pesticides Division U.S. EPA, Region 7</p>
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How to Comment

Comments due date

09/27/2017

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 Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2015-0047.

Summary

The EPA is providing notice of a proposed Administrative Penalty Assessment against Heath Van Essen, Respondent, an individual who owns or operates an animal feeding operation ("Facility") that is located in Section 27 of Township 98 North, Range 47 West, in Lyon County, IA, and has a street address of 2020 260th St., Inwood, IA, for alleged violations of the CWA at the Facility.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Heath Van Essen
2020 260th St.
Lyon County
Inwood, Iowa

Proposed action: Enforcement

Docket ID: CWA-07-2015-0047

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- [Heath Van Essen proposed Consent Agreement Final Order \(PDF\)](#) (10 pp, 1 MB)

LAST UPDATED ON AUGUST 28, 2017