

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: February 14, 2019

Public Notice Number: PN2019-0001

Comment Period: February 15, 2019 – March 18, 2019

Action: Notice of Proposed Assessment of Class II Civil Penalty under Section 309(g)(2)(A) of the Clean Water Act and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), the United States Environmental Protection Agency (“EPA”) is authorized to assess a civil penalty, after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class I proceedings under Section 309(g)(2)(A), and pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and 40 C.F.R. Part 19, any person who violates certain provisions of the CWA may be administratively assessed a civil penalty of up to \$21,933 per day per violation for each day during which the violation continued, up to a maximum of \$54,833, for violations occurring after November 2, 2015, where penalties are sought after January 15, 2019. Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” found at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is 30 days after issuance of the public notice.

Pursuant to Sections 309(g) of the CWA, EPA is providing public notice of the following proposed administrative penalty assessment:

Name of Case: In the Matter of Old Dutch Mustard Co., Inc., d/b/a Pilgrim Foods

Name and Mailing Address of Respondent:

Old Dutch Mustard Co., Inc. d/b/a Pilgrim Foods
68 Old Wilton Road
Greenville, New Hampshire 03048

Name and Address of Facilities or Sites Addressed by Agreement:

Old Dutch Mustard Co., Inc. d/b/a Pilgrim Foods
68 Old Wilton Road
Greenville, New Hampshire 03048

Description of Business or Activity Conducted by Respondent:

Pilgrim Foods is a food production company.

Description of Violation(s) Alleged in Agreement:

EPA alleges that on December 24, 2018, and on January 13 and 14, 2019, Pilgrim Foods discharged low-pH materials from outfall 001 at the facility, to a surface waters, without authorization of an NPDES permit, in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Proposed Settlement Penalty: EPA proposes a cash penalty of \$4,766

Docket Number: CWA-01-2019-0012

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORC 04-6
Boston, Massachusetts 02109-3912
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the proposed agreement or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 5 Post Office Square, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA, Section 309(g) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).