

PUBLIC NOTICE

Cargill, Inc.
916 South Riverside Avenue
St. Clair, Michigan 48079



RHC Docket No. | **SDWA-05-2016-0002**

The U.S. Environmental Protection Agency, Region 5, is providing this notice of its proposal to file a Consent Agreement and Final Order (CAFO) against Cargill, Incorporated (Respondent) for violations under Section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c) of a Federal Underground Injection Control permit (the Permit) at its salt extraction facility in St. Clair County, Michigan. Cargill, Incorporated operates a group of salt solution mining wells under the Permit at its St. Clair County facility. The case involves 11 wells. The Respondent is currently in compliance with the Permit and has agreed to pay a \$70,000 penalty. EPA prepared the CAFO under Section 1423(c) of SDWA.

The Respondent incurred penalties for violating the Permit and corresponding UIC regulations at 40 C.F.R. Part 144 for late testing, late reporting, and for failing to notify EPA of its noncompliance with the Permit requirements after discovering the violations. The Permit requires that the underground injection control wells be tested every five years to ensure that their mechanical integrity was maintained; the test results then must be submitted to EPA within 60 days. The mechanical integrity tests for the wells in violation were due between June 2013 and November 2014. However, the tests were run between one month and two years late.

A copy of the Proposed CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the "Proposed Consent Agreement and Final Order" link on the Region 5 events calendar for the docket number identified above. Alternatively, the complaint may be received by contacting the Regional Hearing Clerk at the address listed below.

OPPORTUNITY FOR COMMENT: Any person who wishes to comment on this proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (C) *comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

Comments should be made in writing to the Regional Hearing Clerk at:

Case Docket No. **SDWA-05-2016-0002**
Regional Hearing Clerk
Mail Code E-19J

U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk by email to whitehead.ladawn@epa.gov; or by mail or delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:00 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the EPA Regional Office. An appointment for such an inspection may be made by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this Proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise commenters who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. 22.45(c)(1).

Only persons who during the comment period submit written comments or ask to participate in any hearing held in this matter preserve a right to petition the Regional Administrator to set aside any consent agreement and proposed final order on the basis that material evidence was not considered, as described in 40 C.F.R. 22.45(c)(4).