

Perdue Farms, Inc.

Milford, Delaware

**NOTICE OF INTENT TO FILE A CONSENT AGREEMENT AND FINAL ORDER ASSESSING AN
ADMINISTRATIVE PENALTY
AND
OPPORTUNITY FOR PUBLIC COMMENT
U.S. ENVIRONMENTAL PROTECTION AGENCY— MID-ATLANTIC REGION
Water Protection Division, Office of NPDES Permits and Enforcement, NPDES Enforcement Branch (3WP42)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

Date of Notice: November 3, 2017

NPDES Permit No.: DNREC Industrial Stormwater General Permit (ISWGP) DEU000002

DOCKET NUMBER: CWA-R03-2017-0191

Comments will be accepted until December 13, 2017.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), notice is hereby given that the U.S. Environmental Protection Agency (EPA) Mid-Atlantic Region, is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty against the Respondent named below, for an unpermitted discharge and alleged violations of its National Pollutant Discharge Elimination System (NPDES) permit.

RESPONDENT:

Perdue Farms, Inc.
255 Rehoboth Boulevard
Milford, Delaware 19963

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges that Perdue had an unpermitted discharge of pollutants to Waters of the United States. EPA also alleges that Perdue failed to adhere to its permit by failing to implement good housekeeping practices.

PROPOSED CONSENT AGREEMENT AND FINAL ORDER: Based on the foregoing and having taken into account the penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA Region III proposes to file the CAFO requiring the payment of a \$10,500.00 penalty. The CAFO both commences and concludes these proceedings.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount of the penalty or legal or factual basis for the proposed CAFO are invited to submit a statement to the EPA Regional Administrator, addressed to the attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. Comments received within this forty (40) day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should be addressed to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Mid-Atlantic Region
1650 Arch Street
Philadelphia, PA 19103-2029

AVAILABILITY OF INFORMATION: Information relevant to the CAFO may be requested through the Regional Hearing Clerk.

REGISTRY OF INTERESTED PERSONS: Any person interested in a particular case or group of cases may leave his/her name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

FOR FURTHER INFORMATION: Interested parties may contact the following EPA representative to learn more about this action.

Brittany Smith
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-5776
smith.brittany@epa.gov