

ISE America, Inc.
NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER
ASSESSING ADMINISTRATIVE PENALTY
AND OPPORTUNITY FOR PUBLIC COMMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
Enforcement & Compliance Assurance Division (3ED32)
1650 Arch Street
Philadelphia, Pennsylvania 19103

Date of Notice: August 11, 2020

Permit No.: MDG01

Docket Number: CWA-03-2020-0113

Comments will be accepted until September 20, 2020.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) AND 40 CFR § 22.45, notice is hereby given that the U.S. Environmental Protection Agency Region 3 (EPA Mid-Atlantic Region), is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of one hundred thirty-seven thousand dollars (\$137,000.00) against the Respondent named below for alleged violations of its National Pollutant Discharge Elimination System (NPDES) permit.

RESPONDENT:

ISE America, Inc.
P.O. Box 267
Galena, MD 21635

ISE America, Inc. owns and operates five (5) Concentrated Animal Feeding Operations in Maryland:

1. Company 2 Layers, located on or about 33265 Walnut Tree Road, Millington;
2. Company 2 Pullets, located on or about 10782 Big Stone Road, Millington;
3. Company 6 Layers, located on or about 1526 Cecilton-Warwick Road, Cecilton;
4. Company 15 Layers, located on or about 605 Sassafras Road, Warwick; and
5. Company 15 Pullets, located on or about 680 Ward Hill Road, Warwick.

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violations of National Pollutant Discharge Elimination System (NPDES) General Discharge Permit for Animal Feeding Operations, NPDES Permit No. MDG01:

1. Land applying process wastewater at facilities permitted as no-land application facilities;
2. failure to maintain storage structure documentation;
3. failure to conduct/document weekly inspection of stormwater routing structures;
4. failure to conduct/document weekly inspection of liquid animal waste impoundments;
5. failure to conduct/document inspections of dry manure storage;
6. failure to maintain records for either land application of process wastewater, or in the alternative for the export of process wastewater;

7. failure to install depth markers in liquid waste storage impoundments;
8. failure to prevent polluted runoff from dry manure storage pile; and
9. failure to file complete annual reports.

These failures constitute a violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a).

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the CAFO are invited to submit a statement to the EPA Mid-Atlantic Region Enforcement & Compliance Assurance Division Director, addressed to the attention of the Regional Hearing Clerk (address below), within 40 days of the date of this public notice. Comments received within this 40-day period will be considered. All comments must include the name, address, and telephone number of the writer, the docket number, and a concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should be emailed to:

Regional Hearing Clerk
U.S. EPA, Mid-Atlantic Region
R3_Hearing_Clerk@epa.gov

AVAILABILITY OF INFORMATION: Information relevant to the Consent Agreement 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 their 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 representatives to learn more about this action.

Mark Zolandz
U.S. Environmental Protection Agency
215-814-2319
Zolandz.Mark@epa.gov

or

Louis F. Ramalho
Office of Regional Counsel
U.S. Environmental Protection Agency
215-814-2681
Ramalho.Louis@epa.gov