

PUBLIC NOTICE

Hyponex Corporation
3875 South Elyria Road
Shreve, Ohio 44676
Case Docket No. CWA-05-2024-0013

The U.S. Environmental Protection Agency (EPA), Region 5, is providing notice of intent to issue a Consent Agreement and Final Order (CAFO) that assesses a civil penalty of \$100,000 to Hyponex Corporation (“Respondent”) under the authority of Section 309 of the Clean Water Act (CWA), 33 U.S.C. § 1319. The CAFO will resolve EPA’s allegations that Respondent discharged pollutants to Kiser Ditch, a tributary to Lower Muddy Fork Mohican River, in exceedance of the effluent limits in their National Pollutant Discharge Elimination System (NPDES) Permit No. OH0107077 (“Permit”) from an outfall at Respondent’s facility located at 3875 South Elyria Road (the “Facility”) in violation of the CWA, 33 U.S.C. § 1311(a). These exceedances occurred between April 2018 and December 2020. In the CAFO, Respondent confirms its return to compliance.

A copy of the 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 Proposed CAFO may be received by contacting the Regional Hearing Clerk at the address below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. § 1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to 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/pdf/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.

Due to the COVID-19 pandemic, access to the Region 5 office is limited and EPA employees are encouraged to telework. **Therefore, EPA requests that all written comments be sent via email to** the Regional Hearing Clerk at r5hearingclerk@epa.gov.

If you are unable to submit written comments by email, please contact the Regional Hearing

Clerk at (312) 886-9868. If you are unable to email or mail your comments and plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk for further instructions.

Your comments should include the case name, docket number, and your complete mailing address. 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 4:30 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 electronically on the EPA website: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>. An appointment for an in-person inspection of the documents may be made by calling (312) 886-9868 or by writing the Regional Hearing Clerk at the address above.

Should EPA decide to propose issuance of a Final Order after considering any comments received, EPA will send a copy of the Consent Agreement and proposed Final Order to any persons who submitted written comments during the public comment period. Commenters may refer to: (1) 40 C.F.R. § 22.45(c)(4) and 33 U.S.C. § 1319(g)(4)(c) for information on petitioning the Regional Administrator to set aside the Consent Agreement and proposed Final Order on the basis that material evidence was not considered; and/or (2) 33 U.S.C. § 1319(g)(8) for information on filing an appeal with the appropriate United States District Court.