

PUBLIC NOTICE: 2025-16

**NOTICE OF PROCEEDING TO ASSESS A CLASS I CIVIL PENALTY AND OPPORTUNITY TO
COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 2
Enforcement and Compliance Assurance Division
21st Floor
290 Broadway New York, NY 10007**

Date of Notice: May 2, 2025

Docket No.: CWA-02-2025-3316

Comments will be accepted until: June 11, 2025

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. §1319(g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits (“CROP”), 40 C.F.R. Part 22, notice is hereby given that the EPA Region 2 is proposing pursuant to 40 C.F.R. § 22.13(b) to initiate and conclude the assessment of an administrative penalty pursuant to 40 C.F.R. § 22.18(b)(2) and (3) for alleged violations of the CWA and provide an opportunity to comment on the commencement of the action and the proposed penalty assessment in the amount of **\$12,500** against the Respondent named below for alleged violations of Section §307 of the CWA and 40 C.F.R. § 403.5. EPA provides Public Notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(A).

RESPONDENT:

Saputo Cheese USA, LLC,
40236 State Highway 10
Delhi, New York, 13753

SUMMARY OF VIOLATIONS: Region 2 alleges that Respondent caused pass through and interference (per 40 C.F.R. § 403.5(a)(1)) at the Village of Delhi Wastewater Treatment Plant (“WWTP”) in February 2024. Delhi’s WWTP is required to comply with its New York Department of Environmental Conservation (“NYSDEC”) State Pollutant Discharge Elimination System (“SPDES”) Permit NY0068292. Saputo, located in Delhi, NY, indirectly discharges to the Delhi WWTP which discharges to a Water of the United States.

In order to provide opportunity for public comment, EPA will take no final action in this proceeding prior to 10-days after the close of the 30-day public comment period, or forty (40) days after issuance of this Notice.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the proceeding to assess a civil penalty or the proposed penalty are invited to submit via email a statement to the EPA Region 2 Enforcement and Compliance Assurance Division Director. This statement should be emailed directly to the person listed below within 40 days of the date of this public notice. Comments received within this 40-day period will be considered.

Please include the case name, Docket ID No. CWA-02-2025-3316, 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:

Murray Lantner, P.E. Water Compliance Branch, EPA Region 2,
Lantner.Murray@epa.gov
(212) 637-3976

ADDITIONAL INFORMATION:

Persons wishing to obtain additional information on the proceeding, receive a copy of the EPA's [Consolidated Rules](#), review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Murray Lantner, P.E. at the address listed above.

SUPPLEMENTARY INFORMATION:

Written Comments

Please do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If the submission of CBI or otherwise restricted information is critical, please clearly label it as such.

Questions

For Technical questions contact Murray Lantner, Enforcement and Compliance Assurance Division, at Lantner.Murray@epa.gov (212) 637-3976. Persons with legal questions may contact Chris Saporita, Office of Regional Counsel, at Saporita.Chris@epa.gov (212) 637-3203.

Dated: May 2, 2025

Kate Anderson, Director
Enforcement and Compliance Assurance Division