

January 28, 2026 12:20pm

USEPA – Region II

Regional Hearing Clerk



REGION 2

NEW YORK, N.Y. 10007

January 26, 2026

Via Electronic Mail To: bob@thumanns.com

Mr. Robert Burke
CEO, Thumann's Inc.
670 Dell Road
Carlstadt, NJ 07072

Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of: Thumann's Inc.
Docket No. CWA-02-2026-3401

Dear Mr. Burke:

Enclosed is an Administrative Complaint ("Complaint") which the U.S. Environmental Protection Agency ("EPA") is issuing to Thumann's Inc. ("Respondent") as a result of our determination that Respondent, located at 670 Dell Rd #1, Carlstadt, New Jersey 07072, has failed to comply with Sections 301 and 402 of the Clean Water Act ("Act"), 33 U.S.C. §§ 1311 and 1342. This Complaint is filed pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of \$175,000.00 be assessed against Respondent for this violation.

Respondent has the right to a hearing to contest the factual allegations in the Complaint. If Respondent admits the allegations, or they are found to be true after Respondent has had an opportunity for a hearing on them, Respondent has the right to contest the penalty proposed in the Complaint. Enclosed is a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, which EPA follows in cases of this kind. Please note the requirements for an Answer at 40 C.F.R. § 22.15. **If Respondent wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, Respondent must file an Answer within thirty (30) days of receipt of the enclosed Complaint with the EPA Regional Hearing Clerk at the following address:**

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor (Room 1631)
New York, New York 10007-1866

If Respondent does not file an Answer within thirty (30) days of receipt of this Complaint, Respondent may be judged to have defaulted (See § 22.17 of the CROP). If a default order is entered, the entire

proposed penalty may be assessed without further proceedings. Whether or not Respondent requests a formal hearing, Respondent may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty.

EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. Respondent may represent itself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or affect what Respondent may choose to say in an Answer, nor does it extend the thirty (30) days by which Respondent must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the CROP, including Subpart I thereof.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

Brendan Killian, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
Killian.Brendan@epa.gov

Sincerely,

DOUGHLAS
MCKENNA

Digitally signed by
DOUGHLAS MCKENNA
Date: 2026.01.26
10:31:28 -05'00'

Doughlas McKenna, Acting Director
Enforcement & Compliance Assurance Division

Enclosures:

- Administrative Complaint
- Consolidated Rules of Practice (CROP)

cc: Don Hirsch, Northern Bureau Chief, NJDEP, Don.Hirsch@dep.nj.gov
Joan Rogauskas, Supervisor, NJDEP, Joan.Rogauskas@dep.nj.gov
Jim Kosch, Attorney, McCarter & English, JKosch@McCarter.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

290 Broadway
New York, NY 10007-1866

IN THE MATTER OF:

Thumann's Inc.
670 Dell Road
Carlstadt, New Jersey 07072

Respondent

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

**Administrative Complaint
Findings of Violation, Notice of Proposed
Assessment of a Civil Penalty, and Notice of
Opportunity to Request a Hearing**

**Proceeding to Assess Class II
Civil Penalty**

Docket No. CWA-02-2026-3401

I. PRELIMINARY STATEMENT

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g)(2)(B) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(g)(2)(B). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Enforcement and Compliance Assurance Division ("ECAD") of EPA, Region 2 ("Complainant").
2. Pursuant to Section 309(g)(2)(B) of the Act, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP") and 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against Thumann's Inc. ("Respondent") for unauthorized discharges in violation of Sections 301 and 402 of the Act, which are enforceable pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d).

II. APPLICABLE LEGAL REQUIREMENTS

1. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source into navigable waters of the United States, except in compliance with, *inter alia*, Section 402 of the Act, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New Jersey Department of Environmental Protection ("NJDEP") is the agency with the authority to administer the federal NPDES program in New Jersey pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA. Additionally, under the authority granted

to the NJDEP by the EPA under Section 402(b) of the CWA, 33 U.S.C. § 1342(b), a New Jersey Pollutant Discharge Elimination System (“NPDES”) permit is required to be issued to facilities by the NJDEP for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

3. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association, or municipality.
4. “Discharge of a pollutant” is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
5. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged to water.
6. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. “Navigable waters” are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as “waters of the United States, including the territorial seas.” “Waters of the United States” have been further defined to include, inter alia waters which are currently used, were used in the past, or may be susceptible to use, in interstate or foreign commerce (hereinafter “traditional navigable waters”) and certain tributaries of such waters. 40 C.F.R. § 122.2.
8. “Owner or operator” is defined by 40 C.F.R. § 122.2 as the owner or operator of any “facility or activity” subject to regulation under Section 402 of the CWA, 33 U.S.C. § 1342(a).
9. Section 308(a) of the Act, 33 U.S.C. § 1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: Maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. § 1342.
10. Section 402(p) of the Act, 33 U.S.C. § 1342(p), sets forth the requirements for discharges of stormwater.
11. The Administrator of EPA has promulgated regulations, 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.
12. The NJDEP, under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), issued the NPDES Basic Industrial Stormwater General Permit, Permit No. NJ0088315 (“5G2” or “Permit”), which authorizes the discharge of stormwater from facilities with potential discharges of stormwater associated with industrial activity to waters of the State. The Permit became effective on February 1,

2023, and is set to expire on January 31, 2028.

13. Pursuant to 40 C.F.R. § 122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.
14. Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), authorizes the Administrator, upon a finding that any person has violated, among other things, Section 301(a) of the Act, or has violated any permit condition or limitation implementing such section in a permit issued under Section 402 of the Act, to assess a civil penalty, and Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), as adjusted by 40 C.F.R. § 19.4, authorizes the assessment of a penalty of up to \$27,378 per violation, and not exceeding \$68,445.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW/FINDINGS OF VIOLATION

1. Thumann's Inc. ("Respondent"), a corporation and therefore a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), owns or operates the facility ("Facility") located at 670 Dell Rd #1, Carlstadt, New Jersey 07072. Therefore, the Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.
2. Respondent conducts industrial activity under Standard Industrial Classification ("SIC") Codes 2011 (Meat Packing Plants) and 4214 (Local Trucking With Storage), and therefore the Facility is regulated under 40 C.F.R. § 122.26(b)(14).
3. Respondent discharges stormwater associated with industrial activity, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), via at least one (1) stormwater outfall, a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to Riser Ditch, a tributary of Berry's Creek, both of which are relatively permanent waters that flow into the Hackensack River, a traditional navigable water. Riser Ditch, Berry's Creek, and the Hackensack River are "navigable waters" within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2. As such, Respondent discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
4. On November 21, 2023, a representative of EPA Region 2 conducted a Compliance Evaluation Inspection ("CEI") at the Facility. At the time of the CEI, EPA observed foaming and an odor at the Facility's stormwater outfall, and industrial activity exposed to stormwater, including processed meat parts, fats oil and grease storage, and garbage storage.
5. At the time of the CEI, Respondent did not have coverage for its stormwater discharge from the Facility under the 5G2 or other NJPDES permit.
6. On February 9, 2024, EPA issued Thumann's Administrative Compliance Order CWA-02-2024-3018 which required the Facility to obtain an NJPDES permit and eliminate exposure of all source material and industrial activities.
7. On April 17, 2024, Thumann's submitted an application for coverage under a NJPDES 5G2 Permit for stormwater discharges from industrial activity. However, on August 4, 2024, NJDEP issued Thumann's a 'notice of technical deficiency' for their permit application. To date, NJDEP has not

received a response to the technical deficiencies.

8. On September 20, 2024, EPA issued Thumann's an overdue notice informing them that they had not complied with the 'Ordered Provisions' within the timeframe required by CWA-02-2024-3018.
9. On October 16, 2024, representatives of EPA Region 2 conducted a second CEI at the Facility. At the time of the second CEI, EPA observed a discolored discharge with a strong odor at the Facility's stormwater outfall; red leachate entering the Facility's storm drains near the base of the Facility's compactor; and washwater traveling downslope from the loading dock towards the Facility's storm drains.
10. On May 16, 2025, EPA conducted a Reconnaissance Inspection ("RI") at the Facility and observed discolored water at the Site outfall; staining around the drain at the base of the compactor; and meat scraps and waste byproducts stored outside and exposed to stormwater. At the time of the RI, there was light precipitation.
11. After the issuance of the Administrative Compliance Order and the performance of the second Compliance Evaluation Inspection, EPA communicated frequently with Respondent in an effort to assist Respondent with achieving compliance with the Clean Water Act and to achieve settlement of this matter without the issuance of an Administrative Complaint. However, Respondent has failed to document full compliance with the Clean Water Act and therefore EPA is issuing this Administrative Complaint. To date, EPA has not received information from Thumann's demonstrating that they have eliminated all non-stormwater discharges, eliminated exposure of all industrial activities to stormwater, or obtained a NJPDES permit.
12. Based upon Paragraphs 1-11 above, EPA finds that Respondent is in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Debt Collection Improvement Act of 1996, EPA, Region 2, hereby proposes to issue a Final Order Assessing Administrative Penalties ("Final Order") to Respondent assessing a penalty of **\$175,000.00**. EPA determined the proposed penalty after taking into account the applicable factors identified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). EPA has taken account of the nature, circumstances, extent and gravity of the violation (or violations), and Respondent's prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent's ability to pay the proposed penalty. Based on the Findings set forth above, Respondent has been found to have violated the Act. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent's receipt of this Notice, unless Respondent files an Answer to the Complaint within that time and requests a Hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency
region2_Regionalhearingclerk@epa.gov

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in the Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a Hearing. 40 C.F.R. § 22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a Hearing.

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a Hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondent does not request a Hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any Hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A Hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of the CROP, at 40 C.F.R. §§ 22.21-22.26.

Should Respondent request a Hearing on this proposed penalty assessment, members of the public to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the

appropriateness of the penalty assessment. Should Respondent not request a Hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a Hearing thereon. EPA will grant the petition and will hold a Hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure to Answer

If Respondent fails in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely Answer to the Complaint [i.e. not in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)], Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Regardless of whether Respondent requests a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint and Respondent may also provide whatever additional information it believes to be relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, in response to any relevant information previously not known to Complainant that demonstrates that any of the findings herein are without merit, or that the proposed penalty is not warranted. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Brendan Killian, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
Killian.Brendan@epa.gov

The parties may engage in settlement discussions regardless of whether Respondent has requested a Hearing. 40 C.F.R. § 22.18(b)(1). Respondent's requesting a formal Hearing does not prevent Respondent from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint.

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. Note that no penalty reduction will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In accepting the Consent Agreement, Respondent waives any right to contest the allegations in the Complaint and waives any right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil proceedings against Respondent (note that a new enforcement action may be initiated based on continued non-compliance). Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty, **\$175,000.00**, within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted in Section V above), a copy of the instrument of payment. 40 C.F.R. § 22.18(a). A copy of the instrument of payment should be provided to the EPA Attorney identified in Section VI above. Payment of the penalty assessed should be made in the full amount of the penalty assessed in this Complaint via the following methods:

Pay.gov (Credit Card, Debit Card, and bank draft)

1. You DO NOT need a username and password or account.
2. Enter SFO 1.1 in the form search box on the top left side of the screen.
3. Open the form and follow the on-screen instructions.
4. Select your type of payment from the "Type of Payment" drop down menu.
5. Based on your selection, the corresponding line will open and no longer be shaded gray.
6. Enter the docket number, invoice number or other corresponding information into the field.

Automated Clearinghouse payments (ACH)

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
5700 Rivertech Court Riverdale, MD 20737

Wire Transfers

ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street New York, NY 10045
Beneficiary: US Environmental Protection Agency

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or designee), shall issue a Final Order pursuant to 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall be issued until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint (note that a new enforcement action may be initiated based on continued non-compliance). Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA may initiate a new enforcement action based on evidence of new or continued violations.

VIII. FILING OF DOCUMENTS

The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region2_RegionalHearingClerk@epa.gov

A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

Brendan Killian, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
Killian.Brendan@epa.gov

IX. GENERAL PROVISIONS

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated there under, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), will affect Respondent's continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS 26th DAY OF **JANUARY, 2026.**

DOUGHLAS
MCKENNA

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MCKENNA
Date: 2026.01.26
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Doughlas McKenna, Acting Director
Enforcement & Compliance Assurance Division