



EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2025-0002, NPDES Permit No. MAR1005AT

The undersigned representatives of the United States Environmental Protection Agency (EPA) and Hutchens Holding III, LLC (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's civil penalty liability for discharging stormwater without a permit at the Ice Cube - Cold Storage & Logistics facility in Fall River, Massachusetts.

The EPA finds that: (1) Respondent discharged stormwater from the Site without authorization by any permit issued pursuant to the Clean Water Act (Act) in violation of section 301 of the Act, 33 U.S.C. § 1311]; (2) Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is responsible for the alleged violations specified in the attached Expedited Settlement Offer Worksheet – Findings and Alleged Violations (Deficiencies Form). The Deficiencies Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. part 22. Respondent neither admits nor denies the specific factual allegations in the first two Paragraphs of this Agreement and in the Deficiencies Form.

Respondent agrees to pay a civil penalty of \$16,200. Respondent waives the rights (1) to contest the allegations in the Deficiencies Form and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order). The civil penalty will be due no later than 10 days after the Final Order becomes final and shall be made using any payment method provided at:

https://www.epa.gov/financial/makepayment

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Deficiencies Form have been corrected, as evidenced by Respondent having obtained Construction General Permit coverage under the NPDES Permit No. referenced above, and Respondent has submitted true and accurate documentation to the EPA of such correction; and (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of the Permit and section 301(a) of the Clean Water Act alleged in the Deficiencies Form. This Agreement does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law or to issue an administrative compliance order, e.g., for any uncorrected violations listed in the Deficiencies Form. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail at the email address provided under Respondent's signature to this Agreement. Respondent understands that the

mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement in accordance with section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date that a signed copy of the Final Order is transmitted from the Regional Judicial Officer to the Regional Hearing Clerk unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), following public noticing of this Agreement.

Attachment: Deficiencies Form

APPROVED BY THE EPA:

James Chow, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Jason & Hutchers

Title (print): President

Signature:

Date:

Provide email address for electronic service below:

jhotchers fransenfoods. com

FINAL ORDER: More than 40 days have elapsed since the issuance of public notice pursuant to section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and the EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

LeAnn Jensen, Regional Judicial Officer US EPA REGION 1 - New England

Expedited Settlement Offer Worksheet Findings and Alleged Violations



		CWA-01-2025-0002				AL	PRC	TEC,	
		LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Operator Email	Telephone Nun	nber	NPDES Pern	nit Nu	mber	
1		Hutchens Holdings III, LLC		774-357-5417		MAR1005AT			
		481 Currant Road							
		Fall River, Massachusetts 02720		Inspector Name	:	Eleanor Horv	ath		
				Inspector Agenc	y:	U.S. Environmental Protection Agency		ency	
				Entrance Intervi	ew Condu	cted:		Yes	
				Exit Interview Co	onducted:			Yes	
		LOCATION AND ADDRESS OF SITE		Exit Interview gi	ven to:	Angelo Nicoli	si, Jas	son Hutchens	
2		615 Innovation Way		Exit Interview tir	ne:	10:45		Date:	06/06/2024
		Fall River, Massachusetts 02720							
				•					<u> </u>
	Н	FACILITY DESCRIPTION / CONTACT NAMES		 	-		 	 	
2		TACILITY DESCRIPTION OF CONTACT NAMES	Name of Site Contact (ESO Worksheet recipient):	Angele Niceliei	Josep I	lutohono	l		
3			Name of Authorized Official (40 CFR 122.22):			lutchens			
			Name of Authorized Official (40 GFR 122.22): Inspection Date:		S				
			•						
			Start Construction Date:						
			Estimated Completion Construction Date:						
			If Unpermitted, Number of Months Unpermitted:						
			Name of Receiving Water Body (Indicate whether 303(d) listed):		tlesnake	Brook > Taun	iton R	River (Categor	<i>i</i> 2)
			Acres Disturbed Acres for Whole Common Plan:	6.00					
		Has Operator Requested Rainfall Erosivity or TMDL Waiver per 40 CF	R 122.26(b)(15)?			N/A			I
						No. of			İ
		DEDMIT COVEDACE	Findings	CCD Citation	RCA*	Deficien-		Penalty	Total
4		PERMIT COVERAGE Operator discharged stormwater without a permit on one or more days	Findings	CGP Citation CWA 301	Yes	cies 27	Х	Amount \$600.00	Total \$16,200
4		during 27 months (# of months with an unauthorized discharge equals	February 17, 2022 July 19, 2024, where 27 calendar months had a rainfall	CWA 301	res	21	^	\$600.00	\$16,200 I
		number of violations)	event GTE 0.5 inches.						İ
		USE OF CATIONIC TREATMENT CHEMICALS (WHERE APPLICABLE)							
5		Proper notice was not provided for use of cationic treatment chemicals		1.1.9				\$300.00	\$0
		prior to submittal of the NOI. NOTE that this applies only to the failure to					l		I
		provide notice in the absence of a discharge to a storm drain or water.	ALA				l		I
		DOOT NOTICE OF REPAIT COVER : CE	NA						
_		POST NOTICE OF PERMIT COVERAGE		4.5				1	
6		Sign/notice not posted as required. (If no sign/notice posted, leave element B blank.)	NA	1.5			I	\$300.00	\$0
		Sign/Notice was missing one or more elements required by the Permit.		1.5.a-d	-		 	\$60.00	\$0
		(Count each omission under B as one violation.)	NA	1.5.a-u			I	\$60.00	\$0 I
		SWPPP REVIEW							

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			initiation and/or completion of Vegetative Stabilization: the circumstances			7500.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
		Ļ		NA	707.044.4		
13 A SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action. NA 7.2.7; 2.1.4; 4; \$600.00	13			NA	/.Z./; Z.1.4; 4; 5	\$600.	\$0

	В	Description of Inspection, Maintenance and Corrective Action procedures		7.2.7.a-d	\$120.00	\$0
		does not include all information required by the Permit. (Count each				
		applicable omission as one violation.)	NA			
14		SWPPP does not include documentation that required personnel were, or		7.2.8; 6	\$300.00	\$0
		will be, trained in accordance with Permit requirements.	NA	1.2.0, 0	\$300.00	70
		1	IVA			
15		Threatened and Endangered Species Act documentation is not included in		7.2.9.a	\$600.00	\$0
		SWPPP.	NA			
16		Historic Properties documentation is not included in SWPPP.	NA	7.2.9.b	\$600.00	\$0
17		SWPPP does not document contacts, where applicable, with UIC		7.2.9.c	· ·	ŚC
17		regulatory authority regarding compliance with SDWA UIC Requirements		7.2.9.C	\$600.00	ŞU
			NA			
		for Certain Subsurface Stormwater Controls.				
18		SWPPP not signed/dated/certified.	NA	7.2.10	\$600.00	\$0
19		Copy of NOI and relevant correspondence, acknowledgement letter		7.2.11 a- c	\$300.00	Ś(
		received from NeT, or Permit (can be electronic) not included as part of			, , , , , , ,	
		SWPPP. (Count each omission as one violation.)	A I A			
		,	NA			
20		Copy of SWPPP is not retained on site or otherwise easily accessible.		7.3	\$600.00	\$0
			NA			
21	Α	SWPPP (including site map) has not been updated/modified as required		7.4.1	\$60.00	Ś(
-'		by the Permit. (Count each omission as one violation.)			700.00	γt
		and the state of t	NA			
	В	SWPPP modifications do not meet record keeping, approval or notification		7.4.2; 7.4.3;	\$60.00	Ś(
		requirements. (Count each omission as 1 violation.)	NA	7.4.4	\$55.50	Ą
22		INSPECTIONS				
22						
	Α	Number of Inspections required if performed every 7 days:	NA			
	В	Number of Inspections required if performed every 14 days:	NA			
	С	If known, and if applicable, number of days of rainfall of > 0.25" :	NA NA			
	_					
	D	Number of inspections required under a reduced frequency	NA			
	Ε	TOTAL number of required inspections	NA			
	Е	TOTAL number of inspections conducted/documented	NA NA			
		· · · · · · · · · · · · · · · · · · ·	IVA			
23	Α	All required inspections were not conducted and timely documented. (If			True or False	
		NO inspections were conducted and documented, then leave				
		elements 24-28 blank)	NA			
	В	Inspections not performed and timely documented. (Count each failure to		4.2 - 4.4; 4.7.1	\$300.00	\$(
		inspect and document as one violation.)	NA			
24		Inspections not conducted by qualified personnel. (Count each inspection		4.1	\$60.00	\$(
		conducted without qualified personnel as one violation.)	NA		7	τ.
25		Areas to be inspected: Failed to inspect all required areas as identified in		4.5; 4.6.1	\$60.00	\$(
20		the Permit. (Count each omission as one violation.)	NA	,	\$00.00	Ų,
26		Site inspection report does not include all information required by the	• • •	4.6.6. 4.7.1.a -e	\$60.00	\$(
20		Permit. (Count each omission as one violation.)	NA	4.0.0, 4.7.1.a -c	\$60.00	۱۶
67	_		I V X	470	400 :-	
27	Α	Inspection reports not properly signed/certified. (Count each failure to	NA	4.7.2	\$60.00	\$(
		sign/certify as one violation.)	IVA			
	В	Copies of inspection reports have not been retained onsite or at easily		4.7.3; 4.7.4	\$600.00	\$0
		accessible location.	NA			
		BEST MANAGEMENT PRACTICES				
28		General Maintenance Requirements				
28		General Maintenance Requirements:		214:22:52	6222.25	
28		Failure to ensure that all stormwater controls are maintained and remain in		2.1.4; 2.2; 5.2	\$300.00	\$
28		Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective		2.1.4; 2.2; 5.2	\$300.00	\$
28		Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit).		2.1.4; 2.2; 5.2	\$300.00	\$(
28		Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective		2.1.4; 2.2; 5.2	\$300.00	\$1
28		Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit).	NA.	2.1.4; 2.2; 5.2	\$300.00	\$
28	Α	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.)	NA			
28	Α	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.) Failure to complete a Corrective Action report when required in	NA	5.4.1, 5.4.2,	\$300.00	
28	Α	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.) Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient				
28	Α	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.) Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient report as 1 violation.)	NA NA	5.4.1, 5.4.2, 5.4.4	\$300.00	\$
28	Α	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are-performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.) Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient		5.4.1, 5.4.2,		\$

	Control management are not management and and installed as maintained.			
	Control measures are not properly selected, installed or maintained:			
29	Failure to provide a 50-ft undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbances. (Count each failure as one violation.)	NA .	2.2.1	\$600.00 \$0
30	Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible). (Count each failure as one violation.)	NA	2.2.2	\$600.00 \$0
31	Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices). (Count each failure as one violation.)	NA		
	A If Common Drainage is 10+ acres	NA	2.2.3	\$1,200.00 \$0
	If Common Drainage is less than 10 acres	NA	2.2.3	\$600.00 \$0
32	Failure to minimize sediment trackout in accordance with Permit requirements. (Count each failure as one violation.)	NA	2.2.4.a-c	\$600.00 \$0
33	Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. (Count each failure as one violation.)	NA NA	2.2.5.a-d	\$600.00 \$0
34	Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation.)	NA NA	2.2.6	\$600.00 \$0
35	Failure to minimize disturbances of "steep slopes". (Count each failure as one violation.)	NA NA	2.2.7	\$600.00 \$0
36	Failure to preserve native topsoil (unless infeasible). (Count each failure as one violation.)	NA	2.2.8	\$600.00 \$0
37	Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count each failure as one violation.)	NA NA	2.2.9	\$600.00 \$0
38	Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count each failure as one violation.)	NA .	2.2.10.a	\$600.00 \$0
39	Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count each failure as one violation.)	NA	2.2.11	\$600.00 \$0
40	Failure to properly design or locate sediment basin or similar impoundment in accordance with Permit requirements. (Count each failure as one violation.)	NA	2.2.12.a-e	\$1,200.00 \$0
41	Failure to comply with Permit requirements for use of treatment chemicals. (Count each failure as one violation.)	NA .	2.2.13.a-f	\$200.00 \$0
42	Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count each failure as one violation.)	NA	2.2.14.a	\$600.00 \$0
43	Final Stabilization Criteria not achieved as required.	NA	2.2.14.b	\$1,200.00 \$0
44	Other needed control measures not properly selected or installed. (Each omission is 1 violation.)	NA NA	2.1	\$600.00 \$0
	Pollution Prevention Requirements			
45	Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count each failure as one violation.)	NA	2.3.1.a-f	\$600.00 \$0
46	Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count each failure as one violation.) NOTE that discharges of soaps, solvents or detergents to a storm drain or receiving		1.2.2; 2.3.2.a-c	\$600.00 \$0
	water are not eligible for an ESA.	NA		

47		2.3	3.3.a-f	\$600.00	\$0
	discharge of pollutants from any of the following: building				
	materials/products; landscaping chemicals and materials; petroleum				
	products and other chemicals; hazardous and toxic waste; construction				
	and domestic wastes; and/or sanitary wastes. (Count each failure as one				
	violation.) NOTE that any nonallowable, non-stormwater discharges to a				
	storm drain or receiving water are not eligible for an ESA.				
		NA			
				4/ 222 22	
48		2.3	3.4.a-c	\$1,000.00	
	nonallowable, non-stormwater discharges to a storm drain or water are not	ALA			
	cligible for an Eer t.	NA .			
49	p	2.3	3.4.a-c	\$600.00	\$0
	stucco, paint, form release oils, curing compounds or other materials.				
	(Count each failure as one violation.) NOTE that nonallowable, non-				
	stormwater discharges to a storm drain or receiving water are not eligible				
	for an ESA.	NA			
50	Failure to comply with requirements for application of fertilizers.	2.3	3.5.a-f	\$600.00	\$0
	l l	NIA.			
		NA			
51		2.4	4	\$600.00	\$0
	order to minimize the discharge of pollutants. (Count each failure as 1				
	violation.) Use of waters of the US as part of the treatment area is not				
	eligible for an ESA.				
		NA			
	SMALL BUSINESS EVALUATION				
52	Is the Owner/Operator a Small Business?	Yes		Yes or No	
	A small business is defined by EPA's Small Business Compliance Policy				
	as: "a person, corporation, partnership, or other entity that employs 100				
	or fewer individuals (across all facilities and operations owned by the				
	small business)." The number of employees should be considered as				
	full-time equivalents on an annual basis, including contract employees				
	(see 40 CFR 372.3). A full time employee unit is 2000 hours worked per				
	year.				
		Total Expedited Settlement:			\$16,200
		·			₹10,200
53	ADJUSTMENT FOR A REPEAT VIOLATOR:	NA	=		
	Repeat Violator: To adjust the settlement amount for Repeat Violators,	Adjustment for Repeat Violator:		X \$16,200.00	\$0
	multiply the Total Expedited Settlement Amount by the appropriate	· · · · · · · · · · · · · · · · · · ·			
	Escalation Factor. To do that, enter either 0.25 or 0.5 into Column G, as				
	appropriate. If this is not a Repeat Violator, leave this row blank.				
			<u> </u>		
1					
		FINAL TOTAL EXPEDITED SETTLEMENT:			\$16,200