



USEPA – Region II
Regional Hearing Clerk

REGION 2

NEW YORK, N.Y. 10007

September 17, 2025

Via Electronic Mail To: angela.iwanski@kraftheinz.com

Angela Iwanski, Plant Manager
Kraft Foods, Inc. – Avon Plant
140 Spring Street
Avon, NY 14414

**Re: Expedited Settlement Agreement
Kraft Foods, Inc. – Avon Plant
Docket No. CWA-02-2025-3317
SPDES Permit Number NYR00B998**

Dear Ms. Iwanski:

Enclosed is the signed and effective Expedited Settlement Agreement ("ESA") entered into as part of the Consent Agreement and Final Order ("CA/FO"). Please note that the Respondent – Kraft Foods, Inc. – Avon Plant, has already submitted payment of the settlement penalty amount **(\$7,969) on July 21, 2025**, in accordance with the attached CA/FO – ESA.

If you have any questions concerning the above, please contact Ms. Justine Modigliani, P.E., Supervisor, Clean Water Act Compliance Section, at (212) 637-4268, modigliani.justine@epa.gov.

Sincerely,

for

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Enclosure

Expedited Settlement Agreement Form

cc: Ed Hampston, P.E., Director, Division of Water, NYSDEC, edward.hampston@dec.ny.gov
Todd Caffoe, P.E., Regional Water Engineer, NYSDEC, Region 8, todd.caffoe@dec.ny.gov
Don Cardinal, NYSDEC Region 8, Donald.Cardinal@dec.ny.gov
Tyler Bonzo, Kraft-Avon, Operational Risk Mgr., tyler.bonzo@kraftheinz.com
Sarah Prinzi, EHS Support, sarah.prinzi@kraftheinz.com
Nick Kubinski, Avon WWTP, Chief Operator, nkubinski@village.avon-ny.org
Ken Farrell, Avon WWTP, Superintendent, kfarrell@village.avon-ny.org



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2 – 290 Broadway, New York, NY 10007-1866

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2025-3317 NPDES No. NYR00B998

Kraft Food, Inc. – Avon Plant (“Respondent”) is a “person,” within the meaning of Section 502(5) of the Clean Water Act (“Act”), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an “Expedited Settlement Offer Worksheet” (“Settlement Worksheet”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the specific alleged violations specified in the Settlement Worksheet or this Consent Agreement and Final Order (“Agreement”).

EPA is authorized to enter into this Agreement under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$7,969. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Settlement Worksheet; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation required by EPA with this Agreement detailing the specific actions taken to correct the alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the “Treasurer, United States of

America,” via certified mail, to:

U.S. EPA, Region 2

In the Matter of: Kraft Food, Inc. – Avon Plant

Docket No.: CWA- 02-2025-3317

Government Lockbox 979078

3180 Rider Trail S.

Earth City, MO 63045

This Agreement settles EPA’s civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it signed is by the Regional Judicial Officer, 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. § 1391(g)(5), following public notice of this Agreement.

APPROVED BY EPA
DOUGHLAS MCKENNA
Digitally signed by
DOUGHLAS MCKENNA
Date: 2025.07.24 11:37:39
-04'00'

7/24/25

Date:

**Kathleen Anderson, Director FOR
Enforcement and Compliance Assurance Division**

APPROVED BY RESPONDENT in accordance with 40 C.F.R. § 122.22:

Name/Title: Kraft Foods Inc. Avon Plant Plant Manager

Signature: [Signature] Date: 7/2/2025

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 EPA has received no comments concerning this matter.

Having determined that this CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

for

Date: 9/17/2025

**Kathleen Anderson, Director
Enforcement and Compliance Assurance Division**