



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

June 30, 2014

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (ORA 18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

By HAND

Re: *In the matter of Norampac New England, Inc.*
Docket No. CWA-01-2014-0033

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Administrative Complaint and Notice of Opportunity for Hearing; and
2. Certificate of Service.

Kindly file the documents in the usual manner. I have also included a copy of the letter notifying the Connecticut Department of Energy & Environmental Protection of the filing of this Complaint. Thank you very much for your help.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey Kopf".

Jeffrey Kopf
Senior Enforcement Counsel

Enclosures

cc: Gary Hayden, President, Norampac New England, Inc.
Alex Rosenberg, EPA Region 1



U.S. Environmental Protection Agency

Region I New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

June 30, 2014

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Nicole Lugli
Connecticut Department of Energy & Environmental Protection
79 Elm St.
Hartford, CT 06106
Nicole.lugli@po.state.ct.us

Re: *In the matter of Norampac New England, Inc.*
Docket No. CWA-01-2014-0033

Dear Ms. Lugli,

Enclosed please find a copy of an Administrative Complaint proposing to assess a civil penalty under Sections 309(g) and 311 of the Clean Water Act against Norampac New England, Inc. for unauthorized process water discharges, failure to comply with the terms and conditions of the Connecticut Permit for the Discharge of Stormwater Associated with Industrial Activity, and failure to fully implement a Spill Prevention, Control, and Countermeasure Plan in accordance with the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112.

We are initiating an administrative enforcement action seeking a civil penalty of up to \$187,000 for each of the three counts in the Complaint.

Should you wish to consult further on this matter, please call me at (617) 918-1796.

Sincerely,


Jeffrey Kopf
Senior Enforcement Counsel

EPA Region 1

Cc: Alex Rosenberg, Environmental Compliance & Enforcement Officer, EPA Region 1
Nisha Patel, CT DEEP
Wanda Santiago, Regional Hearing Clerk, EPA Region 1
CDR Cornell Rosiu, First Coast Guard District

Enclosure (Complaint)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)	Docket No. CWA-01-2014-0033
)	
NORAMPAC NEW ENGLAND, INC.)	
720 Thompson Road)	COMPLAINT AND NOTICE OF
Thompson, CT 06277,)	OPPORTUNITY FOR HEARING
)	
Respondent.)	
)	
Proposing to Assess a Civil Penalty Under)	
Sections 309(g) and 311(b)(6) of the Clean)	
Water Act, 33 U.S.C. §§ 1319(g), 1321(b)(6))	

I. STATEMENT OF AUTHORITY

1. This administrative Complaint and Notice of Opportunity for Administrative Hearing (“Complaint”) is issued to Norampac New England, Inc. (“Respondent” or “Norampac”) pursuant to Sections 309(g) and 311(b)(6) of the Clean Water Act (“CWA” or the “Act”), 33 U.S.C. §§ 1319(g) and 1321(b)(6), as amended by the Oil Pollution Act of 1990, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The Complainant is the Director, Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1 (“EPA”).

2. Pursuant to Sections 309(g) and 311(b)(6) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6), and in accordance with the Consolidated Rules of Practice, Complainant hereby provides notice of a proposal to assess a civil penalty against Respondent for the following violations of the Act: 1) discharging untreated wastewater containing pollutants into navigable waters of the United States without authorization in violation of Section 301(a) of the CWA,

33 U.S.C. § 1311(a); 2) failing to comply with the terms and conditions of the Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity (“CTMSGP”); and 3) failing to properly maintain and fully implement a Spill Prevention Control and Countermeasure (“SPCC”) Plan in accordance with the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112, promulgated under the authority of Section 311(j) of the CWA, 33 U.S.C. § 1321(j).

II. STATUTORY AND REGULATORY BACKGROUND

Connecticut Pollutant Discharge Elimination System (“CTPDES”)

3. The CWA is designed to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Section 101(a) of the Act, 33 U.S.C. § 1251(a).

4. To accomplish the objectives of the Act, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into navigable waters except in compliance with the terms and conditions of a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and EPA’s implementing regulations, found at 40 C.F.R. Part 122.

5. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines “person” to include “an individual, corporation, partnership [or] association.”

6. Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), defines “person” to include “an individual, firm, corporation, association, [or] partnership.”

7. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.”

8. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, among other things, chemical wastes, biological materials, rock, sand, and industrial waste

discharged into water.

9. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines “point source” to include “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.”

10. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”

11. Forty C.F.R. § 122.2 defines “waters of the United States” to include, among other things: (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; (ii) all inter-state waters; (iii) tributaries to such waters; and (iv) wetlands adjacent to such waters or their tributaries.

12. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), requires any stormwater discharge “associated with industrial activity” to be authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit.

13. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the Administrator of EPA to require the owner or operator of any point source to provide such information as the Administrator may reasonably need to carry out the objectives of the CWA, including, among other things, the development and issuance of NPDES permits under Section 402 of the CWA, 33 U.S.C. § 1342.

14. Pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, EPA promulgated stormwater discharge regulations at 40 C.F.R. § 122.26.

15. Forty C.F.R. § 122.26(c)(1) provides that dischargers of stormwater “associated with industrial activity” are required to apply for an individual permit, apply for a permit through

a group application, or seek coverage under a general permit.

16. Forty C.F.R. § 122.26(b)(13) defines “storm water” to include stormwater runoff, snow melt runoff, and surface runoff and drainage.

17. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), provides that the EPA Administrator may authorize a state to issue NPDES permits in accordance with the requirements of the CWA. In 1973 the Administrator granted the State of Connecticut the authority to issue NPDES permits. Connecticut’s authority for the issuance of permits is established in Section 22a-430 of Chapter 446k of the Connecticut General Statutes.

18. On October 1, 2002, the Connecticut Department of Energy and Environmental Protection (“CTDEEP”) issued the 2002 Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity (“2002 CTMSGP”), which was modified on July 14, 2003, and again on October 1, 2007. Although the expiration date for the 2002 CTMSGP was originally set for September 30, 2007, it remained in effect until the effective date of the 2011 Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity (“2011 CTMSGP”), which was October 1, 2011. The expiration date of the 2011 CTMSGP is September 30, 2016.

19. Section 402(p), 33 U.S.C. § 1342(p), and EPA’s implementing regulation, 40 C.F.R. § 122.26(a)(1)(ii), require stormwater discharges “associated with industrial activity” to be authorized by an NPDES permit.

20. Section 3(b) of the 2002 CTMSGP and the 2011 CTMSGP authorize the discharge of “stormwater associated with industrial activity” to surface water or to a storm sewer system.

21. Forty C.F.R. § 122.26(b)(14)(ii) specifies that “storm water discharge associated with industrial activity” includes stormwater discharge from facilities classified as Standard Industrial Classification (“SIC”) code 26, including 2653 (corrugated and solid fiber boxes).

22. Section 2 of the 2002 CTMSGP and the 2011 CTMSGP specify that “industrial activity” includes any activity with primary SIC code 26.

23. Under the 2002 CTMSGP and the 2011 CTMSGP, a facility discharging stormwater “associated with industrial activities” is required to submit a Notice of Intent (“NOI”), prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”), conduct inspections, conduct monitoring and sampling, and meet other eligibility requirements.

24. Section 309(g) of the CWA, 33 U.S.C. § 1319, provides for the assessment of penalties for violations of Sections 301 and 308 of the CWA 33 U.S.C. §§ 1311, 1318, and for violating any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Spill Prevention Control and Countermeasure Plan

25. Section 311(j)(1) of the Act, 33 U.S.C. § 1321(j)(1), provides that the President shall issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances . . . from onshore and offshore facilities, and to contain discharges”

26. Under the authority of Section 311(j)(1) of the Act, the Oil Pollution Prevention regulations, found at 40 C.F.R. Part 112, establish procedures, methods, and requirements for preventing the discharge of oil. These requirements apply to owners or operators of non-transportation-related facilities engaged in drilling, producing, gathering, storing, processing,

refining, transferring, distributing, using, or consuming oil or oil products which, due to their location, could reasonably be expected to discharge oil in harmful quantities (as defined in 40 C.F.R. Part 110) to navigable waters of the United States or adjoining shorelines. 40 C.F.R. § 112.1(b). However, except as provided in 40 C.F.R. § 112.1(f), these requirements do not apply to the owner or operator of any facility which meets both of the following requirements:

- (1) the completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil; and
- (2) the aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil.

40 C.F.R. § 112.1(d)(2).

27. Under 40 C.F.R. § 112.3(a)(1), an owner or operator of an onshore facility that became operational prior to August 16, 2002 and that has discharged or, due to its location, could reasonably be expected to discharge, oil in harmful quantities into or upon the navigable waters of the United States must prepare and fully implement a Spill Prevention, Control, and Countermeasure (“SPCC”) plan in accordance with 40 C.F.R. § 112.7.

III. ALLEGATIONS

28. Respondent is a company organized under the laws of the State of Connecticut with its principal place of business at 720 Thompson Road, Thompson, Connecticut.

29. Respondent is a “person” within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5).

30. Respondent owns and operates a corrugated products manufacturing facility (the “Facility”), which is classified under Standard Industrial Classification (“SIC”) code 2653 (Corrugated and Solid Fiber Boxes).

31. Respondent has at all times relevant to this Complaint controlled all daily

business and industrial operations at the Facility, and otherwise meets the definition of “operator” of the Facility, as defined at Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), 40 C.F.R. § 112.2, and under the 2002 CTMSGP and the 2011 CTMSGP.

32. In 2004 Respondent acquired ownership of the Facility.

33. In 2005 Respondent applied for and received coverage for discharges of stormwater associated with industrial activity under the 2002 CTMSGP and then applied for and received coverage under the 2011 CTMSGP.

34. Respondent was authorized under the 2002 CTMSGP and the 2011 CTMSGP to discharge stormwater associated with industrial activity from Outfall #1 and Outfall #2, as described in its SWPPP, subject to the terms and conditions specified in the 2002 CTMSGP and the 2011 CTMSGP.

35. Outfall #1 and Outfall #2 discharge stormwater associated with industrial activity into Janson Brook, which flows into Stump Pond, which flows into the Quaddick Reservoir, which flows into Lower Pond, which flows into the Fivemile River (including through Ballouville Pond and Fivemile Pond), which flows into the Quinebaug River (including through Wauregan Pond and Aspinook Pond), which flows into the Shetucket River, which flows into the Thames River, which flows into Long Island Sound.

36. Various catch basins and associated piping which lead to Outfalls #1 and #2 are also “point source[s]” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

37. All the water bodies described in Paragraph 35 are “waters of the United States,” as defined in 40 C.F.R. § 122.2, and are “navigable waters,” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

38. At all times relevant to the allegations in this Complaint, Respondent engaged in storing, using, and consuming “oil” or oil products located at the Facility within the meaning of 40 C.F.R. § 112.2.

39. At all times relevant to the allegations in this Complaint, the Facility had an aggregate above ground oil storage capacity greater than 1,320 gallons in containers each with a shell capacity of at least 55 gallons.

40. The Facility is an “onshore facility” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

41. The Facility became operational prior to August 16, 2002.

42. The Facility is a “non-transportation-related” facility within the meaning of Appendix A to 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.

43. Accordingly, the Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to navigable waters of the United States or its adjoining shorelines in a harmful quantity.

44. Respondent is therefore subject to the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 at the Facility.

45. On February 26, 2013 and February 15, 2014, authorized representatives of EPA visited the Facility to review compliance with Federal and State environmental laws and regulations, including compliance with the CWA (the “Inspections”).

IV. VIOLATIONS

COUNT 1: UNAUTHORIZED DISCHARGE OF UNTREATED WASTEWATER

46. Paragraphs 1 through 45 are incorporated herein by reference.

47. On February 26, 2013, process water containing pollutants from the Facility's boiler was discharged from a pipe exiting the boiler room attached to the production building onto the ground.

48. This boiler condensate ran along the ground and into CB #1, which discharges from Outfall #1 into a channel which runs into Janson Brook.

49. Boiler condensate contains oil, grease, and dissolved solids which are "pollutants" under Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

50. Respondent is not authorized under the terms and conditions of the 2011 Permit to discharge process water from the boiler into Janson Brook.

51. By discharging process water into waters of the United States on February 26, 2013, without authorization under any NPDES permit, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

52. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 *et seq.*, the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, and the rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4 (61 Fed. Reg. 69360 (Dec. 31, 1996); 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 78 Fed. Reg. 66643 (Nov. 6, 2013)), Respondent is subject to civil penalties of up to sixteen thousand dollars (\$16,000) per day during which the violation continued, up to a maximum of one hundred and eighty-seven thousand five hundred dollars (\$187,500) for the violation in Count 1.

**COUNT 2: FAILURE TO COMPLY WITH THE 2002 AND 2011 CTMSGP
(STORMWATER) PERMIT TERMS AND CONDITIONS**

53. Paragraphs 1 through 52 are incorporated herein by reference.

54. From at least July 2009 through present, Respondent has discharged “storm water associated with industrial activities” within the meaning of 40 C.F.R. § 122.26, from Outfall #1 and Outfall #2 into Janson Brook.

55. The release of stormwater associated with industrial activity from these point sources constitutes a “discharge of pollutants” within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

56. Since at least July 2009, Respondent was authorized under the 2002 CTMSGP and the 2011 CTMSGP to discharge stormwater to Janson Brook. The 2002 CTMSGP and the 2011 CTMSGP contained a variety of terms and conditions designed to ensure the implementation of practices to reduce the pollutants in stormwater discharges associated with industrial activity at the Facility.

57. Section 5(b) of the 2002 CTMSGP and Section 5(c) of the 2011 CTMSGP require Respondent to develop and implement a SWPPP for the Facility in accordance with requirements specified in the permit.

58. Section 5(b)(6)(C) of the 2002 CTMSGP requires that the permittee must implement stormwater management controls appropriate for the Facility, and Section 5(b) of the 2011 CTMSGP requires that the permittee must implement Best Management Practices (“BMPs”) to minimize the discharge of pollutants from the permitted Facility.

59. From July 2009 through August 2013 Respondent failed to implement stormwater

management controls appropriate for the Facility and BMPs to minimize the discharge of pollutants from the Facility.

60. Section 5(b)(6) of the 2002 CTMSGP requires that the SWPPP contain all the elements listed in that section, including a site map, and Section 5(c)(2) of the 2011 CTMSGP requires that the SWPPP shall be representative of current site conditions, including a site map, and shall address, all the elements listed in Section 5(c)(2)(A)-(K).

61. From July 2009 through March 2012 the SWPPP failed to be fully representative of current site conditions.

62. Section 5(b)(6)(D) of the 2002 CTMSGP and Section 5(d)(1) of the 2011 CTMSGP require that the permittee must conduct comprehensive site inspections no less frequently than twice per year and that the findings of such inspections must be summarized in a report and retained as part of the SWPPP for at least five years.

63. From July 2009 through December 2012 Respondent failed to document its comprehensive site inspections and retain them as part of the SWPPP.

64. Section (b)(6)(C)(x) of the 2002 CTMSGP and Section 5(d)(2) of the 2011 CTMSGP require that qualified personnel visually inspect designated equipment and specific sensitive areas of the site (at least monthly under the 2011 CTMSGP), and that a written set of tracking of follow-up procedures be used to ensure appropriate actions are taken in response to the inspections. Records of routine inspections shall be maintained in the SWPPP.

65. From July 2009 through February 2013 Respondent failed to document such routine inspections and maintain them with the SWPPP.

66. Section 5(e)(1)(B)(iv) of the 2011 CTMSGP requires that within 120 days of

receiving the results of the fourth semiannual benchmark sample, if the average of the four semiannual monitoring values for any parameter exceeds the benchmark, the permittee must review the selection, design, installation and implementation of the control measures to determine if modifications are necessary to meet the benchmarks in the permit, and either make necessary modifications to the control measures and SWPPP or document in the SWPPP why no further pollutant reductions are achievable and submit the SWPPP to the Commissioner of the CTDEEP for approval.

67. In September 2012, May 2013, and September 2013, Respondent failed to take appropriate action as required by the 2011 CTMSGP in response to the average of four semiannual monitoring values exceeding a benchmark.

68. By discharging stormwater from the Facility into waters of the U.S. in violation of the terms and conditions of a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and by failing to comply with all the conditions in the 2002 CTMSGP and the 2011 CTMSGP, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a) from at least July 2009 through September 2013.

69. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 *et seq.*, the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, and the rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4 (61 Fed. Reg. 69360 (Dec. 31, 1996); 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 78 Fed. Reg. 66643 (Nov. 6, 2013)), Respondent is subject to civil penalties of up to sixteen thousand dollars (\$16,000) per day during which the violations continued, up to a maximum of one hundred and

eighty-seven thousand five hundred dollars (\$187,500) for the violations in Count 2.

COUNT 3: FAILURE TO MAINTAIN AND FULLY IMPLEMENT A SPILL POLLUTION CONTROL AND COUNTERMEASURE PLAN

70. Paragraphs 1 through 69 are incorporated herein by reference.

71. During the Inspections and based on additional information submitted by Respondent, EPA determined that Respondent had failed to maintain and fully implement an SPCC Plan for the Facility from July 2009 until April 4, 2014, in violation of Section 311(j) of the Act.

72. By failing to maintain and fully implement an SPCC plan for the Facility in accordance with the requirements of 40 C.F.R. §§ 112.7 and 112.8, as described above, Respondent violated 40 C.F.R. § 112.3 and Section 311(j) of the CWA, 33 U.S.C. § 1321(j), from at least July 2009, until April 4, 2014.

73. Pursuant to the authority of Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 *et seq.*, the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, and the rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4 (61 Fed. Reg. 69360 (Dec. 31, 1996); 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 78 Fed. Reg. 66643 (Nov. 6, 2013)), Respondent is subject to civil penalties of up to sixteen thousand dollars (\$16,000) per day during which the violations continued, up to a maximum of one hundred and eighty-seven thousand five hundred dollars (\$187,500) for the violations in Count 3.

V. NOTICE OF PROPOSED ASSESSMENT OF CIVIL PENALTY

74. Based upon the foregoing allegations and pursuant to the authority of Sections

309(g) and 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6)(B)(ii), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. §§ 2461 *et seq.*, the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3701 *et seq.*, and the rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4 (61 Fed. Reg. 69360 (Dec. 31, 1996); 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 78 Fed. Reg. 66643 (Nov. 6, 2013)), Complainant proposes that a Final Order assessing civil penalties be issued against Respondent of up to sixteen thousand dollars (\$16,000) per day for each day during which the violations continued, up to a maximum of one hundred and eighty-seven thousand five hundred dollars (\$187,500) for each Count in the Complaint, up to a total maximum penalty of \$562,500.

75. Based on the foregoing allegations, EPA seeks to assess civil penalties for each day of Count 1 (discharge of untreated wastewater), which was for a total of one day, Count 2 (stormwater permit violations), which was for a total of up to 1188 days, and Count 3 (SPCC violations), which was for a total of up to 1,739 days, up to a maximum of five hundred and sixty two thousand five hundred dollars (\$562,500).

76. The violations alleged in Count 1 above, represent significant violations of the CWA because the process water, boiler condensate, can be contaminated with oils and grease, dissolved solids and or may have chemical attributes such as hardness or alkalinity that can harmfully impact the surrounding environment.

77. The stormwater violations alleged in Count 2 above represent significant violations of the CWA because of the extent and duration of the violations and because compliance with the federal stormwater program is important to ensuring that stormwater runoff

does not contribute to the impairment of water quality. Untreated and unmanaged stormwater from facilities that manufacture corrugated boxes may contain Biological Oxygen Demand, Total Suspended Solids, Oil and Grease, and other toxic pollutants, which can have significant effects on water quality and the aquatic ecosystem, including but not limited to effects on oxygen demand, interference with photosynthesis, and disruption to the aquatic food chain.

78. The violations of the Oil Pollution Prevention regulations alleged in Count 3 above represent significant violations of the CWA because failure to maintain and fully implement an adequate SPCC plan leaves a facility unprepared to deal with an oil spill and to prevent a spill from having potentially serious environmental consequences.

79. Prior to any hearing on this case, EPA will file a document specifying a proposed penalty, as required by the Consolidated Rules of Practice, taking into account the seriousness, nature, circumstances, extent, and gravity of the violation, or violations, and Respondent's prior compliance history, the degree of culpability for the cited violations, any economic benefit or savings accruing to Respondent resulting from the violations, Respondent's ability to pay the proposed penalties, and such other matters as justice may require.

VI. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

80. Pursuant to Sections 309(g) and 311(b)(6) of the Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), and 40 C.F.R. § 22.14, notice is hereby given that Respondent has the right to request a hearing on any material fact alleged raised in this Complaint and on the appropriateness of any proposed penalty. Any such hearing would be conducted in accordance with the Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of which is enclosed. Members of the public, to whom EPA is obliged to give notice of this proposed action, have a right under

Sections 309(g)(4)(B) and 311(b)(6)(C) of the Act, 33 U.S.C. §§ 1319(g)(4)(B) and 1321(b)(6)(C), to comment on any proposed penalty and to be heard and to present evidence at the hearing.

81. Respondent's Answer must comply with 40 C.F.R. § 22.15 and must be filed with the Regional Hearing Clerk at address listed below within thirty (30) days of receipt of the Complaint. To be entitled to a hearing, Respondent must include its request for a hearing in its Answer to the Complaint.

82. The original and one copy of the Answer, as well as a copy of all other documents which Respondent files in this action, must be sent to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code: ORA18-1)
Boston, Massachusetts 02109-3912

Respondent should also send a copy of the Answer, as well as a copy of all other documents which Respondent files in this action, to Jeffrey Kopf, the attorney assigned to represent EPA and designated to receive service in this matter at:

Jeffrey Kopf
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code: OES04-4)
Boston, Massachusetts 02109-3912

83. If Respondent fails to file a timely Answer to this Complaint, it may be found to be in default, pursuant to 40 C.F.R. § 22.17, which constitutes an admission of all the facts alleged in the Complaint and a waiver of the right to a hearing.

84. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in any default order shall

become due and payable by Respondents without further proceedings thirty (30) days after the default order becomes final.

VII. CONTINUED COMPLIANCE OBLIGATION

85. Neither assessment nor payment of a civil penalty pursuant to Sections 309(g) and 311(b)(6) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6), shall affect Respondent's continuing obligation to comply with the CWA, the regulations promulgated thereunder, or any other applicable requirements of Federal, State, or local law.

Sam Silverman, acting for
Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1 – New England

6-30-14
Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF)	Docket No. CWA-01-2014-0033
)	
NORAMPAC NEW ENGLAND, INC.)	
720 Thompson Road)	COMPLAINT AND NOTICE OF
Thompson, CT 06277)	OPPORTUNITY FOR HEARING
)	
Respondent.)	
)	
Proposing to Assess a Civil Penalty Under)	
Sections 309(g) and 311(b)(6) of the Clean)	
Water Act, 33 U.S.C. §§ 1319(g), 1321(b)(6))	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Complaint and Notice of Opportunity to Request a Hearing has been sent to the following persons on the date noted below:

Original and one copy, hand-delivered:	Ms. Wanda Santiago Regional Hearing Clerk U.S. EPA, Region I (ORA18-1) 5 Post Office Square, Suite 100 Boston, MA 02109-3912
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Copy, by Certified Mail, Return Receipt Requested, with copy of 40 C.F.R. Part 22:	Gary Hayden, President Norampac New England, Inc. 1200 Forest St. Eau Claire, WI 54703
--	---

and

Copy, by Certified Mail,
Return Receipt Requested, with
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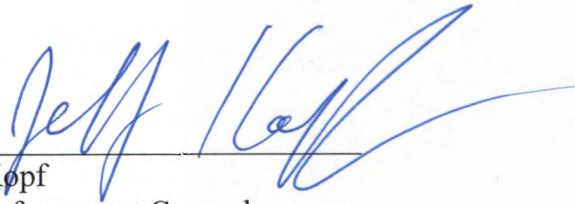
Richard Etra
Manager of Special Projects and Technology,
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720 Thompson Road
Thompson, CT 06277

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Dated:

7/1/14



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