

PUBLIC NOTICE

Leelanau Fruit Company

10760 N. M-37

Buckley, MI 49620

Docket number: SDWA-05-2023-0003

The U.S. Environmental Protection Agency, Region 5, is providing notice of its intent to issue a Consent Agreement and Final Order (CAFO) that assesses a civil penalty of \$3,796.68 to Leelanau Fruit Company (Respondent) under the authority of Section 1423(c)(1) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300h-2(c).

The CAFO will resolve Respondent's liability for only the civil penalty for only EPA's allegations contained therein that Respondent failed to comply with the SDWA, 42 U.S.C. §300h-2, requirements of its Underground Injection Control (UIC) Permit No. MI-11-165-0001 (Permit(s)), and the UIC regulations at Title 40 of the Code of Federal Regulations Part 144 at its Class 1 injection well facility in Wexford County, Michigan (Well). Specifically, EPA alleges in the CAFO that Respondent exceeded permitted maximum injection pressure in August 2017.

In addition to payment of the civil penalty, the CAFO requires that Respondent implement compliance measures at its Well(s). Pursuant to the compliance plan, Respondent must include documentation of automatic shutoff testing and gauge calibration with their annual reports, test for all constituents required in their Waste Analysis Plan in their quarterly reports, include total volume injected to date on monthly reports, begin using calibrated gauges and send a Standard Operating Procedure within 90 days that will include monitoring, reporting and recordkeeping measures to mitigate potential future violations.

A copy of the proposed CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the "Proposed Consent Agreement and Final Order" link on the Region 5 events calendar for the docket number identified above. Alternatively, you may request a copy of the CAFO by contacting the Regional Hearing Clerk at the address listed below.

OPPORTUNITY FOR COMMENT: EPA is providing public notice of the proposed settlement pursuant to Section 1423(c)(3) of SDWA, 42 U.S.C. §300h-2(c)(3) and 40 C.F.R. 22.45(b).

Any person who wishes to comment on this proposed CAFO or participate in any proceedings may do so pursuant to 42 U.S.C. § 300h-2(c)(3) and by following the procedures described in 40 C.F.R. § 22.45, particularly Subpart (c) *comment by a person who is not a party*. “Any person wishing to participate in any hearing held must notify the Regional Hearing Clerk via email or in other writing within the public notice period and provide his name, complete mailing address, and state that he wishes to participate in the proceeding.” See 40 C.F.R. § 22.45(c)(1). This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1/pdf/CFR-2015-title40-vol1-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

EPA requests that all written comments be sent via email to:

the Regional Hearing Clerk at r5hearingclerk@epa.gov

If you are unable to submit written comments by email, please contact the Regional Hearing Clerk at (312) 886-9868.

Your comments should include the case name and docket number listed above, and your full name and complete mailing address. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter. Note that EPA requires your mailing address to use the U.S. Postal Service should we need to reply, request additional information, or notify you of a hearing, and/or to provide a copy of any final order.

All written comments must be received in the Regional Hearing Clerk’s Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available electronically on the EPA website: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

Should EPA decide to propose issuance of a Final Order after considering any comments received, EPA will send a copy of the Consent Agreement and proposed Final Order to any persons who submitted written comments during the public comment period.