



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 15 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7018 0680 0001 1668 4314

Mr. Timothy Cronin, General Manager
Belgioioso Cheese, Inc.
Schenectady Plant
115 Van Guysling Ave
Schenectady, New York 12305

RE: **Final Expedited Settlement Agreement/Consent Agreement and Final Order
Belgioioso Cheese Glenville Business and Industrial Park Redevelopment Project
Docket No. CWA-02-2020-3302
SPDES General Permit No. NYR11F245**

Dear Mr. Cronin:

Enclosed is a copy of the signed Expedited Settlement Offer (“ESO”) Agreement entered into as part of the Consent Agreement and Final Order (“CAFO”).

As you agreed to in this Expedited Storm Water Settlement Agreement, payment of the settlement penalty amount (\$4,500.00) must be made within ten (10) days from the date of receipt of this letter, which contains the agreement which has been “So Ordered” and is effective. The payment and a copy of the Agreement must be sent via certified mail to:

U.S. Environmental Protection Agency
Fines and Penalties – Cincinnati Finance Center
In the Matter of Belgioioso Cheese, Inc.
Docket No.: CWA-02-2020-3302
PO Box 979077
St. Louis, MO 63197-9000

The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the “Treasurer, United States of America” with EPA and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must also be sent via certified mail, express mail or equivalent to the following addresses for our records:

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

Internet Address (URL) <http://www.epa.gov>

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U.S. Environmental Protection Agency
2019 OCT 30 PM 2:02

and

Justine Modigliani, Chief
Clean Water Act Compliance Section, Water Compliance Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

Please note that once full payment is made this settles all civil penalties claims against Belgioioso Cheese, Inc. only for the Clean Water Act violations described in the ESO and/or CAFO. If you have any questions concerning the above, please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section at (212) 637-4268.

Sincerely,



Dore LaPosta, Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Ed Hampston, Director, Bureau of Water Compliance, NYSDEC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 2
Enforcement and Compliance Assurance Division
290 Broadway
New York, New York 10007-1866
EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Docket Number: CWA-02-2020-3302, Permit: NYR11F245

U.S. Environmental
 Agency-Region 2
 2019 OCT 30 PM 2:02

Belgioioso Cheese, Inc. (“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 Deficiencies Form” (herein the “Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its Permit in violation of Section 301(a) and 402 of the Clean Water Act, 33 U.S.C. §1311 and §1342, as described in the attached table.

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 the allegations and any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the allegation(s) specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order (“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 in order to settle the civil violation(s) alleged in this Agreement for a penalty of **\$4,500**. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (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 it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (“So Ordered”) it will send a bank, cashiers or certified check for the amount specified above payable to the “Treasurer, United States of America,” via certified mail, to:

Regional Hearing Clerk
 U.S. EPA, Region 2
 In the Matter of: Belgioioso Cheese, Inc.
 Docket No.: CWA-02-2020-3302
 Cincinnati Finance Center
 PO Box 979077
 St. Louis, MO 63197-9000

This Agreement settles EPA’s civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, 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 deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed (“Approved”) by the Director of the Enforcement and Compliance Assurance Division unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C), and Part 22.

APPROVED BY EPA:

Dore LaPosta Date: 9/15/19
Dore LaPosta, Division Director
Enforcement and Compliance Assurance Division

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

Name: Timothy Cronin
 Title: **Representative, Belgioioso Cheese, Inc.**

Signature: *[Signature]* Date: 9/23/19

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:

Dore LaPosta Date: 10/15/19
Dore LaPosta, Division Director
Enforcement and Compliance Assurance Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

IN THE MATTER OF:

Belgioioso Cheese, Inc.
Schenectady Plant
115 Van Guysling Ave
Schenectady, New York 12305

Respondent

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

SPDES Permit No. NYR11F245

**CONSENT AGREEMENT AND
FINAL ORDER**

DOCKET No. CWA-02-2020-3302

CERTIFICATE OF SERVICE

I certify that, on October 16, 2019, I mailed, by certified mail, return receipt requested, the Original of this “**Consent Agreement and Final Order**” to the following person at the address listed below:

Mr. Timothy Cronin, General Manager
Belgioioso Cheese, Inc.
Schenectady Plant
115 Van Guysling Ave
Schenectady, New York 12305

On October 30, 2019, I hand carried a copy of this “**Consent Agreement and Final Order**” to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date:

October 30, 2019
New York, New York

Mary P Cosgrove
Mary Cosgrove