



REGION 1
BOSTON, MA 02109

FILED

4/22/25

2:59 PM

U.S. EPA REGION 1
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2025-0030, NPDES PERMIT No. NHR053211

AJ Nonwovens – Hampton, LLC (“AJ Nonwovens”) of Hampton, New Hampshire (“Respondent”) is a “person,” within the meaning of Section 502(5) of the Clean Water Act (the “Act”), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an “Expedited Settlement Worksheet” (“Settlement Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for violating Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, by failing to fully comply with the terms and conditions of the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, during the time frame described in the Settlement Form.

EPA finds, and Respondent admits, that 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 Expedited Settlement Agreement (“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). EPA and AJ Nonwovens (together, the “Parties”) enter into this Agreement to settle the civil violations alleged in this Agreement for a penalty of **\$18,704**. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the findings specified in the Settlement Form; (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). By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court,

including but not limited to any right to a jury trial, and also waives any right to challenge the lawfulness of the Final Order accompanying the Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the Respondent has addressed the alleged violations identified in the Settlement Form or has obtained a time frame in writing from EPA by which Respondent has agreed to correct such alleged violations. Furthermore, Respondent agrees that 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.

Within 10 days after this Agreement becomes final, Respondent agrees to submit payment using any payment method available at: <https://www.epa.gov/financial/makepayment>. Respondent shall email proof of payment to Cristeen Schena, EPA Region 1, at: schena.cristeen@epa.gov, and to the Regional Hearing Clerk, EPA Region 1 at: R1_Hearing_Clerk_Filings@epa.gov.

This Agreement settles EPA’s civil penalty claims against Respondent for the alleged Clean Water Act violations 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 violations described in the Settlement Form. EPA has determined this Agreement to be appropriate.

Respondent agrees to acceptance of the Complainant’s: i. digital or an original signature on

In the Matter of: AJ Nonwovens – Hampton, LLC Docket No.: CWA-01-2025-0030
Expedited Settlement Agreement

this Agreement; and ii. service of the fully executed Agreement on the Respondent by mail or electronically by email at the email address provided under Respondent's signature. Respondent understands that the mailing or email 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 original signature on this Agreement.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. 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.

APPROVED BY EPA:

James Chow, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): ROBERT BENJAMIN

Title (print): EHS MANAGER

Signature: Robert Benjamin Date: 2/26/2025

Provide Respondent's or Respondent's representative's email address for electronic service below:

ROBERT.BENJAMIN@AJNW.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 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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 - 5 Post Office Square, Boston MA 02109
EXPEDITED SETTLEMENT Worksheet
Docket No. CWA-01-2025-0030

Docket Number: CWA-01-2025-0030				
Site Name: Foss Performance Materials - Prev. AJ Nonwovens Site Address: 11 Merrill Industrial Dr. Hampton NH 03842 Lat/Long: 41.751°N, 71.1313°W NPDES Permit ID: NHR053211 Inspection Date: December 7, 2023		Acres of Exposure	Site Factors	
		Full-Time Employees	22	
		Environmental Harm	325	
		Sector	Med	
		Receiving Water Quality	Sector V Textile Mills, Apparel, and Other Fabric Product Mfg.	
Permit Section Violation		Magnitude	Penalty Amount	Length of Violation
Site Operations	2.1.1 Stormwater Control Measure Selection and Design Considerations (Failed to implement adequate control measures)	Significant or > 25%	\$6,563	06/01/2021–3/13/2024
	2.1.2 Non-Numeric Technology-Based Effluent Limits (Failed to maintain exposure minimization practices and failed to eliminate non-stormwater discharges)	Moderate or 5% ≤ 25%	\$3,281	06/01/2021–3/13/2024
	5.1 Corrective Actions	Minimal or < 5%	\$2,297	06/01/2021-3/13/2024
Monitoring & Recordkeeping	3.1 Routine Facility Inspections (Failed to conduct inspections)	25% < 50%	\$3,281	06/01/2021–3/13/2024
	3.2 Quarterly Visual Assessment of Stormwater Discharges			
	4.1 Monitoring Procedures (Failed to monitor from all outfalls)	Minimal or < 5%	\$1,641	9/30/2021–3/13/2024
	4.2.2 Benchmark Monitoring (Failed to conduct benchmark monitoring)			
	4.2.3 Effluent Limitations Monitoring			
	4.2.4 Impaired Waters Monitoring			
	5.2 Additional Implementation Measures			
	6 Stormwater Pollution Prevention Plan (SWPPP) does not accurately describe all site conditions	Minimal or < 5%	\$1,641	06/01/2021–4/01/2024
7 Reporting and Recordkeeping				
		Total	\$18,704	

*The "Magnitude" column reflects the severity and/or length of time of the violations observed and documented by the Inspector at the time of the inspection and/or based on additional information.