

7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution or enforcement of this AOC.
8. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
9. As between the parties to this AOC, Respondent shall bear its own costs and attorneys' fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
10. Issuance of this AOC is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. § 1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
11. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Order does not constitute a waiver, suspension or modification of the requirements of the Act, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.
12. For the purpose of this AOC, Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
13. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
14. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this AOC and to execute and legally bind the party.
15. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
16. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations

made by Respondent to the EPA regarding matters relevant to this AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

III. STATUTORY AND REGULATORY BACKGROUND

17. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act.
18. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
19. “Discharge of a pollutant” means “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source’.” 40 C.F.R. § 122.2, *see also* 33 U.S.C. § 1362(12).
20. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized PADEP to administer the NPDES program in the Commonwealth of Pennsylvania.

IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS

21. As a corporation, Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
22. At all times relevant to this AOC, Respondent owned and operated the Wastewater Treatment Facility located at 1486 York Street, Hanover, PA 17331 (“WWTF” or “Facility”), an industrial wastewater treatment facility that treats wastewater from Respondent’s food processing facility in Hanover Township, York County, Pennsylvania. The WWTF discharges treated industrial process and cooling water to Oil Creek.
23. At all times relevant to this AOC, the operation of the WWTF has been subject to NPDES Discharge Permit No. PA0044741 (“Permit”), which was issued by PADEP on September 22, 2015, and became effective October 1, 2015. The Permit expired on September 20, 2020, and has been administratively extended.
24. Respondent is authorized to discharge pollutants, in the form of industrial process and cooling water from the WWTF, directly to waters of the United States only in accordance with the terms and conditions of the Permit.
25. Oil Creek is a tributary of Codorus Creek, which is a tributary of the Susquehanna River in the Chesapeake Bay watershed. Oil Creek and Codorus Creek are located in York County, Pennsylvania. Oil Creek is listed as an “impaired stream” for certain pollutants pursuant to Section 303(d) of the CWA. Oil Creek, Codorus Creek, and the Susquehanna River are “waters of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).

- 26. At all times relevant to this AOC, the WWTF discharged wastewater into Oil Creek through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- 27. On February 4, 2021, representatives of EPA inspected the WWTF for purposes of determining compliance with the Permit (“Inspection”).

Count I
Permittee Discharged Water to Outfall 001 in
Exceedance of Permit Effluent Discharge Limitations

- 28. Part I.A.G of the Permit (Effluent Limitations, Monitoring, Recordkeeping and Reporting Requirements, p. 13) defines effluent limitations and monitoring requirements for Outfall 001 discharges. Part C.III.G (Chesapeake Bay Requirements, Other Requirements, Temperature, p. 33) defines temperature requirements in comparison to ambient water.
- 29. Respondent has discharged wastewater from Outfall 001 in exceedance of its Permit’s effluent discharge limitations on approximately one-hundred and ninety-nine (199) occasions between May 1, 2016 and June 30, 2021. A summary of the exceedances identified are set forth in Appendix 1.
- 30. Based on the above assertions and allegations, EPA concludes that Respondent violated Part I.A.G and Part C.III.G of the Permit during the periods set forth in Appendix 1.

Count II
Floating Solids and Visible Scum in Wastewater and Receiving Water

- 31. Part I.A of the Permit (Effluent Limitations, Monitoring, Recordkeeping and Reporting Requirements, Additional Requirements, p. 11), states:

The permittee may not discharge:

1. Floating solids, scum, sheen, or substances that result in observed deposits in the received water. (25 Pa Code § 92a.41(c))

. . .

4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. (25 Pa Code § 92a.41(c)).

- 32. At the time of the Inspection, EPA observed that there were solids accumulating in Oil Creek downstream of Outfall 001 and apparent bacterial growth in the vicinity of Outfall 001 in Oil Creek. Additionally, EPA observed that there were excessive floating, bulking, and accumulated solids in Clarifiers #3 and #4. Specifically, wastewater in Clarifier #3 was thick and sludge-like in places, and solids were floating and bulking in other areas of the unit. Solids were flowing over the clarifier weirs. Clarifier #4 was slightly clearer; however, EPA observed that there were floating and bulking solids, as well as solids flowing over the clarifier weirs.

33. At the time of the Inspection, EPA observed that water in the effluent discharge structure for Lagoon #2, as well as the water leaving the polishing ponds to be treated by the UV disinfection system, was turbid.
34. During PADEP's July 9, 2020 inspection, PADEP observed that scum and solids were present on the surface of the polishing pond, and effluent flowing from that pond appeared to have a greenish/ yellow tint with some observable solids.
35. Based on the above assertions and allegations, EPA concludes that Respondent violated Part I.A of the Permit on at least February 4, 2021.

Count III
Respondent was not Operating and Maintaining
the WWTF as required by the Permit

36. The Permit Part B.I.D. (Management Requirements, Proper Operation and Maintenance, p. 24) states:

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41)

37. At the time of the Inspection, EPA observed that the cooling water magmeter vault was completely flooded with steaming water. The water in the vault was steaming, indicating a potential cooling water leak in the pipeline, not necessarily outside snowmelt getting into the vault.
38. At the time of the Inspection, EPA observed that Digester #2 was operating under less-than-optimal conditions. Laboratory bench sheets provided by the Respondent indicated that temperatures in Digester #2 were routinely under 85 degrees F, whereas it designed to operate around 95 degrees F.
39. At the time of the Inspection, EPA observed that several warning lights on the UV system were illuminated or flashing, indicating potential errors or failures of the UV lamps. The electronic user interface for the unit indicated 29 alarms at the time of the inspection.
40. Similar observations were made during PADEP's prior inspections:
 - a. In April of 2019, the UV disinfection system was offline for Outfall 001 and aeration was turned off. Additionally, Digester #1 was operating at 90 degrees F or less, whereas it is designed to operate around 95 degrees F.
 - b. During PADEP's April 18, 2019 inspection, PADEP reported that Clarifiers #3 and #4 were experiencing short-circuiting, gas release, and solids carry over in multiple areas along the weirs. There was also algae accumulation evident in the effluent weir notches.

- c. During a subsequent inspection conducted by PADEP in July of 2020, Clarifiers #3 and #4 were experiencing short-circuiting, gas release, and solids carry over in multiple areas along the weirs. There was some minor algae accumulation in the effluent weir notches. Additionally, Digester #1 was operating at 93.3 degrees F, whereas it is designed to operate around 95 degrees F.
- 41. Based on the above assertions and allegations, EPA concludes that Respondent violated Permit Part B.I.D. of the Permit on at least April 18, 2019, July 9, 2020, and February 4, 2021.

Count IV
Respondent Allowed an Unpermitted Discharge of Brine

- 42. Part B.I.E of the Permit states:

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use, or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment (40 CFR 122.41(d)).

- 43. The Respondent notified PADEP of a release of diluted sodium chloride into an Unnamed Tributary to Oil Creek on June 2, 2018. A follow-up inspection conducted by PADEP on June 5, 2018 confirmed an unpermitted discharge of brine to an Unnamed Tributary to Oil Creek, outside an above ground tank with capacity of 6,000–8,000-gallons. PADEP observed the tank to be located within a shallow containment area shared with two above-ground vinegar tanks. The Respondent estimated that an approximate 6,500 gallons of diluted salt water was discharged from the tank into an Unnamed Tributary to Oil Creek.
- 44. Based on the above assertions and allegations, EPA concludes that Respondent violated Part B.I..E of the Permit during June 2018.
- 45. Based on the above assertions and allegations in Paragraphs 1 through 44, the Respondent has failed to comply with the terms and conditions of the Permit and, therefore, has violated Section 301 of the CWA, 33 U.S.C. § 1311.

V. COMPLIANCE ORDER

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

- 46. Within ninety (90) days of the Effective Date of the AOC, the Respondent shall provide to EPA for review a complete engineering evaluation of the WWTF, which must meet the requirements set forth in this AOC. The engineering evaluation must be completed by a certified Professional Engineer. This evaluation must include an analysis of the causes, and responsive recommendations, which address the following conditions:
 - i. The water in the vault was steaming.
 - ii. Laboratory bench sheets provided by the Respondent indicated that temperatures in Digester #2 were routinely under 85 degrees.

- iii. Several warning lights on the UV system were illuminated or flashing, indicating potential errors or failures of the UV lamps.
 - iv. Digester #1 operating below its designed temperature
 - v. Clarifiers #3 and #4 were experiencing short-circuiting, gas release, and solids carry over in multiple areas along the weirs.
 - vi. There were excessive floating, bulking, and accumulated solids in Clarifiers #3 and #4.
 - vii. There was some minor algae accumulation in the effluent weir notches.
 - viii. Scum and solids were present on the surface of the polishing pond, and effluent flowing from that pond appeared to have a greenish/ yellow tint with some observable solids.
47. EPA will review the Engineering Evaluation and make a determination of completeness, based on the requirements described in Paragraph 46 above. If EPA determines that the Engineering Evaluation is not complete or adequate, EPA shall notify Respondent in writing, and Respondent shall resubmit an updated Evaluation within thirty (30) days of Respondent's receipt of EPA's notice.
48. Within sixty (60) days of receiving written notification that EPA has accepted the submitted Engineering Evaluation, the Respondent shall provide to EPA for review a Corrective Action Plan ("CAP"), which meets the requirements set forth in this AOC. The CAP shall include, at a minimum, plans and a schedule for implementing corrective actions to address the following:
- i. A plan and schedule for implementing corrective actions to address effluent violations for the time period of January 2017 to August 2021 for the following parameters: 1) Temperature, water deg. Fahrenheit; 2) Dissolved Oxygen; 3) pH; 4) Suspended Solids; 5) Nitrogen, ammonia total; 6) Fecal Coliform; and 7) 5-Day Biological Oxygen Demand (BOD5).
 - ii. A plan and schedule for implementing corrective actions to address the items mentioned in Paragraph 46.
49. The schedule to implement the corrective actions identified in the CAP shall not exceed two (2) years from the Effective Date of this AOC.
50. Approval of the CAP
- a. After review of the CAP, EPA will in writing: (a) approve the submission; (b) approve the submission upon specified conditions; (c) approve part of the submission and disapprove the remainder; or (d) disapprove the submission.
 - b. If the submission is approved pursuant to Paragraph 50(a) (above), Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally approved or approved only in part, pursuant to Paragraph 50(b) or (c) (above), Respondent shall, upon written direction from

- EPA, take all actions required by the conditionally approved or approved only in part CAP that EPA determines are technically severable from any disapproved portions.
- c. If the CAP is disapproved in whole or in part, Respondent shall, within fifteen (15) days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
 - d. CAP Deadlines. No later than ten (10) days from EPA's approval of the CAP, Respondent shall submit to EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within ten (10) days of modification of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.
51. Respondent shall submit to EPA (1) a notice within thirty (30) days of completing a scheduled event in the CAP, and (2) quarterly progress reports, until all work required by the CAP has been completed. These reports shall be submitted in accordance with Paragraphs 54 and 56, below. The quarterly progress reports shall be due on March 31, June 30, September 30, and December 31 of each year, and shall include, at a minimum:
- a. Activities completed during the reporting period;
 - b. Dates by which the activities were completed;
 - c. Any barriers to the timely completion of activities encountered; and
 - d. Activities currently in progress.
52. Within 180 days of the Effective Date of the AOC, Respondent shall submit to EPA a Preventative Maintenance Plan ("PMP"). This PMP will detail the specific preventative maintenance requirements for each primary treatment, secondary treatment, disinfection process, solids handling, or other equipment critical for optimal plant operation. As part of the preventative maintenance for each treatment process, include daily, weekly, or monthly schedules to be followed by the plant operator that prescribe Preventative Maintenance procedures, including, at a minimum, calibration, lubrication, cleaning and replacement of equipment. Each item identified in Paragraphs 46 and 48, above, that has a corrective action shall have a corresponding preventative action described in the PMP. The PMP shall also include a process for regularly inspecting and correcting any issues identified at Oil Creek at Outfall 001 for any prohibited characteristics which may be present due to the facility's discharges.
53. EPA will review the PMP and make a determination of completeness, based on the requirements described in Paragraph 50, above. If EPA determines that the PMP is not complete or adequate, EPA shall notify Respondent in writing, and Respondent shall resubmit an updated PMP within fifteen (15) days of Respondent's receipt of EPA's notice or such other time as the Parties agree to in writing. Upon a determination of completeness as provided in writing by EPA to the Respondent, Respondent will begin implementation of the PMP.

VI. PROCEDURES FOR SUBMISSIONS

- 54. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____

Title: _____

Date: _____

- 55. Respondent may assert a business confidentiality claim covering part or all of the information which this AOC requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to EPA, the Respondent submitting such information does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.
- 56. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Email: crosby.monica@epa.gov
 Ms. Monica Crosby
 NPDES Enforcement
 Enforcement and Compliance Assurance Division
 U.S. EPA, Region III

Any information submitted electronically shall be submitted in a widely recognized electronic format.

VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

- 57. Upon completion of all items required by the CAP and a determination of completeness of each item, and after at least two (2) years' implementation of the PMP, Respondent shall submit to EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
 - a. a certification that Respondent has maintained compliance with this AOC for the term of this AOC; and

- b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section VI (Compliance Order) of this AOC.
58. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA agrees that Respondent has adequately complied with all requirements of this AOC, then EPA may, in its unreviewable discretion, provide written notification of termination of this AOC. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA determines that Respondent has not adequately completed with all requirements of this AOC, EPA shall notify Respondent in writing.

VIII. AOC MODIFICATIONS

59. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion. Respondent's submission of a written request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

IX. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTF

60. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the WWTF.
61. At least ninety (90) days prior to any transfer of ownership or operation of the WWTF, Respondent shall submit a written notification to EPA of any such anticipated change in ownership or operation of the WWTF (Notification of Change of Hanover WWTF Ownership or Operation). Each such Notification of Change of Hanover WWTF Ownership or Operation shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTF and a schedule for such anticipated change.
62. Respondent shall condition any sale or transfer of ownership or operation of the WWTF, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement which creates an obligation that shall survive the closing of such sale or transfer of the WWTF, whereby such Prospective Third Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

X. TAX IDENTIFICATION

63. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the actions in Section V (Compliance Order), Paragraphs 46-49, 50(a)-(b), (d), and 51-53; and Section VI (Procedures for Submissions), Paragraphs 54 and 56 is restitution, remediation, or required to come into compliance with the law.

XI. DISPUTE RESOLUTION

64. Disputes or disagreements concerning any written decision, including any approval or disapproval of a submission, issued by EPA pursuant to the terms set forth in this AOC shall be subject to the procedures of this Section XI (Dispute Resolution).
65. **Informal Dispute Resolution:** The parties shall use their best efforts to resolve all disputes or disagreements through informal negotiations and discussion (Informal Dispute Resolution Negotiations). Respondent shall initiate Informal Dispute Resolution Negotiations by submitting to EPA a written notification initiating Informal Dispute Resolution (Informal Dispute Resolution Initiation Notification). Each such Informal Dispute Resolution Initiation Notification shall, at a minimum, identify: a) the specific EPA decision subject to Informal Dispute Resolution negotiations, b) the basis for Respondent's objection to, or disagreement with, such decision and c) Respondent's specific proposed resolution of such objection to such decision. If a dispute, or disagreement, is resolved through Informal Dispute Resolution Negotiations and the parties deem it appropriate, the resolution may be reduced to writing, signed by representatives of each party, and incorporated into this AOC, and any requirements or schedules therein shall become enforceable requirements of this AOC. In the event that the parties cannot resolve a dispute by informal negotiations under this Paragraph within sixty (60) calendar days of EPA's receipt of an Informal Dispute Resolution Initiation Notification, or such longer period as EPA, in its sole and unreviewable discretion, deems appropriate, (Informal Dispute Resolution Period), Respondent may initiate Formal Dispute Resolution in accordance with this Section. Unless EPA determines otherwise, the invocation of Informal Dispute Resolution procedures under this Section shall not extend, postpone, or affect in any way any obligation of Respondent under this AOC.
66. **Formal Dispute Resolution:** If Respondent disagree(s), in whole or in part, with any disapproval, modification or other decision or directive made by EPA under this AOC, and the parties cannot resolve such dispute through Informal Dispute Resolution Negotiations, EPA's decision shall be considered a binding and enforceable requirement of this AOC, until and unless Respondent submits a written request to initiate formal dispute resolution in accordance with the procedures outlined below. The invocation of formal dispute resolution procedures under this Section shall not extend, postpone, or affect in any way any obligation of Respondent under this AOC, unless EPA determines otherwise.
67. **Initiation of Formal Dispute Resolution:** If Respondent disagrees, in whole or in part, with EPA's decision under this AOC, which has been the subject of Informal Dispute Resolution Negotiations, as set forth in this Section, Respondent shall submit to EPA a request to initiate formal dispute resolution (Formal Dispute Resolution Initiation Notification). Any Formal Dispute Resolution Initiation Notification must contain: i) Respondent's specific objection(s) to the EPA decision in dispute; ii) the bases for Respondent's objections, including but not limited to any factual data, analysis, or opinion supporting such objection and any supporting documentation relied upon by Respondent and iii) Respondent's proposed resolution for each objection. Respondent must submit any Request for Formal Dispute Resolution within ten (10) business days after either: a) the conclusion of the Informal Dispute Resolution Period or b) Respondent's receipt of the EPA's Informal Dispute Determination. EPA may, in its sole and unreviewable discretion, decline any Request for Formal Dispute Resolution submitted to EPA subsequent to ten (10) business days after Respondents' receipt of the EPA's Informal Dispute Determination.

68. Formal Dispute Resolution Period: After EPA receives a Request for Formal Dispute Resolution, in accordance with this AOC, the parties shall have ten (10) business days, or such longer period as EPA, in its sole and unreviewable discretion, deems appropriate, to attempt to agree upon a resolution relating to such written objection(s) and requested resolution(s). During such formal dispute resolution period, Respondent may request a meeting with the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, in order to make an oral presentation of its position(s). If, during such formal dispute resolution period, agreement is reached resolving any or all of such objections, such resolution(s) shall be reduced to writing, signed by representatives of each party, and incorporated into this AOC, and any requirements or schedules therein shall become enforceable requirements of this AOC.
69. EPA Formal Dispute Determination: If EPA and Respondent are unable to reach resolution as to any or all written objections, as set forth in such Request for Formal Dispute Resolution, within the period specified in Paragraph 68, above, the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, shall notify Respondent in writing, of his or her decision regarding each unresolved objection set forth by such Respondents, or Respondent (hereinafter referred to as "EPA's Formal Dispute Determination"). Each such determination shall be final and incorporated into this AOC and any requirements or schedules set forth therein, or incorporated by reference therein, shall become enforceable requirements of this AOC.
70. Notwithstanding any other provisions of this AOC, no action or decision by EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, pursuant to this AOC, shall constitute a final agency action giving rise to any right to judicial review prior to EPA's initiation of judicial action to compel any Respondent's compliance with, or otherwise enforce, this AOC.
71. In the event that EPA initiates a judicial action for purposes of enforcing any requirement of this AOC, Respondent reserves any claims or defenses it may otherwise have in relation to any actions or decisions by EPA related to the obligations which are the subject of such judicial action(s); and in any such judicial action, the phrase "sole and unreviewable discretion" as used in this AOC shall not affect any authority or rights that the court may otherwise have to review any such EPA action or decision.

XII. EXTENSION OF TIME REQUEST BASED ON FORCE MAJEURE EVENT

72. "Force Majeure Event", for purposes of this AOC, is defined as any event arising from causes beyond the control of the Respondent, of any entity controlled by Respondent, or any contractor of Respondent, that delays or prevents the performance of any obligation under this AOC subsequent to Respondent exercising best efforts to fulfill the obligation(s) at issue. The requirement that Respondent exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any Force Majeure Event and best efforts to address the effects of any such event: (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay. Unanticipated or increased costs or expenses associated with the performance of Respondent's obligations under this AOC or Respondent's financial inability to perform any obligation under this AOC shall not constitute circumstances beyond Respondent's control nor serve as the basis for an extension of time under this AOC.
73. If at any time during the implementation of this AOC, any Force Majeure Event occurs that may delay the completion of any AOC Compliance Project by the applicable deadline for submission

of a relevant AOC Compliance Project Completion Notification, including implementation of an EPA-approved plan or schedule, Respondent shall, within fourteen (14) calendar days of determining that such event may delay the performance of such obligation, provide to EPA a written request for an extension of time to comply with any such obligation (Force Majeure Extension of Time Request). Such Extension of Time Request shall include, at a minimum, the following information for each specific obligation(s) for which an extension of time is sought.

- a. The specific obligation(s) for which an extension of time is sought, including each applicable deadline.
- b. A detailed explanation and description of the Force Majeure Event at issue and the reasons for the requested extension of time, including all supporting documentation.
- c. The amount of time for which an extension of time is sought.
- d. A detailed description of all actions taken to prevent or minimize the amount of time for which an extension of time is sought, including a detailed description of Respondent's best efforts to fulfill the obligation.
- e. A detailed description, including a schedule for implementation, of all actions to be taken to prevent or mitigate the amount of time for which an extension is sought and the effect of any delay on any other obligation pursuant to this AOC.
- f. A statement as to whether, in the opinion of the Respondent, the Force Majeure Event at issue may cause or contribute to an endangerment to public health, welfare, or the environment.

74. Any Force Majeure Extension of Time Request shall be submitted in accordance with this AOC and EPA may, in its unreviewable discretion, approve or disapprove any Extension of Time Request.

75. EPA's approval, including conditional approval, of any Force Majeure Extension of Time Request shall not, of itself extend the time for performance of any other obligation not explicitly addressed in such approval.

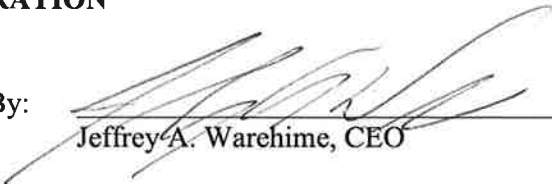
76. Failure to comply with the above requirements may preclude Respondent from asserting any claim of Force Majeure or other related defense for non-compliance with the terms of this AOC for the time period such non-compliance is related to a reportable event.

XIII. EFFECTIVE DATE

77. This AOC will become effective upon the Respondent's receipt of a fully-executed copy of this AOC.

FOR HANOVER FOODS CORPORATION

Date: 12-15-21

By: 
Jeffrey A. Warehime, CEO

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

By: _____

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region III

Appendix 1
 Permit No. PA0044741, Outfall 001 Effluent Exceedances
 (5/31/2016 – 6/30/2021)

Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
5/31/2016	Fecal Coliform	2300	1000	CFU/100ml	Instantaneous Maximum
5/31/2016	Total Suspended Solids	33	30	mg/L	Average Monthly
6/30/2016	Fecal Coliform	52000	1000	CFU/100ml	Instantaneous Maximum
6/30/2016	Fecal Coliform	536	200	CFU/100ml	Geometric Mean
6/30/2016	Total Suspended Solids	49	30	mg/L	Average Monthly
6/30/2016	Total Suspended Solids	77	60	mg/L	Daily Maximum
6/30/2016	Total Suspended Solids	313	210	lbs/day	Average Monthly
6/30/2016	Total Suspended Solids	519	420	lbs/day	Daily Maximum
7/31/2016	Fecal Coliform	421	200	CFU/100ml	Geometric Mean
7/31/2016	Fecal Coliform	33000	1000	CFU/100ml	Instantaneous Maximum
7/31/2016	Total Suspended Solids	33	30	mg/L	Average Monthly
7/31/2016	Total Suspended Solids	230	210	lbs/day	Average Monthly
8/31/2016	Fecal Coliform	4300	1000	CFU/100ml	Instantaneous Maximum
8/31/2016	pH	9.17	9	S.U.	Maximum
9/30/2016	Dissolved Oxygen	4.8	5	mg/L	Minimum
9/30/2016	Fecal Coliform	13500	1000	CFU/100ml	Instantaneous Maximum
10/31/2016	pH	9.12	9	S.U.	Maximum
5/31/2017	pH	9.21	9	S.U.	Maximum
5/31/2017	Total Suspended Solids	460	420	lbs/day	Daily Maximum
6/30/2017	Total Suspended Solids	35	30	mg/L	Average Monthly
7/31/2017	Ammonia-Nitrogen	2.49	2	mg/L	Daily Maximum
7/31/2017	Ammonia-Nitrogen	17	14	lbs/day	Daily Maximum
8/31/2017	Ammonia-Nitrogen	1.044	1	mg/L	Average Monthly
10/31/2017	Ammonia-Nitrogen	9	7	lbs/day	Average Monthly
10/31/2017	Ammonia-Nitrogen	1.28	1	mg/L	Average Monthly
10/31/2017	Ammonia-Nitrogen	35	14	lbs/day	Daily Maximum

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(5/31/2016 – 6/30/2021)

Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
10/31/2017	Ammonia-Nitrogen	3.38	2	mg/L	Daily Maximum
10/31/2017	Total Phosphorus	24	14	lbs/day	Average Monthly
10/31/2017	Total Phosphorus	3.2	2	mg/L	Average Monthly
10/31/2017	Total Phosphorus	4.2	4	mg/L	Daily Maximum
10/31/2017	Total Phosphorus	44	28	lbs/day	Daily Maximum
10/31/2017	Total Cadmium	0.0010	0.0008	mg/L	Average Monthly
10/31/2017	Total Cadmium	0.0090	0.0056	lbs/day	Average Monthly
2/28/2018	Total Suspended Solids	32	30	mg/L	Average Monthly
2/28/2018	Total Suspended solids	216	210	lbs/day	Average Monthly
4/30/2018	Total Suspended Solids	299	210	lbs/day	Average Monthly
4/30/2018	Total Suspended Solids	1911	420	lbs/day	Daily Maximum
4/30/2018	Total Suspended Solids	54	30	mg/L	Average Monthly
4/30/2018	Total Suspended Solids	316	60	mg/L	Daily Maximum
5/31/2018	Total Suspended Solids	86	60	mg/L	Daily Maximum
5/31/2018	CBOD5	16.1	15	mg/L	Daily Maximum
11/30/2018	Total Suspended Solids	36	30	mg/L	Average Monthly
12/31/2018	Temperature	60	50	degrees F	Daily Maximum
7/31/2019	Ammonia-Nitrogen	22	14	lbs/day	Daily Maximum
7/31/2019	Ammonia-Nitrogen	2.87	2	mg/L	Daily Maximum
9/30/2019	Total Suspended Solids	33	30	mg/L	Average Monthly
9/30/2019	Total Suspended Solids	277	210	lbs/day	Average Monthly
10/31/2019	Total Suspended Solids	33	30	mg/L	Average Monthly
10/31/2019	Total Suspended Solids	255	210	lbs/day	Average Monthly
10/31/2019	CBOD5	107	70	lbs/day	Average Monthly
10/31/2019	CBOD5	15.7	10	mg/L	Average Monthly
10/31/2019	CBOD5	451	105	lbs/day	Daily Maximum
10/31/2019	CBOD5	79.1	15	mg/L	Daily Maximum

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
11/30/2019	Temperature (beginning of month)	83	69	degrees F	Daily Maximum
11/30/2019	Total Suspended Solids	401	210	lbs/day	Average Monthly
11/30/2019	Total Suspended Solids	65	30	mg/L	Average Monthly
11/30/2019	Total Suspended Solids	163	60	mg/L	Daily Maximum
11/30/2019	Total Suspended Solids	1177	420	lbs/day	Daily Maximum
11/30/2019	Dissolved Oxygen	4.3	5	mg/L	Minimum
11/30/2019	CBOD5	378	126	lbs/day	Average Monthly
11/30/2019	CBOD5	65.06	18	mg/L	Average Monthly
11/30/2019	CBOD5	715	189	lbs/day	Daily Maximum
11/30/2019	CBOD5	124	27	mg/L	Daily Maximum
11/30/2019	Temperature (end of month)	81	59	degrees F	Daily Maximum
12/31/2019	Temperature	90	50	degrees F	Daily Maximum
12/31/2019	Total Suspended Solids	111	60	mg/L	Daily Maximum
12/31/2019	Total Suspended Solids	<45	30	mg/L	Average Monthly
12/31/2019	Total Suspended Solids	485	420	lbs/day	Daily Maximum
12/31/2019	Dissolved Oxygen	4.4	5	mg/L	Minimum
12/31/2019	CBOD5	26.8	18	mg/L	Average Monthly
12/31/2019	CBOD5	81.7	27	mg/L	Daily Maximum
12/31/2019	CBOD5	362	189	lbs/day	Daily Maximum
1/31/2020	Temperature	83	51	degrees F	Daily Maximum
1/31/2020	Total Suspended Solids	267	210	lbs/day	Average Monthly
1/31/2020	Total Suspended Solids	39	30	mg/L	Average Monthly
1/31/2020	Total Suspended Solids	85	60	mg/L	Daily Maximum
1/31/2020	Total Suspended Solids	682	420	lbs/day	Daily Maximum
1/31/2020	CBOD5	149	126	lbs/day	Average Monthly
1/31/2020	CBOD5	22.6	18	mg/L	Average Monthly

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
1/31/2020	CBOD5	43	27	mg/L	Daily Maximum
1/31/2020	CBOD5	274	189	lbs/day	Daily Maximum
2/29/2020	Temperature	60	52	degrees F	Daily Maximum
2/29/2020	Total Suspended Solids	33	30	mg/L	Average Monthly
2/29/2020	Total Suspended Solids	69	60	mg/L	Daily Maximum
2/29/2020	Total Suspended Solids	445	420	lbs/day	Daily Maximum
3/31/2020	Total Suspended Solids	<273	210	lbs/day	Average Monthly
3/31/2020	Total Suspended Solids	<38	30	mg/L	Average Monthly
3/31/2020	Total Suspended Solids	683	420	lbs/day	Daily Maximum
3/31/2020	CBOD5	136	126	lbs/day	Average Monthly
3/31/2020	CBOD5	65.8	27	mg/L	Daily Maximum
3/31/2020	CBOD5	762	189	lbs/day	Daily Maximum
4/30/2020	Total Suspended Solids	403	210	lbs/day	Average Monthly
4/30/2020	Total Suspended Solids	59	30	mg/L	Average Monthly
4/30/2020	Total Suspended Solids	104	60	mg/L	Daily Maximum
4/30/2020	Total Suspended Solids	713	420	lbs/day	Daily Maximum
4/30/2020	CBOD5	218	189	lbs/day	Daily Maximum
4/30/2020	CBOD5	34	27	mg/L	Daily Maximum
5/31/2020	Total Suspended Solids	334	210	lbs/day	Average Monthly
5/31/2020	Total Suspended Solids	48	30	mg/L	Average Monthly
5/31/2020	Total Suspended Solids	80	60	mg/L	Daily Maximum
5/31/2020	Total Suspended Solids	653	420	lbs/day	Daily Maximum
6/30/2020	Total Suspended Solids	37	30	mg/L	Average Monthly
6/30/2020	Total Suspended Solids	369	210	lbs/day	Average Monthly
6/30/2020	Total Suspended Solids	70	60	mg/L	Daily Maximum
6/30/2020	Total Suspended Solids	792	420	lbs/day	Daily Maximum
6/30/2020	CBOD5	<94	70	lbs/day	Average Monthly

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
6/30/2020	CBOD5	23.6	15	mg/L	Daily Maximum
6/30/2020	CBOD5	252	105	lbs/day	Daily Maximum
7/31/2020	Ammonia-Nitrogen	3.6	1	mg/L	Average Monthly
7/31/2020	Ammonia-Nitrogen	25	7	lbs/day	Average Monthly
7/31/2020	Ammonia-Nitrogen	67	14	lbs/day	Daily Maximum
7/31/2020	Ammonia-Nitrogen	10.2	2	mg/L	Daily Maximum
7/31/2020	Total Suspended Solids	37	30	mg/L	Average Monthly
7/31/2020	Total Suspended Solids	310	210	lbs/day	Average Monthly
7/31/2020	Total Suspended Solids	506	420	lbs/day	Daily Maximum
7/31/2020	CBOD5	170	70	lbs/day	Average Monthly
7/31/2020	CBOD5	20.3	10	mg/L	Average Monthly
7/31/2020	CBOD5	48.2	15	mg/L	Daily Maximum
7/31/2020	CBOD5	461	105	lbs/day	Daily Maximum
8/31/2020	Ammonia-Nitrogen	15	7	lbs/day	Average Monthly
8/31/2020	Ammonia-Nitrogen	35	14	lbs/day	Daily Maximum
8/31/2020	Ammonia-Nitrogen	3.81	2	mg/L	Daily Maximum
8/31/2020	Ammonia-Nitrogen	<1.821	1	mg/L	Average Monthly
8/31/2020	Total Suspended Solids	448	420	lbs/day	Daily Maximum
8/31/2020	CBOD5	215	70	lbs/day	Average Monthly
8/31/2020	CBOD5	24.3	10	mg/L	Average Monthly
8/31/2020	CBOD5	522	105	lbs/day	Daily Maximum
8/31/2020	CBOD5	49	15	mg/L	Daily Maximum
9/30/2020	Ammonia-Nitrogen	<23	7	lbs/day	Average Monthly
9/30/2020	Ammonia-Nitrogen	<1.92	1	mg/L	Average Monthly
9/30/2020	Ammonia-Nitrogen	4.06	2	mg/L	Daily Maximum
9/30/2020	Ammonia-Nitrogen	53	14	lbs/day	Daily Maximum
9/30/2020	CBOD5	74	70	lbs/day	Average Monthly

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
9/30/2020	CBOD5	135	105	lbs/day	Daily Maximum
10/31/2020	Temperature (end of month)	85	76	degrees F	Daily Maximum
10/31/2020	Total Suspended Solids	861	210	lbs/day	Average Monthly
10/31/2020	Total Suspended Solids	78	30	mg/L	Average Monthly
10/31/2020	Total Suspended Solids	2106	420	lbs/day	Daily Maximum
10/31/2020	Total Suspended Solids	174	60	mg/L	Daily Maximum
10/31/2020	Fecal Coliform	26300	10000	CFU/100ml	Instantaneous Maximum
10/31/2020	CBOD5	35.8	10	mg/L	Average Monthly
10/31/2020	CBOD5	405	70	lbs/day	Average Monthly
10/31/2020	CBOD5	135	15	mg/L	Daily Maximum
10/31/2020	CBOD5	1634	105	lbs/day	Daily Maximum
11/30/2020	Temperature (beginning of month)	84	69	degrees F	Daily Maximum
11/30/2020	Dissolved Oxygen	4	5	mg/L	Minimum
11/30/2020	Total Suspended Solids	46	30	mg/L	Average Monthly
11/30/2020	Total Suspended Solids	348	210	lbs/day	Average Monthly
11/30/2020	Total Suspended Solids	759	420	lbs/day	Daily Maximum
11/30/2020	Total Suspended Solids	80	60	mg/L	Daily Maximum
11/30/2020	CBOD5	138	126	lbs/day	Average Monthly
11/30/2020	CBOD5	18.5	18	mg/L	Average Monthly
11/30/2020	CBOD5	310	189	lbs/day	Daily Maximum
11/30/2020	CBOD5	52.6	27	mg/L	Daily Maximum
11/30/2020	Temperature (end of month)	86	59	degrees F	Daily Maximum
12/31/2020	Temperature	87	50	degrees F	Daily Maximum
12/31/2020	Total Suspended Solids	<32	30	mg/L	Average Monthly
12/31/2020	Total Suspended Solids	<218	210	lbs/day	Average Monthly
12/31/2020	Total Suspended Solids	76	60	mg/L	Daily Maximum

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
12/31/2020	Total Suspended Solids	551	420	lbs/day	Daily Maximum
12/31/2020	CBOD5	261	189	lbs/day	Daily Maximum
12/31/2020	CBOD5	36	27	mg/L	Daily Maximum
1/31/2021	Temperature	82	51	degrees F	Daily Maximum
1/31/2021	Total Suspended Solids	67	30	mg/L	Average Monthly
1/31/2021	Total Suspended Solids	621	210	lbs/day	Average Monthly
1/31/2021	Total Suspended Solids	733	420	lbs/day	Daily Maximum
1/31/2021	Total Suspended Solids	97	60	mg/L	Daily Maximum
1/31/2021	CBOD5	1006	126	lbs/day	Average Monthly
1/31/2021	CBOD5	101.5	18	mg/L	Average Monthly
1/31/2021	CBOD5	2244	189	lbs/day	Daily Maximum
1/31/2021	CBOD5	179	27	mg/L	Daily Maximum
2/8/2021	Fecal Coliform	29000	10000	CFU/100ml	Instantaneous Maximum
2/28/2021	Temperature	97	52	degrees F	Daily Maximum
2/28/2021	Total Suspended Solids	70	30	mg/L	Average Monthly
2/28/2021	Total Suspended Solids	300	210	lbs/day	Average Monthly
2/28/2021	Total Suspended Solids	122	60	mg/L	Daily Maximum
2/28/2021	Total Suspended Solids	549	420	lbs/day	Daily Maximum
2/28/2021	CBOD5	320	126	lbs/day	Average Monthly
2/28/2021	CBOD5	85.4	18	mg/L	Average Monthly
2/28/2021	CBOD5	250	27	mg/L	Daily Maximum
2/28/2021	CBOD5	667	189	lbs/day	Daily Maximum
3/31/2021	Temperature	95	74	degrees F	Daily Maximum
3/31/2021	Total Suspended Solids	278	210	lbs/day	Average Monthly
3/31/2021	Total Suspended Solids	51	30	mg/L	Average Monthly
3/31/2021	Total Suspended Solids	567	420	lbs/day	Daily Maximum
3/31/2021	Total Suspended Solids	85	60	mg/L	Daily Maximum

Hanover Foods Corporation

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Monitoring Period End Date	Parameter	DMR Value	Permit Limit	Unit	Limit Type
3/31/2021	CBOD5	45.5	18	mg/L	Average Monthly
3/31/2021	CBOD5	231	126	lbs/day	Average Monthly
3/31/2021	CBOD5	115	27	mg/L	Daily Maximum
3/31/2021	CBOD5	635	189	lbs/day	Daily Maximum
4/30/2021	Temperature (beginning of month)	99	83	degrees F	Daily Maximum
4/30/2021	Temperature (end of month)	96	89	degrees F	Daily Maximum
4/30/2021	Total Suspended Solids	62	60	mg/L	Daily Maximum
5/31/2021	Ammonia-Nitrogen	1.895	1	mg/L	Average Monthly
5/31/2021	Ammonia-Nitrogen	11	7	lbs/day	Average Monthly
5/31/2021	Ammonia-Nitrogen	20	14	lbs/day	Daily Maximum
5/31/2021	Ammonia-Nitrogen	2.81	2	mg/L	Daily Maximum
6/30/2021	Ammonia-Nitrogen	1.047	1	mg/L	Average Monthly

