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2010 FEB 11 PM 4:47

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8
9 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 9

10 75 Hawthorne Street
San Francisco, California 94105

11 In re the Matter of:)	Docket No.: CWA-09-2010-0001
)	
12 Tony's Fine Foods,)	FINAL ORDER
)	
13 Respondent.)	Proceedings Under Section 309(g)(2)(A) of the
)	Clean Water Act, as amended, 33 U.S.C.
)	§ 1319(g)(2)(A)
)	
)	

17 The foregoing Consent Agreement is hereby approved and incorporated by reference into
18 this Order. Respondent Tony's Fine Foods is hereby ordered to comply with the Consent
19 Agreement.

21 
22 Steven Jawgiel
Regional Judicial Officer
23 U.S. Environmental Protection Agency
Region 9

21 02/10/10
DATE:

24
25
CONSENT AGREEMENT AND
FINAL ORDER
TONY'S FINE FOODS

FILED

2010 FEB 11 PM 4:40

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

REGIONAL HEARING CLERK

IN THE MATTER OF:)	
)	
Tony's Fine Foods,)	U.S. EPA Docket No.
Respondent.)	CWA-09-2010-0001
)	

ORDER GRANTING COMPLAINANT'S REQUEST TO APPROVE FINAL ORDER

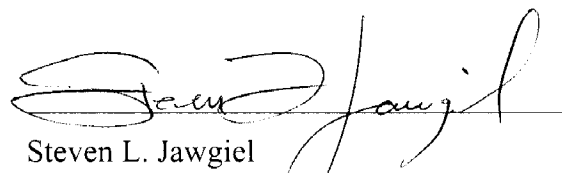
By written motion filed February 9, 2010, the United States Environmental Protection Agency (Complainant) seeks approval of the parties' Consent Agreement and Final Order.

Consolidated Rules of Practice at 40 C.F.R. § 22.45 set forth the rules governing public notice and comment in proceedings under section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). As stated in the parties' Consent Agreement and Final Order, Complainant assessed the penalties in this matter pursuant to section 309(g) of the Clean Water Act. Therefore, Complainant is subject to the mandatory notice and public comment requirements of 40 C.F.R. § 22.45. Complainant's supporting documents verify that Complainant properly issued public notice of the proposed Consent Agreement and Final Order and that Complainant received no comments in response to the public notice. Complainant also submitted adequate evidence demonstrating that it complied with the public notice requirements set forth in 40 C.F.R. § 22.45(b).

IT IS THEREFORE ORDERED THAT:

Complaint's request for an approval of the Consent Agreement and Final Order is GRANTED.

Dated: February 10, 2010



Steven L. Jawgiel
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ORDER GRANTING COMPLAINANT'S REQUEST TO APPROVE FINAL ORDER and FINAL ORDER in the matter of *Tony's Fine Foods* (CWA-09-2010-0001), dated February 10, 2010, has been filed with the Regional Hearing Clerk, and a copy was served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:

Respondent -

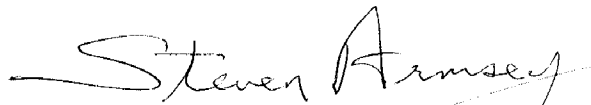
Wendell Smith
TONY'S FINE FOODS
3575 Reed Avenue
P.O. Box 1501
West Sacramento, CA 95605-1501

HAND DELIVERED:

Complainant -
(By Counsel)

Letitia Moore, Esq.
Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA. 94105

Dated at San Francisco, Calif., this 11th day of February, 2010.



Steven Armsey
Regional Hearing Clerk
EPA, Region 9