

**United States
Environmental Protection
Agency**

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

PUBLIC NOTICE

Guggisberg Cheese, Inc.
5060 State Route 557
Millersburg, Ohio 44654
Case Docket No. **CWA-05-2021-0007**

The U.S. Environmental Protection Agency (EPA), Region 5, is providing notice of intent to execute a Consent Agreement and Final Order (CAFO) with Guggisberg Cheese, Inc. (“Guggisberg” or “Respondent”) for alleged violations of the Clean Water Act (CWA). Guggisberg Cheese, Inc.’s facility is located at 1545 County Road 70, Millersburg, Ohio (the “Facility”). Guggisberg discharges process wastewater to the Troyer Valley Creek through permitted outfalls according to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit No. OH0083771 (“Permit”). EPA made observations during an inspection conducted at the Facility on September 20, 2018 and reviewed information submitted by Guggisberg as part of their monthly Discharge Monitoring Reports (DMRs) to the Ohio Environmental Protection Agency (Ohio EPA). EPA determined that Guggisberg as the owner and operator of the Facility, had been discharging process wastewater with pollutants in amounts which exceed the effluent limits as described in their Permit, discharged process wastewater from an unpermitted outfall, discharged process wastewater through a stormwater outfall, and was bypassing the Lamella Clarifier at its wastewater treatment system in violation of the CWA, 33 U.S.C. §§ 1311.

On October 29, 2019, Guggisberg and EPA executed an Administrative Consent Order (the Order) to resolve violations identified during the inspection and DMR review. In April 2020, Guggisberg submitted information that supported its compliance with the terms of the Order.

EPA and Respondents have agreed that Respondents will pay a civil penalty of \$32,000.00. Full payment of the penalty will resolve Respondent’s liability for federal civil penalties for the violations alleged in the CAFO.

A copy of the 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, the Proposed CAFO may be received by contacting the Regional Hearing Clerk at the address below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. § 1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment. Any person who wishes to comment on this proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (c)

comment by a person who is not a party. 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.

Due to the COVID-19 pandemic, access to the Region 5 office is limited and EPA employees are encouraged to telework. Therefore, we request that all written comments be sent via email to the Regional Hearing Clerk at whitehead.ladawn@epa.gov. If you are unable to submit written comments by email, please contact the Regional Hearing Clerk at (312) 886 -3713. If you are unable to email or mail your comments and plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk for further instructions.

Your comments should include the case name, docket number, and your 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 the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information, or notify you of a hearing, and to provide a copy of any consent agreement and proposed 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>. An appointment for an in-person inspection of the documents may be made by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

Only persons who, during the comment period submit written comments or ask to participate in any hearing held in this matter, preserve a right to petition the Regional Administrator to set aside any consent agreement and proposed final order on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).