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Pretreatment Enforcement/Clean Water Act: U.S. Environmental Protection Agency and Woodridge, New York, Egg Processing Facility Enter into Consent Agreement

06/02/2023

The United States Environmental Protection Agency (“EPA”) and Newburg Egg Processing Corp. (“Newburg”) entered into a May 19th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Clean Water Act pretreatment requirements. See Docket No. CWA-02-2023-3401.

The CAFO provides that Newburg operates an egg processing facility (“Facility”) in Woodridge, New York.

The Facility is stated to operate under Standard Industrial Classification (“SIC”) Code 2015 (which includes Poultry Slaughtering and Processing: including-Eggs: canned, dehydrated, desiccated, frozen, and processed; and, Eggs: drying, freezing, and breaking).

Process wastewater from Newburg’s egg processing operations (including tank and equipment washwater [both pre-treated and untreated at the time of violation]) are stated to discharge to the Woodridge, New York, wastewater treatment plant (“Plant”).

The Woodridge Plant is authorized to discharge into Sandburg Creek under a State Pollutant Discharge Elimination System Permit. The Woodridge Plant is a publicly owned treatment works (“POTW”) within the meaning of 40 CFR § 403.3(q).

The Newburg Facility is stated to be introducing pollutants, as defined under Section 502(12) of the Clean Water Act, into a POTW, from a non-domestic source, indirectly discharging into the Woodridge Plant. As a result, it is denominated as a source of indirect discharge and an industrial user pursuant to 40 CFR § 403.3(j).

The CAFO alleges that the Newburg Facility caused Pass Through and Interference of the Woodridge Plant by discharging both improperly pre-treated and untreated wastewater to the Woodridge Plant during several months between January 2018 and June 2021. It is further alleged that Newburg, as an industrial user of the Woodridge Plant, caused the Woodridge Plant to discharge pollutants in excess of its State Pollutant Discharge Elimination System Permit limits in violation of Sections 301 and 402 of the Clean Water Act.

The indirect discharge, or in conjunction with other sources, caused the Woodridge Plant to violate its permit limits for:

- Monthly average of Nitrogen and Ammonia
- Daily maximum five-day biochemical oxygen demand
- Monthly average phosphorus
- pH effluent limit

A civil penalty of \$100,000 is assessed.

Further, the CAFO provides that Newburg has agreed to:

- Install a Poly Blender dry polymer feed system, as described in a document attached to the CAFO, by December 31, 2023
- Provide a written summary of the above-referenced project, including certification that it is in operation

A copy of the CAFO can be downloaded [here](#).