



NOTICE

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 13, 2026, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of New Hampshire in the lawsuit entitled *United States v. Old Dutch Mustard Co., Inc.*, Civil Action No. 1: 26-cv-00655.

The United States alleges that the defendant made unpermitted discharges of pollutants and otherwise failed to comply with the conditions of its National Pollutant Discharge Elimination System (“NPDES”) permit for stormwater discharges by failing to eliminate its unauthorized non-stormwater discharges and by failing to comply with numerous other requirements included in that permit to prevent and minimize water pollution at its vinegar and mustard production facility in Greenville, New Hampshire. The United States’ complaint alleges that the defendant violated the Clean Water Act in four specific ways: 1) unpermitted discharges of pollutants; 2) failure to evaluate for and eliminate unauthorized non-stormwater discharges; 3) failure to carry out stormwater management practices required by the defendant’s NPDES permit; and 4) failure to timely provide to the Environmental Protection Agency information reasonably required to implement the Clean Water Act. In its complaint, the United States sought an order requiring the defendant to comply with all applicable requirements of the Clean Water Act and its implementing regulations, including the defendant’s current and any future NPDES permits, along with civil penalties.

The proposed consent decree resolves the United States’ claims. It requires the defendant to pay a civil penalty of \$50,000 based on its limited financial ability to pay. The proposed consent decree also includes injunctive relief to bring the defendant into compliance with the Clean Water Act and applicable NPDES permit coverage, including requiring defendant to

implement monitoring for water quality, acetic acid discharge, and stormwater discharge flow; retain a third party to conduct a facility engineering investigation and a facility environmental site assessment and investigation and use the results to implement a comprehensive environmental compliance program; evaluate for and eliminate non-stormwater discharges; implement control measures that minimize pollutant discharges in stormwater; to prepare and implement an updated Stormwater Pollution Prevention Plan. The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Old Dutch Mustard Co., Inc.*, D.J. Ref. No. 90-5-1-1-07145/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed consent decree you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,
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Environment and Natural Resources Division.

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