



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Waste/Wastewater Enforcement: New Hampshire Food Manufacturing Facility Assessed \$949,000 Civil Penalty for Alleged Violations

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The New Hampshire Department of Environmental Services and Old Dutch Mustard, Co., Inc., d/b/a Pilgrim Foods ("Pilgrim") entered into a Consent Decree to address alleged violations of the New Hampshire Hazardous Waste Management Act and New Hampshire Water Pollution and Waste Disposal Act.

Pilgrim operates a food manufacturing facility in Greenville, New Hampshire that manufactures vinegar, mustard and apple juice.

The New Hampshire Department of Justice ("NDOJ") alleges in a May 23rd news release that:

Acetic acid coming from Pilgrim's facility in Greenville has caused significant water quality violations in an unnamed stream that flows through the facility into the Souhegan River. Since October of 2013, the State has documented over 90 instances where the pH in the stream was lower, meaning more acidic, than the level allowed by state law. In addition Pilgrim released phosphoric acid and sodium hydroxide – both hazardous wastes – into the stream. The result of these ongoing violations has severely impacted the unnamed stream such that it is void of aquatic life.

The Consent Decree assesses a civil penalty of \$949,000 (which includes certain specified Supplemental Environmental Projects).

The Consent Decree also requires that Pilgrim hire an independent audit team:

... who will inspect the facility and make recommendations for corrective actions to improve the environmental safety and operations to the facility, which Pilgrim must then implement. Pilgrim has agreed to: (a) continue with water quality monitoring program at the facility; (b) test the unnamed stream several times a year for acetic acid and a number of other parameters; and (c) test the stream after completion of all the corrective actions to determine the biological health of the stream. Pilgrim will allowed six years to implement all corrective actions and pay civil penalties.

[Click here to download a copy of the NDOJ news release and Consent Decree.](#)