

Region 3 Public Notice

Waste Recycling

**NOTICE OF INTENT TO FILE EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER
ASSESSING ADMINISTRATIVE CIVIL PENALTY
AND OPPORTUNITY FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
Enforcement & Compliance Assurance Division (3ED33)
Philadelphia, Pennsylvania 19103**

Date of Notice: June 18, 2024

Permit No.: DEI000244

Docket Number: CWA-03-2024-0089

Comments will be accepted until July 29, 2024.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) AND 40 CFR § 22.45, notice is hereby given that the U.S. Environmental Protection Agency Region 3 (EPA Mid-Atlantic Region), is proposing to file an Expedited Settlement Agreement (ESA) and Final Order assessing an administrative civil penalty in the amount of two thousand five hundred dollars (\$2,500.00) against the Respondents named below for alleged violations of Section 301 of the CWA. The violation consists of discharging storm water associated with industrial activity from the Waste Recycling facility into waters of the United States (WOTUS) without authorization by any permit issued pursuant to the CWA.

RESPONDENT:

Waste Recycling
22288 Coverdale Road
Seaford, Delaware 18873

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violations of Section 301(a) of the CWA, which were discovered during a September 2, 2021 inspection at the Waste Recycling facility, located at 22288 Coverdale Road, Seaford, Delaware 18873:

1. Unpermitted discharges from the Facility without authorization by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to the CWA

On September 2, 2021, evidence of crushing operations and the storage of recycled concrete and asphalt product in proximity to a WOTUS show Waste Recycling discharged storm water from the Waste Recycling facility into WOTUS without authorization by any permit issued pursuant to the CWA. These discharges from the Facility without a NPDES permit constitute a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the ESA and Final Order are invited to submit via email a statement to the EPA Mid-Atlantic Region Enforcement and Compliance Assurance Division Director. This statement should be emailed directly to the Regional Hearing Clerk (email below) within 40 days of the date of this public notice. Comments received within this 40-day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should be emailed to:

Regional Hearing Clerk
U.S. EPA, Mid-Atlantic Region
R3_Hearing_Clerk@epa.gov

OR

Mailed/Submitted to:

U. S. Environmental Protection Agency, Region 3
Regional Hearing Clerk – Mail Code 3RC00
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

AVAILABILITY OF INFORMATION: You may request information relevant to the Expedited Settlement Agreement through the Regional Hearing Clerk.

REGISTRY OF INTERESTED PERSONS: Any person interested in a particular case or group of cases may leave their name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

FOR FURTHER INFORMATION: Interested parties may contact the following EPA representatives to learn more about this action.

Shane McAleer
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency
215-814-5616
mcaleer.shane@epa.gov