

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

**FILED**  
**May 27, 2026**  
**9:49 am**  
**U.S. EPA REGION 3**  
**HEARING CLERK**

**In the Matter of:** :  
 :  
Central Supply Company of West Virginia : **U.S. EPA Docket No. CWA-03-2026-0124DN**  
4923 Benedum Drive :  
Bridgeport, WV 26330 :  
 :  
**Respondent.** : **ADMINISTRATIVE ORDER ON CONSENT**  
 : **PURSUANT TO 33 U.S.C. § 1319(a)**  
 :  
Mabscott Facility :  
97 Hill Street :  
Mabscott, WV 25871 :  
 :  
**Facility.** :

**I. STATUTORY AUTHORITY AND JURISDICTION**

1. This Administrative Order on Consent (“AOC” or “Order”) is issued to the Central Supply Company of West Virginia (“Respondent”) under the authority vested in the United States Environmental Protection Agency (the “EPA”) (collectively, the “Parties”) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) (“CWA” or “Act”). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region 3.
2. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides that whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any permit condition or limitation implementing certain sections of the CWA, in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. The EPA has consulted with the West Virginia Department of Environmental Protection (“WVDEP”) regarding this action and, subsequent to the Effective Date, the EPA will email a copy of this fully executed AOC to the appropriate WVDEP representative.

**II. GENERAL PROVISIONS**

5. For the purposes of this proceeding only, Respondent admits to the jurisdictional allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Order.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this AOC.
8. The provisions of this AOC shall apply to and be binding upon Respondent and the officers, directors, employees, contractors, agents, trustees, successors, and assigns of Respondent.
9. Respondent shall bear its own costs and attorney's fees in connection with this proceeding and with the implementation or enforcement of this AOC, including any costs related to the resolution of any dispute arising from this Order.
10. The EPA reserves the right to commence an action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. The EPA reserves all existing rights and remedies available to it under the CWA, 33 U.S.C. §§ 1251-1389, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, including enforcement of this AOC.
11. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251-1389, or any regulations promulgated thereunder.
12. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
13. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.

14. The undersigned representative of Respondent certifies that they are fully authorized by Respondent to enter into the terms and conditions of this AOC and to execute and legally bind Respondent.
15. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent’s knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
16. Respondent certifies that, to the best of its reasonable knowledge and belief, any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy, or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors, and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
17. **Tax Identification.** For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the tasks set forth in *Section V* of this AOC (Compliance Order) is deemed restitution, remediation, or required to come into compliance with the law.
18. **Tax Reporting.** Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- (a) Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- (b) Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- (c) Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Center at [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- (d) In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - (i) notify the EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order; and
  - (ii) provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within 5 days of Respondent’s issuance and receipt of the TIN.

### **III. STATUTORY AND REGULATORY BACKGROUND**

- 19. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344.
- 20. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permits. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
- 21. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), in 1982, the EPA authorized the State of West Virginia, through WVDEP, to administer the NPDES program in West Virginia.
- 22. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within West Virginia for NPDES permit violations.

23. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation, 40 C.F.R. § 122.26(a)(1)(ii), require facilities discharging stormwater associated with industrial activity to obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
24. “Pollutant” is defined as “dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6); 40 C.F.R. § 122.2.
25. “Discharge of a pollutant” means “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” This “includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by a man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.” 33 U.S.C. § 1362(12); 40 C.F.R. § 122.2
26. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are “point sources” subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
27. “Storm water” is defined as “storm water runoff, snow melt runoff, and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).
28. “Storm water discharge associated with industrial activity” means “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant” and “includes, but is not limited to, storm water discharges from industrial plant yards...; material handling sites; refuse sites; sites used for the application or disposal of process waste waters...; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products.” 40 C.F.R. § 122.26(b)(14).

**IV. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW**

29. On July 31, 2018, WVDEP issued an NPDES Permit No. WV0077348 to Respondent to operate and maintain a disposal system for the direct discharge of treated industrial wastes (truck wash, truck washout, and stormwater runoff) via Outlet 002 (the “Permit”). The Permit became effective on September 1, 2018 and expired July 30, 2023.<sup>1</sup> The Permit was reissued on August 23, 2023, effective October 1, 2023 and expires August 22, 2028.
30. Respondent is, and at all times relevant to this AOC was, the owner and operator of a concrete and builder supplies facility located at 97 Hill Street, Mabscott, WV 25871 (the “Facility”).
31. Respondent is a corporation and therefore a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
32. At all times relevant herein, upon information and belief, Respondent was engaging in “industrial activity” at the Facility within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
33. At all times relevant herein, upon information and belief, Respondent discharged stormwater through Outlet 002 identified in its Permit into Whitestick Creek which is connected to Piney Creek, which is connected to the New River, which is connected to the Kanawha River, which is connected to the Ohio River. Whitestick Creek and Piney Creek are relatively permanent waters. The New River, the Kanawha River, and the Ohio River are traditional navigable waters. Whitestick Creek, Piney Creek, the New River, the Kanawha River, and the Ohio River are “navigable waters” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
34. On August 15, 2023, pursuant to the EPA’s authority under Section 308 of the CWA, 33 U.S.C. §1318, the EPA (hereinafter, the “EPA Inspection Team”) conducted an inspection of the Facility to determine Respondent’s compliance with the CWA and the Permit (the “Inspection”). The findings of the Inspection were incorporated into an Inspection Report that was finalized and transmitted to Respondent on October 11, 2023.
35. On November 7, 2023, Respondent submitted a response to the Inspection Report.
36. On August 11, 2025, the EPA sent Respondent a Notice to Show Cause letter.

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<sup>1</sup> David Hill Concrete, Inc. is identified as the Permittee in the 2018 Permit and was the former owner and/or operator of the Facility. The 2018 Permit was transferred to Respondent on September 24, 2018. At the time of the Inspection, the Facility was owned and/or operated by Respondent.

- 37. On September 30, 2025, the EPA and Respondent, with counsel, met and conferred regarding Respondent’s compliance, and Respondent provided further information on November 3, 2025.
- 38. Based on the Inspection and review of Respondent’s subsequent responses, the EPA has identified the following violations of the Permit and of the CWA described in the Paragraphs below.

**Count 1  
Effluent Exceedances for Outlet 002**

- 39. The allegations in the preceding paragraphs are incorporated by reference.
- 40. Section A.002 of the Permit defines effluent limitations of stormwater runoff and process water from Outlet 002.
- 41. From April 1, 2022 to November 30, 2025, Respondent experienced 113 effluent limit exceedances from Outlet 002 for hexavalent chromium, aluminum, copper, iron, and total suspended solids, which it reported in its electronic Discharge Monitoring Reports (“eDMRs”).<sup>2</sup> See Table 1, below, for the exceedances.

*Table 1. Effluent Limit Exceedances from Outlet 002 (Apr. 1, 2022 to Nov. 30, 2025)*

<b>Monitoring Period Date</b>	<b>Parameter Description</b>	<b>Statistical Base Type</b>	<b>DMR Value (mg/L)</b>	<b>Limit Value (mg/L)</b>
4/30/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.199	0.016
4/30/2022	Chromium, hexavalent (as Cr)	MO AVG	0.199	0.005
4/30/2022	Aluminum, total recoverable	MO AVG	0.338	0.26
4/30/2022	Copper, total recoverable	MO AVG	0.0183	0.007
4/30/2022	Copper, total recoverable	DAILY MX	0.0183	0.014
5/31/2022	Iron, total recoverable	MO AVG	1.68	1.1
5/31/2022	Chromium, hexavalent (as Cr)	MO AVG	0.185	0.005
5/31/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.185	0.016
5/31/2022	Aluminum, total recoverable	MO AVG	0.765	0.26
5/31/2022	Aluminum, total recoverable	DAILY MX	0.765	0.75
5/31/2022	Copper, total recoverable	DAILY MX	0.629	0.014
5/31/2022	Copper, total recoverable	MO AVG	0.629	0.007
6/30/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.261	0.016
6/30/2022	Chromium, hexavalent (as Cr)	MO AVG	0.261	0.005
6/30/2022	Aluminum, total recoverable	MO AVG	0.519	0.26

<sup>2</sup> The limits for some of the effluents from the 2018 Permit to the reissued 2023 Permit have changed (e.g., a maximum daily limit of 0.016 mg/L for chromium, hexavalent in 2018 to a maximum daily limit of 0.011 mg/L in 2023). These are reflected in Table 1.

6/30/2022	Copper, total recoverable	MO AVG	0.417	0.007
6/30/2022	Copper, total recoverable	DAILY MX	0.417	0.014
7/31/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.117	0.016
7/31/2022	Chromium, hexavalent (as Cr)	MO AVG	0.117	0.005
7/31/2022	Aluminum, total recoverable	MO AVG	0.71	0.26
7/31/2022	Copper, total recoverable	DAILY MX	0.32	0.014
7/31/2022	Copper, total recoverable	MO AVG	0.32	0.007
8/31/2022	Iron, total recoverable	MO AVG	1.2	1.1
8/31/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.264	0.016
8/31/2022	Chromium, hexavalent (as Cr)	MO AVG	0.264	0.005
8/31/2022	Aluminum, total recoverable	MO AVG	0.69	0.26
8/31/2022	Copper, total recoverable	DAILY MX	0.72	0.014
8/31/2022	Copper, total recoverable	MO AVG	0.72	0.007
9/30/2022	Iron, total recoverable	MO AVG	1.4	1.1
9/30/2022	Chromium, hexavalent (as Cr)	MO AVG	1.04	0.005
9/30/2022	Chromium, hexavalent (as Cr)	DAILY MX	1.04	0.016
9/30/2022	Aluminum, total recoverable	MO AVG	0.67	0.26
9/30/2022	Copper, total recoverable	DAILY MX	0.78	0.014
9/30/2022	Copper, total recoverable	MO AVG	0.78	0.007
10/31/2022	Chromium, hexavalent (as Cr)	MO AVG	1.35	0.005
10/31/2022	Chromium, hexavalent (as Cr)	DAILY MX	1.35	0.016
10/31/2022	Copper, total recoverable	DAILY MX	0.043	0.014
10/31/2022	Copper, total recoverable	MO AVG	0.043	0.007
11/30/2022	Chromium, hexavalent (as Cr)	MO AVG	0.395	0.005
11/30/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.395	0.016
11/30/2022	Aluminum, total recoverable	MO AVG	0.5	0.26
11/30/2022	Copper, total recoverable	DAILY MX	0.37	0.014
11/30/2022	Copper, total recoverable	MO AVG	0.37	0.007
12/31/2022	Chromium, hexavalent (as Cr)	MO AVG	0.125	0.005
12/31/2022	Chromium, hexavalent (as Cr)	DAILY MX	0.125	0.016
12/31/2022	Aluminum, total recoverable	DAILY MX	0.86	0.75
12/31/2022	Aluminum, total recoverable	MO AVG	0.86	0.26
12/31/2022	Copper, total recoverable	DAILY MX	0.12	0.014
12/31/2022	Copper, total recoverable	MO AVG	0.12	0.007
1/31/2023	Chromium, hexavalent (as Cr)	MO AVG	0.209	0.005
1/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.209	0.016
1/31/2023	Aluminum, total recoverable	MO AVG	0.33	0.26
1/31/2023	Copper, total recoverable	MO AVG	0.0098	0.007
2/28/2023	Solids, total suspended	DAILY MX	88	50
2/28/2023	Iron, total recoverable	MO AVG	3.5	1.1
2/28/2023	Iron, total recoverable	DAILY MX	3.5	2.6

2/28/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.0525	0.016
2/28/2023	Chromium, hexavalent (as Cr)	MO AVG	0.0525	0.005
2/28/2023	Aluminum, total recoverable	MO AVG	2.4	0.26
2/28/2023	Aluminum, total recoverable	DAILY MX	2.4	0.75
2/28/2023	Copper, total recoverable	DAILY MX	0.42	0.014
2/28/2023	Copper, total recoverable	MO AVG	0.42	0.007
3/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.159	0.016
3/31/2023	Chromium, hexavalent (as Cr)	MO AVG	0.159	0.005
3/31/2023	Copper, total recoverable	MO AVG	0.25	0.007
3/31/2023	Copper, total recoverable	DAILY MX	0.25	0.014
4/30/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.232	0.016
4/30/2023	Chromium, hexavalent (as Cr)	MO AVG	0.232	0.005
4/30/2023	Aluminum, total recoverable	MO AVG	0.5	0.26
4/30/2023	Copper, total recoverable	DAILY MX	0.136	0.014
4/30/2023	Copper, total recoverable	MO AVG	0.136	0.007
5/31/2023	Chromium, hexavalent (as Cr)	MO AVG	0.0538	0.005
5/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.0538	0.016
5/31/2023	Aluminum, total recoverable	MO AVG	0.62	0.26
5/31/2023	Copper, total recoverable	MO AVG	0.16	0.007
5/31/2023	Copper, total recoverable	DAILY MX	0.16	0.014
6/30/2023	Chromium, hexavalent (as Cr)	MO AVG	0.337	0.005
6/30/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.337	0.016
6/30/2023	Aluminum, total recoverable	MO AVG	0.5	0.26
6/30/2023	Copper, total recoverable	MO AVG	0.3	0.007
6/30/2023	Copper, total recoverable	DAILY MX	0.3	0.014
7/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	3.19	0.016
7/31/2023	Chromium, hexavalent (as Cr)	MO AVG	3.19	0.005
7/31/2023	Aluminum, total recoverable	MO AVG	0.39	0.26
7/31/2023	Copper, total recoverable	MO AVG	0.28	0.007
7/31/2023	Copper, total recoverable	DAILY MX	0.28	0.014
8/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.446	0.016
8/31/2023	Chromium, hexavalent (as Cr)	MO AVG	0.446	0.005
8/31/2023	Copper, total recoverable	DAILY MX	0.61	0.014
8/31/2023	Copper, total recoverable	MO AVG	0.61	0.007
10/31/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.648	0.011
11/30/2023	Solids, total suspended	DAILY MX	61.5	50
11/30/2023	Chromium, hexavalent (as Cr)	DAILY MX	0.534	0.011
11/30/2023	Copper, total recoverable	DAILY MX	0.24	0.055
1/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.748	0.011
2/29/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.324	0.011
3/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	1.03	0.011

4/30/2024	Chromium, hexavalent (as Cr)	DAILY MX	1.79	0.011
5/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.662	0.011
6/30/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.274	0.011
7/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.554	0.011
8/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	3	0.011
9/30/2024	Chromium, hexavalent (as Cr)	DAILY MX	3	0.011
10/31/2024	Chromium, hexavalent (as Cr)	DAILY MX	1.84	0.011
11/30/2024	Chromium, hexavalent (as Cr)	DAILY MX	0.5	0.011
2/28/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.0619	0.011
3/31/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.745	0.011
5/31/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.156	0.011
6/30/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.507	0.011
7/31/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.257	0.011
8/31/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.827	0.011
9/30/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.5	0.011
11/30/2025	Chromium, hexavalent (as Cr)	DAILY MX	0.78	0.011

- 42. At the times detailed in *Table 1*, Respondent failed to comply with the effluent limitations required by Section A.002 of the Permit.
- 43. Respondent’s failure to comply with Section A.002 of the Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, is a violation of the Permit and the CWA.

**Count 2**

**Failure to Maintain the Storm Water Pollution Prevention Plan (“SWPPP”)**

- 44. The allegations in the preceding paragraphs are incorporated by reference.
- 45. Section C.10 of the Permit requires Central Supply to “continue to implement and maintain the [SWPPP]” for the Facility. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with the activity.”
- 46. At the time of the Inspection, the EPA Inspection Team observed a storm drain located between the truck wash and the sedimentation basins receiving runoff from the truck wash. The Facility’s Safety and Environmental Director could not confirm where the storm drain discharged, and the Facility’s SWPPP provided to the EPA did not identify this storm drain.
- 47. Respondent has indicated that the storm drain was filled with concrete on or before November 27, 2023.

48. At the time of the Inspection, Respondent failed to comply with Section C.10 of the Permit by failing to properly maintain its SWPPP.
49. Respondent's failure to comply with Section C.10 of the Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, is a violation of the Permit and the CWA.

**Count 3**

**Failure to Properly Operate and Maintain All Facilities and Systems of Treatment and Control**

50. The allegations in the preceding paragraphs are incorporated by reference.
51. Appendix A, Part II.1 of the Permit requires Respondent to "at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances)." This includes "adequate laboratory controls and appropriate quality assurance procedures."
52. Appendix A, Part III.3 of the Permit requires Central Supply to take, preserve, and analyze samples "in accordance with the latest edition of 40 C.F.R. Part 136, unless other test procedures have been specified elsewhere in [the P]ermit."
53. At the time of the Inspection, the buffer solutions used for calibration for the onsite pH probe were expired. Moreover, there were no calibration records for the pH probe.
54. At the time of the Inspection, Respondent failed to comply with Appendix A, Part II.1 and Appendix A, Part III.3 of the Permit by failing to properly operate and maintain all facilities and systems of treatment and control.
55. Respondent's failure to comply with Appendix A, Part II.1 and Appendix A, Part III.3 of the Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, is a violation of the Permit and the CWA.

**V. COMPLIANCE ORDER**

THEREFORE, based on the foregoing, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

56. Respondent shall take all actions necessary to comply with the Permit (or subsequent permits or permit modifications, including permit compliance schedules, issued by WVDEP) at the Facility.
57. **Within 45 days the Effective Date of this AOC**, Respondent shall provide to the EPA an explanation of the procedures the Facility takes or will take to ensure that all lab

equipment, including buffer solutions, is up-to-date and/or functional and procedures the Facility takes or will take to maintain calibration logs for said lab equipment.

58. **By February 1, 2027**, Respondent shall submit to the EPA the calibration logs for its lab equipment that it is required to maintain pursuant to the Permit for calendar year 2026.
59. **Within 60 days of the Effective Date of this AOC**, Respondent shall provide to the EPA a report that identifies and briefly explains all the potential sources of pollutants that may be causing the effluent exceedances identified in *Table 1*.
60. **Within 120 days of the Effective Date of this AOC**, Respondent shall provide to the EPA for review a Corrective Action Plan (“CAP”) that shall include, at a minimum, the following:
  - (a) An evaluation of potential solutions for meeting the Permit effluent limits and achieving full Permit compliance, including permitting strategies, pollutant minimization, and treatment options; and
  - (b) A plan to implement the corrective actions that Respondent will undertake to address the effluent exceedances identified in *Table 1* and achieve compliance with the Permit effluent limits.
61. After review of the CAP:
  - (a) The EPA will, within 45 days after receipt of the CAP, in writing (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
  - (b) If the submission is accepted, Respondent shall take all actions required by Paragraph 62 and the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, Respondent shall, take all actions required by the accepted parts of the CAP.
  - (c) If the CAP is disapproved in whole or in part, Respondent shall, within 15 days of receipt from the EPA of notice of deficiencies or by such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP or any deficient portion thereof, for approval. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
62. **No later than 15 days after the EPA’s approval of the CAP**, Respondent shall submit to the EPA for review a list of deadlines necessary to implement the approved CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within 10 days of modifications of any deadline under the CAP,

Respondent shall provide an updated list, reflecting changes to the future schedule. The deadlines shall not exceed two calendar years from the Effective Date of this AOC.

63. **Quarterly Progress Reports.** Respondent shall submit quarterly progress reports for the immediately preceding calendar quarter by April 15<sup>th</sup>, July 15<sup>th</sup>, October 15<sup>th</sup>, and January 15<sup>th</sup> every year until all work required by the CAP has been completed. Respondent shall submit the reports in accordance with *Section VI*, below. Progress reports shall include, at a minimum, the following:

- (a) Activities completed during the reporting period.
- (b) Dates by which the activities were completed.
- (c) Any barriers to the timely completion of activities encountered.
- (d) Activities currently in progress.

**VI. PROCEDURES FOR SUBMISSIONS**

64. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

65. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Angela Weisel  
[weisel.angela@epa.gov](mailto:weisel.angela@epa.gov)  
 NPDES Enforcement

Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3

ATTN: Promy Tabassum  
[R3\\_ORC\\_mailbox@epa.gov](mailto:R3_ORC_mailbox@epa.gov)  
Water and Waste Branch  
Office of Regional Counsel  
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

66. Respondent may assert a business confidentiality claim covering part or all the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in 40 C.F.R. Part 2 Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2 Subpart B. If, at the time any information is submitted to the EPA, Respondent submitting such information does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

**VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC**

67. Upon completion of all items required by this AOC, and a determination of completeness of each item, and after at least one year of implementation of the CAP, Respondent may submit to the EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- (a) a certification that Respondent has maintained compliance with this Order for the term of this AOC; and
  - (b) all necessary documentation, including photo documentation, as appropriate, to support a finding that Respondent has complied with *Section V* of this AOC.
68. If, following review of any Certification of Compliance and Request for Termination of this AOC, the EPA agrees that Respondent has adequately complied with all requirements of this Order, then the EPA will provide written notification of termination of this AOC.
69. The EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.

**VIII. AOC MODIFICATIONS**

70. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to the EPA and shall be subject to review and approval by the EPA, in its sole and unreviewable discretion. Respondent's submission of a written request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

**IX. CHANGE OF OWNERSHIP OR OPERATION OF THE FACILITY**

71. Until or unless this AOC is modified or terminated, in accordance with the terms of this Order, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the Facility.
72. At least 90 days prior to any transfer of ownership or operation of the Facility, Respondent shall submit a written notification to the EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the Facility, and a schedule for such anticipated change.
73. Respondent shall condition any sale or transfer of ownership or operation of the Facility, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer of the Facility, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

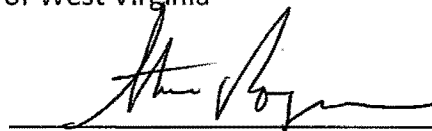
**X. EFFECTIVE DATE**

74. This AOC shall become effective upon Respondent's receipt of a fully executed copy of this AOC.

FOR RESPONDENT Central Supply Company of West Virginia

Date: 5-7-2026

By:



Steve Rogers  
Senior Vice President / General Manager  
Central Supply Company of West Virginia

SO ORDERED:

FOR U.S. Environmental Protection Agency

By:

\_\_\_\_\_

*[Digital Signature and Date]*

Acting Director

Enforcement and Compliance Assurance Division

U.S. EPA, Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:	
	:	
Central Supply Company of West Virginia	:	<b>U.S. EPA Docket No. CWA-03-2026-0124DN</b>
4923 Benedum Drive	:	
Bridgeport, WV 26330	:	
	:	<b>ADMINISTRATIVE ORDER ON CONSENT</b>
<b>Respondent.</b>	:	<b>PURSUANT TO 33 U.S.C. § 1319(a)</b>
	:	
Mabscott Facility	:	
97 Hill Street	:	
Mabscott, WV 25871	:	
	:	
<b>Facility.</b>	:	

**CERTIFICATE OF SERVICE**

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

*Copies served via UPS and email to:*

Marc Walmsley  
Safety and Environmental Director  
Central Supply Company of West Virginia  
4923 Benedum Drive  
Bridgeport, WV 26330  
[mwwamsley@centralsupplywv.com](mailto:mwwamsley@centralsupplywv.com)

Chintan K. Amin, Esq.  
Counsel for Respondent  
CRH Americas, Inc.  
900 Ashwood Parkway, Suite 600  
Atlanta, GA 30338  
[chintan.amin@crh.com](mailto:chintan.amin@crh.com)

*Copies served via email to:*

Promy Tabassum, Esq.  
Assistant Regional Counsel  
U.S. EPA, Region 3  
[tabassum.promy@epa.gov](mailto:tabassum.promy@epa.gov)

Angela Weisel  
Physical Scientist  
U.S. EPA, Region 3  
[weisel.angela@epa.gov](mailto:weisel.angela@epa.gov)

By: \_\_\_\_\_  
[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. EPA, Region 3