

PHILADELPHIA, PA 19103

**U.S. EPA REGION 3  
HEARING CLERK**

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**ADMINISTRATIVE ORDER ON CONSENT  
PURSUANT TO  
33 U.S.C. § 1319(a)**

1. The United States Environmental Protection Agency (“EPA”) makes the following findings of fact and conclusions of law, below, and issues this Administrative Order on Consent (“Order”) pursuant to the authority vested in the EPA Administrator under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director, Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides, among other things, that whenever, on the basis of any information available to him or her, the Administrator finds that any person is in violation of Section 301 or any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the CWA, the Administrator 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. Carlisle Auto & Truck Salvage, LLC (“Respondent”) has agreed to the issuance of this Order.
5. The EPA has consulted with the Pennsylvania Department of the Environmental Protection (“PADEP”) regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed Order to the appropriate PADEP representative.

## **II. STATUTORY AND REGULATORY BACKGROUND**

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source to waters of the United States except in compliance with, among other things, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
7. 40 C.F.R. § 122.2 defines “Pollutant” 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.” See also 33 U.S.C. § 1362(6).
8. 40 C.F.R. § 122.2 defines “the discharge of a pollutant” as: “a) any addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source,’ ... This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by 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.”
9. 40 C.F.R. § 122.2 defines “point source” as “any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.”
10. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and 40 C.F.R. §§ 122.1 and 122.26 state that facilities with stormwater discharges associated with industrial activity are “point sources” subject to NPDES permitting requirements under Section 402(a) of the CWA, 33 U.S.C. § 1342(a).
11. 40 C.F.R. § 122.26(b)(13) defines the term “storm water” as “storm water runoff, snow melt runoff, and surface runoff and drainage.”
12. 40 C.F.R. § 122.26(b)(14)(vi) defines “industrial activity” to include, among others, “Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;” ....
13. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA, or a state upon approval by the EPA, may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure

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compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. See also 33 U.S.C. § 1311.

14. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA authorized PADEP to issue NPDES permits in the Commonwealth of Pennsylvania.
15. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation at 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.

### **III. GENERAL PROVISIONS**

16. For the purpose of this proceeding only, Respondent admits each jurisdictional allegation set forth in this Order. Respondent neither admits nor denies the factual allegations set forth in this Order, except as provided in the jurisdictional admission in the preceding sentence.
17. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this Order.
18. The provisions of this Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
19. Respondent shall bear its own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this Order, including any costs related to resolution of any dispute arising regarding this Order.
20. Issuance of this Order is intended to address the alleged violations described herein. The EPA reserves the right to commence 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 also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction. Further, the EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this Order, following the Effective Date, as defined below.
21. This Order 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 et seq., or any regulations promulgated thereunder.

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 Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

22. 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.
23. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the Respondent.
24. By signing this Order, Respondent acknowledges that this Order may be available to the public and represents that, to the best of Respondent's knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondent.
25. Respondent certifies that 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 Order, 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.
26. Notwithstanding any other provisions of this Order, no action or decision by the EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement & Compliance Assurance Division, or Director, Enforcement & Compliance Assurance Division, EPA, Region 3, shall constitute a final agency action giving rise to any right to judicial review prior to the EPA's initiation of judicial action to compel either, or both, Respondent's compliance with, or otherwise enforce, this Order.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

27. At all times relevant to the allegations described in this Order, Respondent was a corporation and as such was a "person" as defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

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28. At all times relevant to this Order, upon information and belief, Respondent was the “operator” of the Carlisle Auto & Truck Salvage facility, located at 10 Gasoline Alley, Carlisle, Pennsylvania 17013 (“Facility”), as the term “operator” is described in federal regulations at 40 C.F.R. § 122.2.
29. At all times relevant to this Order, Respondent has been at engaged in “industrial activity” at the Facility that “discharges” “stormwater” from “point sources” to waters that ultimately flow to the Susquehanna River and Chesapeake Bay, as those terms are described in federal regulations at 40 C.F.R. §§ 122.2 and 122.26.
30. Stormwater from the Facility discharges into an unnamed tributary channel. This unnamed tributary conveys flow to and is connected to Conodoguinet Creek. This unnamed tributary is a “point source,” as that term is defined in 40 C.F.R. §§ 122.2.
31. Conodoguinet Creek is a named waterbody that appears on various mapping tools, including the USGS National Hydrography Dataset. Conodoguinet Creek is connected to the Susquehanna River and then to the Chesapeake Bay. Conodoguinet Creek, Susquehanna River, and the Chesapeake Bay are relatively permanent waters and therefore are “waters of the United States” as that term is defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
32. The EPA has authorized the PADEP to administer the NPDES program in the Commonwealth of Pennsylvania. PADEP has EPA authorization to issue NPDES stormwater permits under Section 402(b) of the CWA, 33 U.S.C. § 1342(b).
33. On February 9, 2023, representatives of EPA Region 3 conducted an inspection of the Facility (“EPA Inspection”), where Respondent was operating industrial activities. Following this EPA Inspection, the EPA representatives prepared an inspection report with attachments, dated April 21, 2023 (“EPA Inspection Report”).
34. At the time of the EPA Inspection, the Respondent did not have a permit from PADEP issued pursuant to Section 402(b) of the CWA covering any discharges from the Facility to the unnamed tributary to Conodoguinet Creek.
35. During the EPA Inspection, the EPA representative observed stormwater associated with industrial activity discharging from the Facility into waters of the United States without authorization by any permit issued pursuant to the CWA.
36. By discharging stormwater from the Facility into waters of the United States without a permit issued pursuant to Section 402 of the CWA, Respondent was in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

## **V. ORDER**

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct the following activities:

37. Within **120 days** after the effective date of this Order, Respondent shall
  - a. Remove all vehicles, auto salvage parts, scrap materials, and other industrial debris on or associated with the Facility, OR:
  - b. Submit a Notice of Intent (“NOI”) and associated application materials to the PADEP, in order to apply for a NPDES permit approval for the discharge of stormwater associated with industrial activities.

## **VI. PROCEDURES FOR SUBMISSIONS**

38. To verify work has been completed, Respondent shall submit to the EPA documentation of all activities it completed to comply with Paragraphs 38. a. or 38.b. of this Order. Documentation can include providing a description and photographs of activities conducted to achieve compliance, photographs showing all industrial materials outdoors have been removed from the property, responding to observations of noncompliance provided by the EPA previously in the inspection report, or the submitted NOI and associated permit application materials. Along with this documentation, Respondent shall submit the following certification, which shall be signed by a responsible corporate officer, as defined in 40 C.F.R. § 122.22:

“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 gather and evaluate 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.”

39. Respondent shall take all actions necessary to correct the violations identified in this Order within the time period specified. However, if conditions are present that hinder Respondent’s efforts to timely address all the violations, Respondent may request an extension from EPA. The Respondent shall address all violations that do not require an extension within the time period specified. Respondent must submit a request for an extension to EPA as soon as the Respondent anticipates that a delay is likely, but no later than the deadline identified in this Order. The request shall include an explanation of why

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Respondent believes an extension is necessary and a proposed new deadline for correcting the remaining violations.

40. Any submission or communication relating to this Order shall be submitted (via electronic transmission) to:

Shane McAleer  
U.S. EPA, Region 3, 3ED32  
(215) 814-5616  
[mcleer.shane@epa.gov](mailto:mcleer.shane@epa.gov)

and

R3 ORC mailbox@epa.gov (Attn: Natalie Katz)

41. For each submission required pursuant to this Order, the EPA will review the submission. If the EPA comments on a submission, Respondent agrees to respond in writing via email within thirty (30) calendar days.
42. Respondent may assert a business confidentiality claim covering part or all of the information which this Order requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. Information which is effluent data or a standard or limitation is not eligible for confidential treatment pursuant to 40 C.F.R. § 2.302(e). If Respondent 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 TERMINATION**

43. Upon Respondent's determination that Respondent has completed all tasks required pursuant to this Order and no earlier than twenty-four (24) calendar months following the Effective Date of this Order, Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this Order. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this Order for the term of this Order; and
  - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section V of this Order.
44. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA determines that any requirement has not been completed and implemented in accordance with this Order, the EPA will notify Respondent in writing, provide a written summary of deficiencies, and require Respondent to modify its actions as

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appropriate to correct such deficiencies. If so required, the EPA may also require Respondent to submit a revised Certification of Compliance and Request for Termination of this Order.

45. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA agrees that Respondent has adequately complied with all requirements of this Order, then the EPA may, in its unreviewable discretion, provide written notification of termination of this Order.
46. The EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.
47. The EPA shall provide Respondent with written notification of termination of this Order.

#### **VIII. ORDER MODIFICATIONS**

48. Any request to modify the terms of, or parties to, this Order 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 Order shall not relieve Respondent of any obligation under this Order and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this Order, in its sole and unreviewable discretion.

#### **IX. EFFECTIVE DATE**

49. This Order is effective after receipt by Respondent, or Respondent's counsel, of a fully executed copy of this Order.

**SO ORDERED:**

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*[Digitally signed and dated]*

Andrea Bain, Acting Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 3

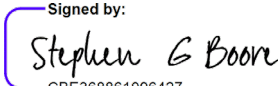


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**AGREED TO FOR THE RESPONDENT CARLISLE AUTO & TRUCK SALVAGE, LLC**

Date: 7/23/2025

Signed by:  
  
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*[Digital Signature and Date]*  
Stephen G. Boore, President  
Carlisle Auto & Truck Salvage, LLC

[Digital Signature and Date]  
U.S. Environmental Protection Agency  
Region 3