

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

FILED

Jul 06, 2026

3:04 pm

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

In the Matter of:	:
	:
Real Alloy Recycling, LLC	:
3700 Park East Drive	:
Suite 300	:
Beechwood, Ohio 44122	:
	:
Respondent.	:
	:
Real Alloy Recycling, LLC	:
238 Industrial Park Road	:
Friendly, West Virginia 26146,	:
	:
Facility.	:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Real Alloy Recycling, LLC ("Respondent") (collectively the "Parties"), pursuant to Section 309 of the Clean Water Act ("CWA"), 33 U.S.C. § 1319, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 309 of the CWA, 33 U.S.C. § 1319(g), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under the CWA (or the "Act") for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).
5. On March 19, 2026, the EPA sent a communication to the West Virginia Department of Environmental Protection ("WVDEP") giving prior notice of this action in accordance with Section 309(g)(1) of CWA, 33 U.S.C. § 1319(g)(1).

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
12. Pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), the EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.

13. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. 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.
15. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
16. 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 U.S. The discharges are subject to specific terms and conditions as prescribed in the permit.
17. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
18. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the State of West Virginia, through WVDEP, is authorized by the EPA to administer the NPDES program in the State of West Virginia.
19. Pursuant to Section 402(i) of the Act, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within the State of West Virginia for NPDES permit violations.
20. "Discharge of a pollutant" is defined as "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'." 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(12).
21. "Pollutant" is defined as "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(6).

22. "Point source" is defined 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." 40 C.F.R. § 122.2; see also 33 U.S.C. § 1362(14).
23. "Storm water" is defined as "storm water runoff, snow melt runoff, and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13).
24. "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...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... The following categories of facilities are considered to be engaging in "industrial activity" for purposes of paragraph (b)(14): ... Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities)" 40 C.F.R. § 122.26(b)(14).
25. 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.
26. Respondent is a Delaware limited liability company licensed to do business in the State of West Virginia, with its principal office located at 3700 Park East Drive, Suite 300 Beachwood, Ohio 44122.
27. Respondent is, and at all times relevant to this Consent Agreement and Final Order was, the owner and operator of an aluminum recycling and alloy production facility located at 238 Industrial Park Road, Friendly, West Virginia 26146 ("Facility").
28. Respondent is a limited liability company organized and existing under the laws of the State of Delaware and is thus a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).

29. Respondent is, and at all times relevant to this CAFO was, engaging in "industrial activity" at the Facilities, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
30. In accordance with Section 402(b) of the CWA, 33 U.S.C. § 1342(b), WVDEP reissued its NPDES Multi-Sector General Water Pollution Control Permit, Permit No. WV0111457 (the "General Permit") on September 12, 2019, with an effective date of October 12, 2019, and an expiration date of September 12, 2024. WVDEP modified the General Permit on January 26, 2021, with an effective date of February 25, 2021. Coverage under the General Permit was administratively extended until September 11, 2025. On February 5, 2025, WVDEP reissued the General Permit, with an effective date of March 7, 2025.
31. The Facility is subject to the General Permit. Coverage under the General Permit for the Facility, General Permit Registration No. WVG610775, was issued by WVDEP on August 28, 2020. On April 4, 2025, Respondent applied for coverage under the reissued General Permit. On June 9, 2025, WVDEP again reauthorized Respondent's coverage under General Permit Registration No. WVG610775. Under General Permit Registration No. WVG610775, Respondent is subject to the monitoring requirements of Sector R-3 of the General Permit.
32. A violation of the General Permit is also a violation of the CWA and may be subject to penalties established under that statute.
33. 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.
34. The Facility discharges, and at all times relevant to this CAFO, discharged stormwater and/or authorized non-stormwater through outlets identified in the Permit into the Ohio River. The Ohio River is a Traditional Navigable Water and a "water of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
35. On December 9, 2024, pursuant to the EPA's authority under Section 308 of the CWA, 33 U.S.C. § 1318, the EPA issued an Information Requirement Letter to the Facility, to determine compliance with CWA, NPDES regulations, and the specific terms and conditions of the General Permit.
36. On September 30, 2025, the EPA sent Respondent a Notice to Show Cause letter regarding the Facility.

Count 1

Failure to Submit Accurate Discharge Monitoring Reports (“DMR”)

37. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
38. Part III Section 2.a of the Permit requires that the “Permittee shall submit each reporting period, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part A analytically determined to be in the effluent(s).” In accordance with this section, the required DMR must be submitted to WVDEP.
39. In each reporting period from Quarter 4 of 2021 until Quarter 2 of 2024, Respondent failed to submit a DMR that accurately indicated the values of the constituents listed in Part A analytically determined to be in the effluents. During this period, Respondent submitted DMRs to WVDEP providing data equal to the value of each parameter’s benchmark limit, and not the values stated in the reports provided by Microbac Laboratories Inc. in its Certificate of Analysis reports.
40. In each reporting period from Quarter 4 of 2021 until Quarter 2 of 2024, Respondent violated Part II Section 2.a of the Permit by failing to submit DMRs that accurately indicated the values of the constituents listed in Part A analytically determined to be in the effluents.
41. In failing to comply with Part II Section 2.a of the Permit, Respondent violated the CWA and the Permit, issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309 of the CWA, 33 U.S.C. § 1319.

Count 2

Failure to Update the Stormwater Pollution Prevention Plan Following Benchmark Exceedances

42. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
43. Section B.6.a.4 of the Permit requires that:

“The [Stormwater Pollution Prevention Plan] SWPPP must be modified after the average of four consecutive samples are above the benchmark level for the sampled parameter. Based upon the modification of the SWPPP, the selection, design, installation, and implementation of any control measures at the facility may also be required to be modified to ensure that all sampled parameters meet the required benchmark levels.

Modification is also triggered if less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level)."

44. During the reporting periods from Quarter 4 of 2021 until Quarter 2 of 2024, Respondent exceeded the benchmark limits for constituents it is required to report as indicated in Table 1 below.

Table 1. Benchmark Limit Exceedances

Parameter	Reported Monitoring Period	Lab Report Value (mg/L)	Benchmark Limit (mg/L)	% Exceedance
Aluminum, total recoverable	Q4 2021	3.62	0.75	483%
Aluminum, total recoverable	Q1 2022	6.82	0.75	909%
Aluminum, total recoverable	Q2 2022	1.13	0.75	151%
Aluminum, total recoverable	Q3 2022	1.23	0.75	164%
Aluminum, total recoverable	Q4 2022	2.78	0.75	371%
Aluminum, total recoverable	Q1 2023	1.78	0.75	237%
Aluminum, total recoverable	Q2 2023	3.77	0.75	503%
Aluminum, total recoverable	Q3 2023	29	0.75	3867%
Aluminum, total recoverable	Q4 2023	3.59	0.75	479%
Aluminum, total recoverable	Q1 2024	6.5	0.75	867%
Aluminum, total recoverable	Q2 2024	0.992	0.75	132%
Aluminum, total recoverable	Q3 2024	1.96	0.75	261%
Copper, total recoverable	Q1 2022	0.119	0.0636	187%
Copper, total recoverable	Q3 2022	0.0746	0.0636	117%
Copper, total recoverable	Q2 2023	0.242	0.0636	381%
Copper, total recoverable	Q3 2023	0.549	0.0636	863%
Copper, total recoverable	Q4 2023	0.101	0.0636	159%
Copper, total recoverable	Q1 2024	0.125	0.0636	197%
Nitrite + Nitrate total [as N]	Q4 2021	0.979	0.68	144%
Nitrite + Nitrate total [as N]	Q2 2022	0.965	0.68	142%
Nitrite + Nitrate total [as N]	Q3 2022	1.18	0.68	174%
Nitrite + Nitrate total [as N]	Q4 2022	2.19	0.68	322%
Nitrite + Nitrate total [as N]	Q1 2023	4.11	0.68	604%
Nitrite + Nitrate total [as N]	Q2 2023	1.71	0.68	251%
Nitrite + Nitrate total [as N]	Q3 2023	1.05	0.68	154%

Nitrite + Nitrate total [as N]	Q4 2023	1.41	0.68	207%
Nitrite + Nitrate total [as N]	Q1 2024	1.93	0.68	284%
Nitrite + Nitrate total [as N]	Q2 2024	6.25	0.68	919%
Nitrite + Nitrate total [as N]	Q3 2024	1.42	0.68	209%
Solids, total suspended	Q3 2023	286	100	286%
Zinc, total recoverable	Q1 2022	0.118	0.117	101%
Zinc, total recoverable	Q2 2023	0.149	0.117	127%
Zinc, total recoverable	Q3 2023	0.4	0.117	342%

45. Respondent's sampling indicates that the average of four consecutive samples were above the benchmark level or that the four-quarter average is mathematically certain for the sampled parameter in the following Quarters:
- 2021: Quarter 4 (aluminum)
 - 2022: Quarter 1 (aluminum), Quarter 2 (aluminum), Quarter 3 (aluminum), Quarter 4 (aluminum)
 - 2023: Quarter 1 (nitrate-nitrite and aluminum), Quarter 2 (nitrate-nitrite and aluminum), Quarter 3 (nitrate-nitrite, copper and aluminum), Quarter 4 (nitrate-nitrite and aluminum)
 - 2024: Quarter 1 (nitrate-nitrite, copper and aluminum), Quarter 2 (nitrate-nitrite and aluminum), Quarter 3 (nitrate-nitrite and aluminum), Quarter 4 (nitrate-nitrite and aluminum)
46. Respondent's SWPPP was modified to document corrective actions in the following Quarters:
- 2022: Quarter 4 (October 22 and 25, 2022)
 - 2023: Quarter 4 (No specific date given)
 - 2024: Quarter 2 (No specific date given)
47. Respondent failed to modify its SWPPP to address the benchmark exceedances which occurred in:
- 2021: Quarter 4
 - 2022: Quarter 1 and Quarter 3
 - 2023: Quarter 1, Quarter 2, and Quarter 3
 - 2024: Quarter 1 and Quarter 3
48. As provided in Paragraph 48, above, Respondent violated Section B.6.a.4 of the Permit by failing to modify its SWPPP following exceedances of benchmark limits for at least one of the constituents it is required to report.

49. In failing to comply with Section B.6.a.4 of the Permit, Respondent violated the CWA and the Permit, issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309 of the CWA, 33 U.S.C. § 1319.

Count 3

Failure to Implement Corrective Action Following Benchmark Exceedances

50. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
51. Sections B.6.a.1 - 3 of the Permit require that a permittee, following an exceedance of a benchmark limit, must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is operational. After a second and/or third exceedance a permittee must determine if additional actions are necessary. Permittee must complete the corrective actions before the next storm event. The permittee must document the existence of benchmark exceedances, the conditions triggering benchmark exceedances, and corrective actions taken to address benchmark exceedances.
52. During the reporting periods from Quarter 4 of 2021 until Quarter 2 of 2024, corrective actions were noted in Respondent's SWPPP in the following Quarters:
- a. 2022: Quarter 4 (October 22 and 25, 2022)
 - b. 2023: Quarter 4 (No specific date given)
 - c. 2024: Quarter 2 (No specific date given)
53. During the reporting periods from Quarter 4 of 2021 until Quarter 2 of 2024, Respondent provided work orders for March 9, 2022 (Quarter 1), and September 3, 2024 and September 17, 2024 (Quarter 3).
54. Respondent failed to implement and document the corrective actions taken at the Facility following a benchmark exceedance, or document the causes of benchmark exceedances, as required by the Permit for the following Quarters:
- a. 2021: Quarter 4
 - b. 2022: Quarter 2 and Quarter 3
 - c. 2023: Quarter 1, Quarter 2, and Quarter 3
 - d. 2024: Quarter 1
55. As provided in paragraph 54 above, Respondent violated Sections B.6.a.1 - 3 of the Permit by failing to implement and document the corrective actions taken at the Facility following a benchmark exceedance, or document the causes of benchmark exceedance of at least one of the constituents it is required to report.

56. In failing to comply with Sections B.6.a.1-4 of the Permit, Respondent violated the CWA and the Permit, issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309 of the CWA, 33 U.S.C. § 1319.

CIVIL PENALTY

57. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of twenty-six thousand five hundred dollars (\$26,500) ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
58. In determining the amount of the Assessed Penalty, EPA has taken into account the factors specified in Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3).
59. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
60. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.
61. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, CWA-03-2026-0115,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Ryan D. McDermott
Assistant Regional Counsel
mcdermott.ryan@epa.gov,
U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

62. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty interest, or other charges and penalties per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS standard underpayment.
 - b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.
 - c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.
63. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.
64. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
65. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
66. 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, 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 Effective Date of the Final Order per Paragraph 74; and
 - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

- 67. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: mcdermott.ryan@epa.gov (for Complainant), and cathy.griffin@realalloy.com (for Respondent).
- 68. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
- 69. 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 Consent Agreement and Final Order, **including information about Respondent's ability to pay a penalty**, 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.

CERTIFICATION OF COMPLIANCE

70. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

71. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and 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 Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. § 1251 et seq., or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

72. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

73. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

74. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective ("Effective Date") thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

ENTIRE AGREEMENT

75. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Real Alloy Recycling, LLC

Date: 04/22/2026

By: 

Wesley Van Dyne
Plant Manager
Real Alloy Recycling, LLC

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
Andrea Bain
Acting Division Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
Ryan D. McDermott
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jul 06, 2026

3:04 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

Real Alloy Recycling, LLC
3700 Park East Drive, Suite 300
Beachwood, Ohio 44122

Respondent.

Real Alloy Recycling, LLC
238 Industrial Park Road
Friendly, West Virginia 26146,

Facility.

:
:
: U.S. EPA Docket No. CWA-03-2026-0115
:
: Proceeding under Section 309(g) of the Clean
: Water Act
:
:
:
:
:
:
:

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (with specific reference to: Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is thirty (30) days after having been signed by the Regional Administrator or her delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

By: _____
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
Real Alloy Recycling, LLC	:	
3700 Park East Drive, Suite 300	:	U.S. EPA Docket No. CWA-03-2026-0115
Beachwood, Ohio 44122	:	
	:	
	:	Proceeding under Section 309(g) of the Clean
	:	Water Act
Respondent.	:	
	:	
Real Alloy Recycling, LLC	:	
238 Industrial Park Road	:	
Friendly, West Virginia 26146	:	
	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

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

Copies served via email to:

Wesley Van Dyne, Plant Manager
Real Alloy Recycling, LLC
wesley.vandyne@realalloy.com
3700 Park East Drive, Suite 300
Beachwood, OH 44122

Cathryn D. Griffin, Esq.
Real Alloy Recycling, LLC
cathy.griffin@realalloy.com
3700 Park East Drive, Suite 300
Beachwood, OH 44122

Ryan D. McDermott, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
mcdermott.ryan@epa.gov

Johannah Cramer
Enforcement Inspector Officer
U.S. EPA, Region 3
cramer.johannah@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3