

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 29, 2026

4:33 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
Strittmatter Materials, LLC : U.S. EPA Docket No. CAA-03-2026-0242
1906 Towne Center Blvd :
Annapolis, MD 21401 : Proceeding under Section 113(d) of the Clean Air
: Act, 42 U.S.C. § 7413(d)
Respondent, :
: :
3334 Kenilworth Avenue :
Hyattsville, MD 20781 :
: :
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 Strittmatter Materials, LLC ("Respondent") (collectively the "Parties"), pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), 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 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), 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 Clean Air Act ("CAA" 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)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Except as provided in Paragraph 5 above, Respondent neither admits nor denies the alleged violations of law 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. 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

13. 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.
14. Respondent is Strittmatter Materials, LLC, a limited liability company registered, and currently doing business under the trade name D.C. Materials, in the state of Maryland. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
15. At all times relevant to the violations alleged herein, Respondent owned and operated a nonmetallic mineral processing plant located at 3334 Kenilworth Avenue in Hyattsville, Maryland (“Facility”).
16. The standards of performance for particulate matter emissions from fixed and portable nonmetallic mineral processing plants (“NMPP NSPS”), codified at 40 C.F.R Part 60, Subpart 000, apply to Respondent’s Facility.
17. On September 29, 2025, the EPA issued an Administrative Compliance Order on consent (“Order”) to Respondent under the authority of Section 113(a) of the CAA, 42 U.S.C. § 7413(a), Docket No. CAA-03-2025-0124DA, addressing violations of the NMPP NSPS at the Facility that originated prior to Respondent taking ownership in February 2023.

Count I

Failure to Comply with Administrative Compliance Order

18. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
19. Paragraph 26 of the Order requires Respondent to conduct one of two compliance program options to bring its Facility into compliance with the NMPP NSPS.
20. Under Compliance Program Option 1, Paragraph 27 of the Order requires Respondent to immediately comply with, and apply for incorporation into appropriate permits issued by the Maryland Department of the Environment (“MDE”) as enforceable requirements, the fugitive emission limits and compliance provisions of the NMPP NSPS applicable to sources that commence construction, modification, or reconstruction on or after April 22, 2008. Under this option, Respondent is also required, within 60 calendar days of the effective date of the Order (i.e., by November 28, 2025), to provide the EPA with a copy of the permit application(s) submitted to the MDE for the Agency’s information so to be able to verify its compliance under this option. As of the date of this Consent Agreement and Final Order, the EPA has not received any information from Respondent documenting its compliance with Compliance Program Option 1.
21. Under Compliance Program Option 2, Paragraphs 28.a. of the Order required Respondent to immediately comply with the fugitive emissions limits and compliance

provisions of the NMPP NSPS applicable to sources that commence construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008.

22. Under Compliance Program Option 2, Paragraph 28.b. of the Order required Respondent, within 60 calendar days of the effective date of the Order (i.e., by November 28, 2025), to apply for incorporation into appropriate permits issued by MDE as enforceable requirements specified throughput limits, and monitoring, inspection and recordkeeping provisions to demonstrate that the Facility's 250 tons per hour ("TPH") Metso NP1213 crusher that was installed in 2015 actually operates at or below 100 TPH at all times; and to provide the EPA with a copy of the permit application(s) submitted to the MDE for the Agency's information so to be able to verify its compliance under this option.
23. Among the specified throughput limits, monitoring, inspection and recordkeeping provisions, Respondent was required to apply an agreed upon density value for the aggregate being processed at the Facility unless source information documented a bulk density less than the agreed upon value; and to measure the mass of its RC6 and RC2 aggregate products as the respective piles were depleted for sale to customers or for any other reason each operating day.
24. Under Compliance Program Option 2, Paragraph 28.c. of the Order required Respondent to submit monthly reports to the EPA documenting compliance with the provisions of Paragraph 28.b. until the provisions were incorporated into Facility's appropriate permits issued by MDE or until the termination date of the Order (i.e., September 28, 2026).
25. Respondent's first monthly report under Compliance Program Option 2, Paragraph 28.c. was due on October 29, 2025, but was not submitted to the EPA until December 15, 2025.
26. Due on November 28, 2025, Respondent did not provide the EPA with a copy of the permit application(s) submitted to the MDE as was required under Compliance Program Option 2, Paragraph 28.b. until December 15, 2025.
27. Respondent's December 15, 2025, monthly report showed that although it had elected Compliance Program Option 2, it had not been complying with the provisions specified under Paragraph 28.b. for demonstrating that the Facility's 250 TPH Metso NP1213 crusher that was installed in 2015 was actually operating at or below 100 TPH at all times.
28. The EPA first shared these compliance concerns with Respondent's representatives via email on December 22, 2025, and subsequently through a Notification of Compliance Issues letter dated February 21, 2026.

29. In April and May 2026, Respondent submitted monthly reports under Compliance Program Option 2, Paragraph 28.c. demonstrating that it was operating in substantial compliance with the provisions specified under Paragraph 28.b. of the Order.
30. An amendment to the Order was issued on consent on August 13, 2026, changing the provisions of Paragraph 28 of the Order ("Amended Order"). The termination date of the Amended Order is September 28, 2026.
31. During the time period from September 30, 2025 through August 12, 2026, Respondent failed to comply with the provisions of Paragraph 28 of the Order, constituting violations of requirements of an order issued under Section 113(a) of the CAA, 42 U.S.C. § 7413(a), for which penalties may be assessed pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

CIVIL PENALTY

32. 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 **FIVE THOUSAND dollars (\$5,000)** ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
33. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
34. 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.
35. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, Docket No. CAA-03-2026-0242,
 - 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):

Jennifer Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@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.

36. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 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 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 any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
 - c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.
37. 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 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 enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.
38. 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.
39. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

GENERAL SETTLEMENT CONDITIONS

40. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Abramson.Jennifer@epa.gov (for Complainant) and sluttrell@bakerdonelson.com (for Respondent).
41. 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.
42. 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, 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.
43. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Amended Order on

consent between Respondent and the EPA, Docket No. CAA-03-2025-0124DA, which addresses the violations alleged herein.

OTHER APPLICABLE LAWS

44. 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 CAA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

45. 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 CAA, 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

46. 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

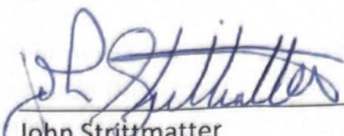
47. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

48. 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: Strittmatter Materials, LLC

Date: 9/27/26

By: 
John Strittmatter
Vice President

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**  Digitally signed by
ANDREA BAIN
Date: 2026.09.29
14:44:05 -04'00'

[Digital Signature and Date]
Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **JENNIFER ABRAMSON**  Digitally signed by
JENNIFER ABRAMSON
Date: 2026.09.28
08:08:34 -04'00'

[Digital Signature and Date]
Jennifer Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Sep 29, 2026

4:34 pm

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Annapolis, MD 21401	:	Proceeding under Section 113(d) of the Clean
	:	Air Act, 42 U.S.C. § 7413(d)
Respondent,	:	
	:	
3334 Kenilworth Avenue	:	
Hyattsville, MD 20781	:	
	:	
Facility.	:	
	:	
	:	
	:	

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 the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **JEFFREY NAST**
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

Digitally signed by
JEFFREY NAST
Date: 2026.09.29
16:31:38 -04'00'

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

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Respondent,	:
	:
3334 Kenilworth Avenue	:
Hyattsville, MD 20781	:
	:
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:

Stephen Luttrell, Esq.
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
100 Light Street, 19th Floor
Baltimore, MD 21202
sluttrell@bakerdonelson.com

Jennifer M. Abramson, Senior Assistant Regional Counsel
U.S. EPA, Region 3
Abramson.Jennifer@epa.gov

Steve Ott, Life Scientist
U.S. EPA, Region 3
Ott.Steven@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2026.09.29 16:35:40 -04'00'

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3