

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Apr 20, 2026

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U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: U.S. EPA Docket No. CWA-03-2026-0030
Joy Recycling LLC :
18562 Veterans Memorial Highway :
Kingwood, West Virginia 26537 : Proceeding under Section 309(g)
: of the Clean Water Act, 33 U.S.C. § 1319(g)
Respondent. :

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 Joy Recycling LLC (“Respondent”) (collectively the “Parties”), pursuant to Section 309(g) of the federal Clean Water Act, 33 United States Code (“U.S.C.”) § 1319(g), 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 Code of Federal Regulations (“C.F.R.”) Part 22. Section 309 of the federal Clean Water Act, 33 U.S.C. § 1319, 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 for Region 3 who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the accompanying Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the federal Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1251-1389, 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 (the “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).

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 immediately above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the accompanying Final Order, or the enforcement of this Consent Agreement and Final Order.
8. 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.
9. 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.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 309(g)(4)(A) of the Act, 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.
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 below.

14. Respondent, Joy Recycling LLC, is a one-member LLC organized on March 14, 2007 which, at all times relevant hereto, has been doing business at three facilities located at 438 Morgantown Street, Kingwood, Preston County, West Virginia 26537 ("Kingwood Facility"), 120 Moon Run Road, Kerens, Randolph County, West Virginia 26276 ("Kerens Facility"), and 4220 Mason-Dixon Highway, Core, Monongalia County, West Virginia 26541 ("Core Facility"). Respondent is, and at all times relevant to the violations alleged herein was, the owner and operator of these three facilities.
15. Respondent is a "person" as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and is subject to the assessment of civil penalties for the violations alleged herein.
16. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of any pollutant by any person to a water 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. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the NPDES program for the discharge of pollutants to waters of the United States. Stormwater discharges associated with industrial activity are subject to NPDES permitting requirements [Section 402(p) of the CWA, 33 U.S.C. § 1342(p); 40 C.F.R. §§ 122.2 and 122.26(b)(13) and (14)(vi)].
17. "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).
18. "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).
19. "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).
20. "Storm water" is defined as "storm water runoff, snow melt runoff, and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13).

21. "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, ..., 29, 311, 32 (except 323)..." 40 C.F.R. § 122.26(b)(14).
22. The industrial activity that Respondent conducts and/or has conducted at its three facilities involves scrap and waste materials, including recycling, with a Standard Industrial Classification of 5093. This industrial activity requires Respondent to obtain an NPDES permit for stormwater discharges pursuant to 40 C.F.R. § 122.26(b)(14)(vi).
23. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), on May 10, 1982, the EPA authorized the State of West Virginia to issue NPDES permits [47 Federal Register 22363, May 24, 1982]. Pursuant to its NPDES authorization, the West Virginia Department of Environmental Protection ("WVDEP") has, since at least 2004, periodically issued its Multi-Sector General Water Pollution Control Permit No. WV0111457, including on 1) March 3, 2014 (effective April 2, 2014) [hereinafter, the 2014 Permit]; 2) September 12, 2019 (effective October 12, 2019) [hereinafter, the 2019 Permit], which permit was modified on January 26, 2021 (effective February 25, 2021) [hereinafter, the modified 2019 Permit], and 3) February 5, 2025 (effective March 7, 2025) [hereinafter, the 2025 Permit].
24. In order for a facility to be subject to the current Multi-Sector General Water Pollution Control Permit No. WV0111457, the facility owner or operator must apply for (within 30 days of that current Permit's effective date) and receive, an active permit registration from WVDEP. A facility owner or operator with an active permit registration under the prior Permit when the current Permit is issued retains coverage under the prior Permit until the earlier of the date an active permit registration is issued under the current Permit or the date 31 days after the current Permit's effective date.
25. The Kingwood Facility discharges stormwater to the South Fork of Greens Run, which is connected to Greens Run, which is connected to the Cheat River, a traditional navigable water.

26. The Kerens Facility discharges stormwater to Davis Lick, which is connected to Leading Creek, which is connected to the Tygart Valley River, which is connected to the Monongahela River, a traditional navigable water.
27. The Core Facility discharges stormwater to Dunkard Creek, which is connected to the Monongahela River, a traditional navigable water.
28. Based on tolling agreements executed by Respondent and the EPA in December 2023, June 2024, December 2024, and April 2025, the statute of limitations period applicable to this matter runs from September 14, 2018 through the present.

Count 1

Failure to Obtain a Permit/Discharge Without a Permit

29. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
30. Kingwood Facility
 - a. From September 14, 2018 through April 12, 2020 (the date six months after the effective date of the 2019 Permit), the Kingwood Facility did not have an active permit registration for the 2014 Permit. From April 13, 2020 through February 24, 2021, the Kingwood Facility did not have an active permit registration for the 2019 Permit. From February 25, 2021 through December 6, 2023, the Kingwood Facility did not have an active permit registration for the modified 2019 Permit. Therefore, the Kingwood Facility did not have an active permit registration for a total of 1,910 days.
 - b. WVDEP conducted inspections at the Kingwood Facility on 8/24/21, 8/23/22, 11/16/22, 1/17/23, and 9/19/23. During each inspection, WVDEP found conditions at the Kingwood Facility resulting from industrial activity. As a result of each inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have an active permit registration for the current Multi-Sector General Water Pollution Control Permit No. WV0111457, in violation of Chapter 22, Article 11, Section 8.b.1. of the Code of West Virginia, and Section 47-10-3.1 of the Rules and Regulations thereunder.
 - c. Based on the United States Department of Agriculture's Natural Resources Conservation Service's Technical Release 55 titled "Urban Hydrology for Small Watersheds," for an area that is "Open Space Poor Condition (<50% Cover)" with a Soil Conservation Service Runoff Curve Number of between 79 and 89 based on soil group (B, C or D), runoff will be generated in rain events greater than approximately 0.8 inches of rain.

- d. According to the National Oceanic and Atmospheric Administration's National Centers for Environmental Information at the Kingwood 0.6 E (WV US US1WVPR0008) weather station, it rained approximately 133.4 inches and snowed approximately 65.1 inches from September 14, 2018 through May 17, 2021, when the station was active. The Kingwood weather station is approximately 2.3 miles from the Kingwood Facility. According to the National Oceanic and Atmospheric Administration's National Centers for Environmental Information at the Terra Alta 4.9 NNE (WV US US1WVPR0010) weather station, it rained approximately 135.81 inches and snowed approximately 116.6 inches from May 18, 2021 through December 6, 2023. The Terra Alta weather station is approximately 10.6 miles from the Kingwood Facility. There were 81 days during the period from September 14, 2018 through December 6, 2023 when rainfall and/or snow melt was at or exceeded 0.8 inches.

31. Kerens Facility

- a. From December 12, 2018 through January 16, 2019, the Kerens Facility did not have an active permit registration for the 2014 Permit as WVDEP had voided the permit registration during this period due to Joy's failure to timely pay the annual permit fee. From April 13, 2020 (the date following six months after the effective date of the 2019 Permit) through February 24, 2021, the Kerens Facility did not have an active permit registration for the 2019 Permit. From February 25, 2021 through December 27, 2022, and from January 26, 2024 through December 9, 2024, the Kerens Facility did not have an active permit registration for the modified 2019 Permit. Therefore, the Kerens Facility did not have an active permit registration for a total of 1,344 days.
- b. WVDEP conducted inspections at the Kerens Facility on 8/23/21 and 1/26/24. During each inspection, WVDEP found conditions at the Kerens Facility resulting from industrial activity. As a result of each inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have an active permit registration for the current Multi-Sector General Water Pollution Control Permit No. WV0111457, in violation of Chapter 22, Article 11, Section 8.b.1. of the Code of West Virginia, and Section 47-10-3.1 of the Rules and Regulations thereunder. EPA conducted an inspection at the Kerens Facility on 4/13/22 and found that Respondent did not have an active permit registration for the current Multi-Sector General Water Pollution Control Permit.
- c. EPA conducted an inspection at the Kerens Facility on April 13, 2022. At the time of the EPA inspection, the Respondent did not have an active permit registration for the modified 2019 permit.

- d. Based on the United States Department of Agriculture's Natural Resources Conservation Service's Technical Release 55 titled "Urban Hydrology for Small Watersheds," for an area that is "Open Space Poor Condition (<50% Cover)" with a Soil Conservation Service Runoff Curve Number of between 79 and 89 based on soil group (B, C or D), runoff will be generated in rain events greater than approximately 0.8 inches of rain.
- e. According to the National Oceanic and Atmospheric Administration's National Centers for Environmental Information at the Elkins Randolph County Airport (WV US USW00013729) weather station, it rained approximately 4.31 inches and snowed approximately 10.5 inches at the station from December 12, 2018 through January 16, 2019, it rained approximately 135.99 inches and snowed approximately 103.6 inches from April 13, 2020 through December 27, 2022, and it rained approximately 38.42 inches and snowed approximately 21.2 inches from January 26, 2024 through December 9, 2024. The Elkins Randolph County Airport weather station is approximately 10 miles from the Kerens Facility. There were 0 days from December 12, 2018 through January 16, 2019 where rainfall and/or snow melt was equal to or exceeded 0.8 inches. There were 55 days from April 13, 2020 through December 27, 2022 where rainfall and/or snow melt was equal to or exceeded 0.8 inches. There were 8 days from January 26, 2024 through December 9, 2024 where rainfall and/or snow melt was equal to or exceeded 0.8 inches.

32. Core Facility

- a. From September 14, 2018 through February 13, 2019, the Core Facility did not have an active permit registration for the 2014 Permit. On February 14, 2019, the Core Facility received an active permit registration from WVDEP for the 2014 Permit. From April 13, 2020 (the date following six months after the effective date of the 2019 Permit) to February 24, 2021, the Core Facility did not have an active permit registration for the 2019 Permit. From February 25, 2021 through December 6, 2023, the Core Facility did not have an active permit registration for the modified 2019 Permit. Therefore, the Core Facility did not have an active permit registration for a total of 1,482 days.
- b. WVDEP conducted an inspection at the Core Facility on 1/9/19. During this inspection, WVDEP found conditions at the Core Facility resulting from industrial activity. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have an active permit registration for the current Multi-Sector General Water Pollution Control Permit No. WV0111457, in violation of Chapter 22, Article 11, Section 8.b.1. of the Code of West Virginia, and Section 47-10-3.1 of the Rules and Regulations thereunder.

- c. Based on the United States Department of Agriculture's Natural Resources Conservation Service's Technical Release 55 titled "Urban Hydrology for Small Watersheds," for an area that is "Open Space Poor Condition (<50% Cover)" with a Soil Conservation Service Runoff Curve Number of between 79 and 89 based on soil group (B, C or D), runoff will be generated in rain events greater than approximately 0.8 inches of rain.
 - d. According to the National Oceanic and Atmospheric Administration's National Centers for Environmental Information at the Morgantown Municipal Airport (WV US USW00013736) weather station, it rained approximately 22.19 inches at the station from September 14, 2018 through February 13, 2019, and it rained approximately 149.47 inches at the station from April 13, 2020 through December 6, 2023. The Morgantown Municipal Airport weather station is approximately 13 miles from the Core Facility. There were 8 days from September 14, 2018 through February 13, 2019 where rainfall was equal to or exceeded 0.8 inches. There were 43 days from April 13, 2020 through December 6, 2023 where rainfall and/or snow melt was equal to or exceeded 0.8 inches.
33. Respondent's discharges of stormwater runoff on the 195 days noted above constituted violations of Section 301 of the CWA, 33 U.S.C. § 1311.
34. In failing to comply with Section 301 of the CWA, 33 U.S.C. § 1311, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 2

Failure to Review and Revise Stormwater Pollution Prevention Plan

35. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
36. From December 7, 2023 through April 7, 2025, the Kingwood Facility had an active permit registration for the modified 2019 Permit. Section B.7.a. of the modified 2019 Permit required, among other things, that when the occurrence of an unauthorized release or discharge at the facility is detected during an inspection, the permittee must review and revise, as appropriate, the Stormwater Pollution Prevention Plan.

37. On January 30, 2024, WVDEP conducted an inspection at the Kingwood Facility. During the inspection, WVDEP determined that Respondent had not reviewed and revised the Stormwater Pollution Prevention Plan when petroleum product was spilled on site. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to review and revise the Stormwater Pollution Prevention Plan when petroleum product was spilled on site, in violation of Section B.7.a. of the modified 2019 Permit.
38. By failing to review and revise the Stormwater Pollution Prevention Plan when petroleum product was spilled on site at the Kingwood Facility, Respondent violated Section B.7.a. of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
39. In failing to comply with Section B.7.a. of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 3

Failure to Maintain Good Housekeeping

40. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
41. From January 17, 2019 through October 11, 2019, the Kerens Facility had an active permit registration for the 2014 Permit. Section B.18.A.a)(2)(D) of the 2014 Permit requires that the required Stormwater Pollution Prevention Plan include appropriate stormwater pollution controls, and that those controls be implemented. One of the stormwater pollution controls required, at a minimum, is good housekeeping, requiring the maintenance of a clean, orderly facility.
42. On September 17, 2019, WVDEP conducted an inspection at the Kerens Facility. During the inspection, WVDEP observed 1) numerous areas with petroleum staining on the ground, and 2) totes, barrels, and batteries without proper secondary containment. This inspection evidenced Respondent's failure to implement good housekeeping practices and maintain a clean, orderly facility, in violation of Section B.18.A.a)(2)(D) of the 2014 Permit.
43. On April 13, 2022, EPA conducted an inspection at the Kerens Facility. During the inspection, EPA observed 1) unlabeled drums, 2) numerous areas with oil staining on the ground, 3) an unlabeled tote filled with unknown contents without secondary containment, and 4) fragments of debris scattered throughout the site.

44. From February 14, 2019 through October 11, 2019, the Core Facility had an active permit registration for the 2014 Permit.
45. On April 15, 2019, WVDEP conducted an inspection at the Core Facility. During the inspection, WVDEP observed oils, metals, tires, glass, and crushed cars on the property. Oils were observed in and around the cars and car crusher, and in puddles throughout the property. Oil-stained gravel was observed throughout the property. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to implement good housekeeping practices and maintain a clean, orderly facility, in violation of Section B.18.A.a)(2)(D) of the 2014 Permit.
46. From December 7, 2023 through the present, the Kingwood Facility has had an active permit registration for the modified 2019 Permit. Section B.17.A.2.a.4. of the modified 2019 Permit requires that the required Stormwater Pollution Prevention Plan include appropriate stormwater pollution controls, and that those controls be implemented. One of the stormwater pollution controls required, at a minimum, is good housekeeping, requiring the maintenance of a clean, orderly facility.
47. On January 30, 2024, WVDEP conducted an inspection at the Kingwood Facility. During the inspection, WVDEP observed 1) large amounts of petroleum product staining on site, 2) a large petroleum product stain running downhill from the vehicle crusher towards the stormwater outlet, and 3) a tote with product without secondary containment. This inspection evidenced Respondent's failure to implement good housekeeping practices and maintain a clean, orderly facility, in violation of Section B.17.A.2.a.4. of the modified 2019 Permit.
48. By failing to implement good housekeeping practices and maintain a clean, orderly facility on the above-noted dates at the Kerens and Core Facilities, Respondent violated Section B.18.A.a)(2)(D) of the 2014 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
49. By failing to implement good housekeeping practices and maintain a clean, orderly facility on the above-noted date at the Kingwood Facility, Respondent violated Section B.17.A.2.a.4. of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
50. In failing to comply with Section B.18.A.a)(2)(D) of the 2014 Permit and Section B.17.A.2.a.4. of the modified 2019 Permit, permits issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 4

Failure to Take All Reasonable Steps to Prevent or Minimize Violative Discharge

51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
52. From December 7, 2023 through April 7, 2025, the Kingwood Facility had an active permit registration for the modified 2019 Permit. Section I.3. of Appendix A of the modified 2019 Permit requires the permittee to take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment.
53. On January 30, 2024, WVDEP conducted an inspection at the Kingwood Facility. During the inspection, WVDEP determined that, by not preventing or cleaning up a petroleum product spill, Respondent had not taken all reasonable steps to minimize or prevent any violative discharge which had a reasonable likelihood of adversely affecting human health or the environment. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to take all reasonable steps to minimize or prevent any violative discharge which had a reasonable likelihood of adversely affecting human health or the environment, in violation of Section I.3. of Appendix A of the modified 2019 Permit.
54. By failing to take all reasonable steps to minimize or prevent any violative discharge which had a reasonable likelihood of adversely affecting human health or the environment at the Kingwood Facility, on the above-noted date Respondent violated Section I.3. of Appendix A of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
55. In failing to comply with Section I.3. of Appendix A of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 5

Failure to Post Permanent Outlet Marker

56. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

57. From January 17, 2019 through April 12, 2020 (the date six months after the effective date of the 2019 Permit), the Kerens Facility had an active permit registration for the 2014 Permit. Section I.13. of Appendix A of the 2014 Permit required that, in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules, 1) a permanent marker be posted on the stream bank at each outlet covered by the permit at the facility, 2) that each marker consist of the name of the facility to which the permit was issued, the permit number, and the outlet number, and 3) that each marker be a minimum of two (2) feet by two (2) feet and a minimum of three (3) feet above ground level.
58. On September 17, 2019, WVDEP conducted an inspection at the Kerens Facility. During the inspection, WVDEP observed that no permanent outlet marker was posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules, as required by Section I.13. of Appendix A of the 2014 Permit. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have a required permanent outlet marker posted, in violation of Section I.13. of Appendix A of the 2014 Permit.
59. From December 7, 2023 through April 7, 2025, the Core Facility had an active permit registration for the modified 2019 Permit. Section I.13. of Appendix A of the modified 2019 Permit required that, in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules, 1) a permanent marker be posted on the stream bank at each outlet covered by the permit at the facility, 2) that each marker consist of the name of the facility to which the permit was issued, the permit number, and the outlet number, and 3) that each marker be a minimum of two (2) feet by two (2) feet and a minimum of three (3) feet above ground level.
60. On January 23, 2024, WVDEP conducted an inspection at the Core Facility. During the inspection, WVDEP observed that no permanent outlet marker was posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules, as required by Section I.13. of Appendix A of the modified 2019 Permit. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have a required permanent outlet marker posted, in violation of Section I.13. of Appendix A of the modified 2019 Permit.
61. From December 7, 2023 through April 7, 2025, the Kingwood Facility had an active permit registration for the modified 2019 Permit.

62. On January 30, 2024, WVDEP conducted an inspection at the Kingwood Facility. During the inspection, WVDEP observed that no permanent outlet marker was posted in accordance with Section 47-11-9 of the West Virginia Rules and Regulations, as required by Section I.13. of Appendix A of the modified 2019 Permit. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to have the required permanent outlet marker posted, in violation of Section I.13. of Appendix A of the modified 2019 Permit.
63. By failing to have a permanent outlet marker as required on the above-noted dates at the Kerens, Core and Kingwood Facilities, Respondent violated, at the Kerens Facility, Section I.13. of Appendix A of the 2014 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and, at the Core and Kingwood Facilities, Section I.13. of Appendix A of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
64. In failing to comply at the Kerens Facility with Section I.13. of Appendix A of the 2014 Permit, issued pursuant Section 402 of the CWA, 33 U.S.C. § 1342, and at the Core and Kingwood Facilities with Section I.13 of Appendix A of the modified 2019 Permit, issued pursuant Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 6

Failure to Submit Semi-Annual Discharge Monitoring Reports

65. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
66. With the exception of the period from December 12, 2018 to January 16, 2019, from September 14, 2018 through November 12, 2019, the Kerens Facility had an active permit registration for the 2014 Permit. Section III.2. of Appendix A of the 2014 Permit required the permittee to submit discharge monitoring reports on a semi-annual basis, following a specified format and indicating the analytically-determined concentrations of listed constituents in the effluent(s).
67. On September 17, 2019, WVDEP conducted an inspection at the Kerens Facility. During the inspection, WVDEP determined that Respondent had failed to submit required semi-annual discharge monitoring reports in the past two years. These four (4) semi-annual discharge monitoring reports were due on October 20, 2017, April 20, 2018, October 20, 2018, and April 20, 2019. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to submit required discharge monitoring reports in the past two years, in violation of Section III.2. of Appendix A of the 2014 Permit.

68. By failing to submit required discharge monitoring reports for the Kerens Facility due on October 20, 2017, April 20, 2018, October 20, 2018, and April 20, 2019, Respondent violated Section III.2. of Appendix A of the 2014 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
69. In failing to comply with Section III.2. of Appendix A of the 2014 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 7

Failure to Immediately Report Petroleum Product Spill

70. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
71. From December 7, 2023 through April 7, 2025, the Kingwood Facility had an active permit registration for the modified 2019 Permit. Section IV.2.a) of Appendix A of the modified 2019 Permit requires the permittee to report, immediately after becoming aware of the circumstances, using WVDEP's designated spill alert telephone number, any noncompliance which may endanger health or the environment.
72. On January 30, 2024, WVDEP conducted an inspection at the Kingwood Facility. During the inspection, WVDEP determined that Respondent had failed to immediately report a petroleum product spill, an instance of noncompliance endangering health or the environment, to the designated spill alert telephone number. A large stain from the spill was observed running downhill from the vehicle crusher towards the stormwater outlet. As a result of this inspection, WVDEP issued a notice of violation to Respondent for Respondent's failure to immediately report the petroleum product spill to the designated spill alert telephone number, in violation of Section IV.2.a) of Appendix A of the modified 2019 Permit.
73. By failing to immediately report the petroleum product spill at the Kingwood Facility to the designated spill alert telephone number, on the above-noted date Respondent violated Section IV.2.a) of Appendix A of the modified 2019 Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.
74. In failing to comply with Section IV.2.a) of Appendix A of the modified 2019 Permit, issued pursuant Section 402 of the CWA, 33 U.S.C. § 1342, Respondent is subject to an assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

CIVIL PENALTY

75. 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 one thousand five hundred dollars (\$1,500) ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
76. The civil penalty is based upon the EPA's consideration of a number of factors, including the statutory penalty criteria set forth in Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), including the following: the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case, with specific reference to the EPA's Supplemental Guidance to the 1995 Interim Clean Water Act Settlement Penalty Policy for Violations of the Industrial Stormwater Requirements (September 8, 2016), which reflects the statutory penalty criteria set forth in Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, Section 19.4, Table 1, and the applicable EPA memorandum addressing the EPA's civil penalty policies to account for inflation.
77. The civil penalty is also based upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to the EPA by Respondent, including the following:
- a. Federal Form 1040 with attached schedules and forms for 2020
 - b. Federal Form 1040 with attached schedules and forms for 2021
 - c. Federal Form 1040 with attached schedules and forms for 2022
 - d. Federal Form 1040 with attached schedules and forms for 2023
 - e. Federal Form 1040 with attached schedules and forms for 2024
 - f. Operations Analysis - Joy Recycling LLC (1/1/25 to 7/31/25)
78. Respondent agrees to pay the Assessed Penalty. Based upon Respondent's documented inability to pay claim, and in accordance with applicable laws, the EPA conducted an analysis of Respondent's financial information and determined that the Assessed Penalty is an appropriate amount to settle this action.
79. Respondent agrees to pay the Assessed Penalty within thirty (30) calendar days of the Effective Date of this Consent Agreement and Final Order.

80. 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.

81. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, U.S. EPA Docket No. CWA-03-2026-0030.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following persons:

James Baker
Senior Assistant Regional Counsel
baker.james@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.

82. "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.

83. 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 of this Consent Agreement. 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. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS standard underpayment rate.
- 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.

84. Late Payment Actions. In addition to the monetary amounts described in Paragraph 83 immediately above, if Respondent fails to timely pay any portion of the Assessed Penalty, accrued interest, handling charges, and quarterly nonpayment 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, accrued interest, handling charges, and quarterly nonpayment penalties, 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.

85. 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 handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
86. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
87. Payment of the civil penalty is due and payable immediately upon the Effective Date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of a copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed by the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the Effective Date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
88. The Parties consent to service of the Final Order by email at the following valid email addresses: baker.james@epa.gov (for Complainant), and joyrecyclingllc@aol.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

89. 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.
90. 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 representation 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

91. 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

92. 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, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

93. 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 on and after its effective date.

EXECUTION/PARTIES BOUND

94. 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

95. 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 her delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

ENTIRE AGREEMENT

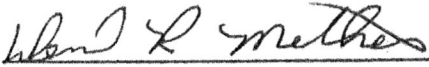
96. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms or conditions agreed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

In the Matter of: Joy Recycling LLC

EPA Docket No. CWA-03-2026-0030

For the Respondent: Joy Recycling LLC

Date: 2/16/2026

By: 
Denzil R. Metheny
Member

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and 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 her delegate, the Regional Judicial Officer, issue the attached Final Order.

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

Attorney for Complainant:

By: _____
Manuel Ronquillo
Chief, Water & Waste Branch
Office of Regional Counsel
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Apr 20, 2026

2:46 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: U.S. EPA Docket No. CWA-03-2026-0030
Joy Recycling LLC :
18562 Veterans Memorial Highway :
Kingwood, West Virginia 26537 : Proceeding under Section 309(g)
: of the Clean Water Act, 33 U.S.C. § 1319(g)
Respondent. :

FINAL ORDER

Pursuant to 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 [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.

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 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: :
: U.S. EPA Docket No. CWA-03-2026-0030
Joy Recycling LLC :
18562 Veterans Memorial Highway :
Kingwood, West Virginia 26537 : Proceeding under Section 309(g)
: of the Clean Water Act, 33 U.S.C. § 1319(g)
Respondent. :

CERTIFICATE OF SERVICE

I certify that the foregoing **Consent Agreement and Final Order** was filed with the 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 upon each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Denzil R. Metheny
Joy Recycling LLC
joyrecyclingllc@aol.com
18562 Veterans Memorial Highway
Kingwood, West Virginia 26537

James Baker
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 3
baker.james@epa.gov

Michael Greenwald
Environmental Engineer
Enforcement and Compliance Assurance
Division
U.S. EPA, Region 3
greenwald.michael@epa.gov

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