



REGION 3  
PHILADELPHIA, PA 19103

FILED

Dec 08, 2025

9:29 am

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of:

Waste Management of West Virginia, Inc. : U.S. EPA Docket No. CWA-03-2026-0004DN  
7 Spring Street : ADMINISTRATIVE ORDER ON CONSENT  
Charleston, West Virginia 25302 : PURSUANT TO 33 U.S.C. § 1319(a)  
Respondent. :  
Waste Management of West Virginia, Inc. – Charleston Hauling :  
7 Spring Street :  
Charleston, West Virginia 25302 :  
NPDES Permit No. WV0117498 :  
Facility. :

#### **I. STATUTORY AUTHORITY AND JURISDICTION**

1. This Administrative Order on Consent (“AOC” or “Order”) for compliance issued to Waste Management of West Virginia, Inc. (“Respondent”), under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement and Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides, among other things, that: “Whenever, on the basis of information available to [EPA], [EPA] finds that any person is in violation of any condition or limitation [implementing section 301, 302, 306, 307, 308, 318, or 405 of this title] in a permit issued under section [402] . . . of this title, . . . [EPA] shall issue an order requiring such person to comply with such condition or limitation . . . .” *See* 33 U.S.C. § 1319(a)(3).
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.

4. The EPA has consulted with the West Virginia Department of Environmental Protection (“WVDEP”) regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed AOC to the appropriate WVDEP representative.

**II. GENERAL PROVISIONS**

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

any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 – 706.

13. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
14. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
15. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
16. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy, or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this AOC are false, or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

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

17. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with, among other things, a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the CWA, 33 U.S.C. § 1342.
18. Section 402(a) of the CWA, 33 U.S.C. § 1342(a) provides that the Administrator of EPA, or a state upon approval by the EPA, may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.

19. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA authorized WVDEP to issue NPDES permits in the State of West Virginia.
20. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation, 40 C.F.R. § 122.26(a)(1)(ii), require facilities discharging stormwater associated with industrial activity to obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
21. 40 C.F.R. § 122.2 defines “Pollutant” as “dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” *See also* 33 U.S.C. § 1362(6).
22. 40 C.F.R. § 122.2 defines “the discharge of a pollutant” as: “any addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source,’ . . . . This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by a man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.”
23. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are “point sources” subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
24. 40 C.F.R. § 122.26(b)(13) defines the term “Storm water” as “storm water runoff, snow melt runoff, and surface runoff and drainage.”
25. 40 C.F.R. § 122.26(b)(14) defines “Storm water discharge associated with industrial activity” as “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant” and “includes, but is not limited to, storm water discharges from industrial plant yards . . . ; material handling sites; refuse sites; sites used for the application or disposal of process waste waters . . . ; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products.”

26. 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.

**IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS**

27. WVDEP issued a NPDES Permit (Permit No. WV0117498, hereinafter referred to as “the Permit”) to Respondent on September 24, 2020, with an effective date of November 1, 2020, and an expiration date of September 23, 2025. Discharges from Respondent’s facility are therefore subject to terms and conditions of the Permit.
28. Respondent is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
29. At all times relevant herein, upon information and belief, Respondent has owned and operated, and continues to own and operate, a hauling company that performs garbage truck maintenance, fueling, repair, washing, and parking as well as container maintenance and storage onsite (the “Facility”) located at 7 Spring Street, Charleston, West Virginia 25302.
30. At all times relevant herein, upon information and belief, Respondent was engaging in “industrial activity” at the Facility, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
31. At all times relevant herein, upon information and belief, Respondent discharged stormwater through Outlet 001 identified in its Permit into the Elk River, a Traditional Navigable Water. The Elk River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
32. On May 14, 2024, representatives from the EPA, Region 3 conducted an onsite compliance evaluation (“Inspection”). The combined findings of the Inspection were incorporated into an Inspection Report finalized on July 8, 2024, and transmitted to Respondent on July 9, 2024.
33. The EPA sent a Notice to Show Cause to Respondent on April 22, 2025.
34. On May 5, 2025, Respondent submitted a response to the Notice to Show Cause. Following additional correspondence, on May 29, 2025, the EPA and Respondent, with counsel, met and conferred regarding Respondent’s compliance, and Respondent provided further information.

**Count 1****Effluent Exceedances**

34. Section A.001 of the Permit sets forth the effluent limits for Outlet 001.

35. Based on the electronic Discharge Monitoring Reports (“eDMRs”) provided by Respondent, the Facility has experienced fourteen (14) effluent exceedances from Outlet 001 from December 2022 to June 2025, as listed below, for the parameters iron, total recoverable, and aluminum, total recoverable.

**Table 1: Effluent Exceedances**

Monitoring Period Date	Parameter Description	DMR Value	Permit Limit Value	Units	Limit Type
12/31/2022	Iron, Total Recoverable	2.82	1.5	mg/L	Daily Maximum
12/31/2022	Aluminum, Total Recoverable	1.15	0.75	mg/L	Daily Maximum
3/31/2023	Iron, Total Recoverable	4.3	1.5	mg/L	Daily Maximum
3/31/2023	Aluminum, Total Recoverable	1.7	0.75	mg/L	Daily Maximum
9/30/2023	Iron, Total Recoverable	2.7	1.5	mg/L	Daily Maximum
9/30/2023	Aluminum, Total Recoverable	0.86	0.75	mg/L	Daily Maximum
3/31/2024	Iron, Total Recoverable	1.9	1.5	mg/L	Daily Maximum
3/31/2024	Aluminum, Total Recoverable	1.23	0.75	mg/L	Daily Maximum
9/30/2024	Iron, Total Recoverable	1.83	1.5	mg/L	Daily Maximum
12/31/2024	Iron, Total Recoverable	8.14	1.5	mg/L	Daily Maximum
12/31/2024	Aluminum, Total Recoverable	3.58	0.75	mg/L	Daily Maximum

3/31/2025	Iron, Total Recoverable	2.16	1.5	mg/L	Daily Maximum
3/31/2025	Aluminum, Total Recoverable	1.25	0.75	mg/L	Daily Maximum
6/30/2025	Iron, Total Recoverable	1.9	1.5	mg/L	Daily Maximum

36. Based on the above allegations, Respondent violated Section A.001 of the Permit, issued pursuant to CWA Section 402, 33 U.S.C. § 1342, and the CWA by failing to comply with the effluent limitations contained in the Permit on fourteen occasions from December 2022 to June 2025.

**Count 2****Failure to Practice Good Housekeeping**

37. Section C.01 of the Permit requires the permittee to “practice good housekeeping, including maintaining the facility grounds. There shall be no scattered parts, equipment, debris, etc.”

38. During the Inspection, the EPA observed the ground surface in the container storage area, which is outside and exposed to stormwater, appeared laden with sediment.

39. In failing to comply with good housekeeping practices contained in Section C.01 of the Permit, Respondent has violated the CWA.

40. Based on the above allegations, Respondent violated Section C.01 of the Permit, issued pursuant to CWA Section 402, 33 U.S.C. § 1342, and the CWA by failing to practice good housekeeping by maintaining the facility grounds and keeping the facility free of debris.

**Count 3****Failure to Conduct Proper Operation and Maintenance (“O&M”)**

41. Appendix A, Part II.1 of the Permit requires the permittee to “at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.”

42. During the Inspection, the EPA observed:
  - a. sheening in water located in the concrete catch basin portion of the stormwater discharge trap and outlet structure which is indicative of insufficient best management practices and
  - b. accumulated sediment in the concrete discharge basin immediately prior to the discharge pipe for Outlet 001.
43. Based on the above allegations, Respondent violated Appendix A, Part II.1 of the Permit, issued pursuant to CWA Section 402, 33 U.S.C. § 1342, and the CWA by failing to conduct proper O&M of all facilities and systems of treatment and control used by the permittee to achieve compliance with the Permit.
44. In failing to comply with O&M requirements contained in Appendix A, Part II.1 of the Permit, Respondent has violated the CWA.

**V. COMPLIANCE ORDER**

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

45. Respondent shall take any and all steps necessary to comply fully with the Permit as soon as practicable. Such steps include the activities outlined in this section.
46. Within ninety (90) calendar days of the Effective Date of this Order, the Respondent shall provide to the EPA for review, comment, and approval a Pollutant Reduction Plan (“PRP”), which meets the requirements set forth in this AOC. The PRP shall include, at minimum, plans and a schedule for implementing corrective actions to address the following:
  - a. Identification of potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with the iron (total recoverable), and aluminum (total recoverable), effluent violations identified in Table 1.
  - b. A description of implementation practices, including exploring installing treatment, implementing increased good housekeeping measures, and implementing increased best management practices for the operation and maintenance measures, that Respondent will implement to reduce the iron and aluminum in the storm water discharges and to ensure compliance with the terms and conditions of the Permit, and any permit renewals.

47. The schedule to implement the corrective actions identified in the PRP shall not exceed two (2) years from the date the EPA accepts the PRP in accordance with paragraph 48, below.
48. After review of the PRP:
  - a. The EPA will in writing: (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
  - b. If the submission is accepted, Respondent shall take all actions required by the PRP, in accordance with the schedule and requirements of the PRP, as approved. If the PRP is conditionally accepted or accepted only in part, Respondent shall, upon written direction from the EPA, take all actions required by the accepted PRP that the EPA determines are technically severable from any unacceptable actions.
  - c. If the PRP is unacceptable in whole or in part, Respondent shall, within 30 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the PRP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
  - d. PRP Modifications: Within 10 days of modification of any deadline under the PRP, Respondent shall provide an updated list reflecting all changes to the future schedule.
49. Respondent shall submit to the EPA quarterly progress reports, until all work as identified in and required by the PRP has been completed. These reports shall be submitted in accordance with Section VI (Procedures for Submission) below. The quarterly progress reports shall be due by March 31, June 30, September 30, and December 31 of each year, and shall include, at a minimum:
  - a. Activities completed during the reporting period;
  - b. Dates by which the activities were completed;
  - c. Any barriers to the timely completion of activities encountered; and
  - d. Activities currently in progress.

50. Respondent shall notify the EPA via email within 5 calendar days of receiving sample analysis data that indicates an effluent exceedance at the Facility for the duration of the Order. Within 45 calendar days of the exceedance, Respondent shall prepare and submit a written assessment to the EPA via email that certifies the corrective action taken to address the exceedance if such corrective action is not already incorporated into the PRP.
51. After Respondent has demonstrated compliance with the Permit effluent limitations for one year, Respondent shall update its Stormwater Pollution Prevention Plan ("SWPPP") and submit the plan to the WVDEP for approval, if required by the Permit, along with any necessary permit modifications.

#### **VI. PROCEDURES FOR SUBMISSIONS**

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

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

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

53. Respondent may assert a business confidentiality claim covering part of all the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, Respondent does not assert a confidentiality claim, the EPA may make

the submitted information available to the public without further notice to Respondent.

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

Allison Gieda  
Environmental Engineer  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3  
[Gieda.allison@epa.gov](mailto:Gieda.allison@epa.gov)

AND

[R3\\_ORC\\_mailbox@epa.gov](mailto:R3_ORC_mailbox@epa.gov)  
Attn: Amy Stevens

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

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

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

58. The EPA shall provide Respondents with written notification of termination of this Order.

**VIII. AOC MODIFICATIONS**

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

**IX. EFFECTIVE DATE**

60. This AOC will become effective upon the Respondent's receipt of a fully executed copy of this AOC.

Waste Management of West Virginia, Inc.

Date: 10/20/2025

By: Matt Moran

Name: Matt Moran

Title: SR. District Manager

**SO ORDERED**

**FOR U.S. ENVIRONMENTAL PROTECTION AGENCY**

By: ANDREA BAIN

Digitally signed by  
ANDREA BAIN  
Date: 2025.12.08  
07:27:03 -05'00'

*[Digital Signature and Date]*

Acting Director

Enforcement & Compliance Assurance Division

U.S. EPA – Region 3

(dated via electronic timestamp)



## REGION 3

PHILADELPHIA, PA 19103

**CERTIFICATE OF SERVICE**

**In the Matter of:**

1

## Waste Management of West Virginia, Inc.

U.S. EPA Docket No. CWA-03-2026-0004DN

7 Spring Street  
Charleston, West Virginia 25302

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

## Respondent.

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Waste Management of West  
Virginia, Inc. – Charleston Hauling  
7 Spring Street  
Charleston, West Virginia 25302  
NPDES Permit No. WV0117498

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## Facility.

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

Copies served via UPS and email to:

Michael Brennan  
Waste Management of West Virginia  
7 Spring Street  
Charleston, West Virginia 25302  
[Mbrenna5@wm.com](mailto:Mbrenna5@wm.com)

Mike Runner  
Waste Management of West Virginia  
7 Spring Street

Charleston, West Virginia 25302  
[mrunner@wm.com](mailto:mrunner@wm.com)

Copies served via email to:

Amy Stevens  
Assistant Regional Counsel  
U.S. EPA, Region 3  
[Stevens.amy@epa.gov](mailto:Stevens.amy@epa.gov)

Allison Gieda  
Environmental Engineer  
U.S. EPA, Region 3  
[Gieda.allison@epa.gov](mailto:Gieda.allison@epa.gov)

By:  **JEANNINE GRAFF** Digitally signed by  
JEANNINE GRAFF  
Date: 2025.12.08  
09:31:41 -05'00'  
[*Digital Signature and Date*]  
Regional Hearing Clerk  
U.S. EPA, Region 3