



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

VIA UPS and Electronic Mail

Mr. Dan Grafton
HSEP Manager
Amsted Graphite Materials, LLC
2698 Philippi Pike
Anmoore, West Virginia 26323
Dan.Grafton@agmwv.com

Re: Administrative Order on Consent
Docket No. CWA-03-2022-0019DN

Dear Mr. Grafton:

Enclosed please find the executed Administrative Order on Consent (“AOC”) that General Manager Jared Knight signed on behalf of Amsted Graphite Materials, LLC (“AGM”) on November 12, 2021. By agreeing to this Order, AGM agreed to do the following (described more fully in Section III of the AOC):

1. To comply with AGM’s 2021 NPDES Permit;
2. Within 90 days of the effective date of the AOC, develop and submit a Standard Operating Procedures that 1) describing proper operation and maintenance of the Facility and systems of treatment and control to prevent oil from entering Outlet 003 and Anmoore Run and 2) Describe ongoing good housekeeping practices, including frequency and record-keeping of street sweeping and procedures for keeping green product from exposure to stormwater on-site.
3. Within 30 days of receipt of EPA’s comments on both of the Standard Operating Procedures described above, 1) develop and submit a Stormwater Pollution Prevention Plan (“SWPPP”) including certain details more fully laid out in Paragraph 68, subsection (e) of the AOC; 2) implement the updated SWPPP, and 3) ensure compliance with recordkeeping requirements in SWPPP and NPDES Permit.
4. Within 30 days of the effective date of the AOC:
 - Remove any “green product” from exposure to stormwater, and certify that these materials have been removed.
 - Submit an updated Spill Prevention Control and Countermeasure Plan (“SPCC”) to ensure that liquid collected in secondary containment does not reach the sewer system.
5. For a 24-month period after the effective date of this Order, Respondent shall electronically submit to EPA on a quarterly basis:
 - a. Any updates to the SWPPP.

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- b. Any and all of the following reports required by the 2021 Permit to be submitted to WVDEP:
 - i. Quarterly Progress Reports, Plan(s) of Action, and other reports required by the 2021 Permit in Section B, Schedule of Compliance.
 - ii. Benchmark monitoring required by the 2021 Permit in Section C. 14.c.
 - iii. Reporting required under the 2021 Permit at Appendix A Section IV, including any “bypasses,” “upsets,” “planned changes” and “anticipated noncompliance” as defined by the permit.
- c. Any exceedances of 2021 Permit effluent limits at any outlet.
- d. Per Appendix A, Section IV, Section 4 (and Section 2(a) referenced therein) of the 2021 Permit, provide a description of the effluent limit exceedance in 69.c., above, its cause, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Your submissions are subject to EPA review and comment.

Thank you for your cooperation on this matter. The effective date of this Order is today, the date of your receipt of this Order. Please note that failure to comply with the provisions of the attached Order may subject AGM to further enforcement action. We strongly urge you to take prompt action to address these issues.

If you have any questions pertaining to this matter, please contact Shane McAleer of our NPDES Section at (215) 814-5616 or mcaleer.shane@epa.gov, or the attorney assigned to this matter, Aviva Reinfeld, at (215) 814-2632, or reinfeld.aviva@epa.gov.

Sincerely,

Karen Melvin, Director
Enforcement & Compliance Assurance Division

Enclosure

cc: Dave Flannery, Esq. (Dave.Flannery@Steptoe-Johnson.com)
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