



**REGION 3**  
PHILADELPHIA, PA 19103

**FILED**

**Sep 30, 2024**

**11:00 am**

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

In the Matter of:

Denton Scrap Metal Recycling, LLC  
24769-A Meeting House Road  
Denton, Maryland 21629

Respondent

EPA Docket No. CWA-03-2024-0143DN

Administrative Order on Consent  
Pursuant to 33 U.S.C. § 1319(a)

Denton Scrap Metal Recycling, LLC  
24769-A Meeting House Road  
Denton, Maryland 21629

Facility

**I. STATUTORY AUTHORITY AND JURISDICTION**

1. The United States Environmental Protection Agency ("EPA") makes the following findings of fact and conclusions of law, below, and issues this Administrative Order on Consent ("Order") pursuant to the authority vested in the EPA Administrator under 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, Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, among other things, that whenever on the basis of any information available, the Administrator finds that any person is in violation of Section 301 of the Act, 33 U.S.C. § 1311, or any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342, the Administrator shall issue an order requiring such person to comply with such section or requirement.

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2 above.
4. Denton Scrap Metal Recycling, LLC, Respondent, has agreed to the issuance of this Order.
5. The EPA has consulted with the Maryland Department of the Environment (“MDE”) regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed Order to the appropriate MDE representative.

## **II. STATUTORY AND REGULATORY BACKGROUND**

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant 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 Act, 33 U.S.C. § 1342.
7. 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).
8. 40 C.F.R. § 122.2 defines “the discharge of a pollutant” as: “a) 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 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.”
9. 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).
10. 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.”
11. 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...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.”

12. 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.
13. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA authorized MDE to issue NPDES permits in the state of Maryland.
14. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation at 40 C.F.R. § 122.26(a)(1)(ii), require facilities discharging stormwater associated with industrial activity to obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
15. MDE issued a General Permit for Discharges of Stormwater Associated with Industrial Activities (Discharge Permit No. 12-SW, hereinafter referred to as “the Permit”) effective January 1, 2014 and granted coverage under the Permit to Respondent on January 10, 2017 (NPDES Permit No. MDR003194). The Permit was set to expire on December 31, 2018, but was administratively extended and remains administratively extended during the pendency of MDE’s consideration of Respondent’s Notice of Intent seeking coverage under the re-issued General Permit for Discharges from Stormwater Associated with Industrial Activities (Discharge Permit No. 20-SW). Discharges from Respondent’s facility are therefore subject to terms and conditions of the 12-SW Permit.

### **III. GENERAL PROVISIONS**

16. For the purpose of this proceeding only, Respondent admits each jurisdictional allegation set forth in this Order. Respondent neither admits nor denies the factual allegations set forth in this Order, except as provided in the jurisdictional admission in the preceding sentence.
17. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this Order.
18. The provisions of this Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.

19. Respondent shall bear its own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this Order, including any costs related to resolution of any dispute arising regarding this Order.
20. Issuance of this Order is intended to address the alleged 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. §1311, *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction. Further, the EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this Order, following the Effective Date, as defined below.
21. This Order 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 *et seq.*, or any regulations promulgated thereunder.
22. 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 Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
23. 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.
24. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the Respondent.
25. By signing this Order, Respondent acknowledges that this Order may be available to the public and represents that, to the best of Respondent's knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondent.
26. 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 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.

27. Notwithstanding any other provisions of this Order, no action or decision by the EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement & Compliance Assurance Division, or Director, Enforcement & Compliance Assurance Division, EPA, Region 3, shall constitute a final agency action giving rise to any right to judicial review prior to the EPA's initiation of judicial action to compel either, or both, Respondent's compliance with, or otherwise enforce, this Order.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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 or operated, and continues to own and operate, metal recycling facility (the "Facility") located at 24769-A Meeting House Road, Denton, MD 21629.
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 and/or authorized non-stormwater through outfalls identified in its Permit into the Upper Choptank River, a relatively permanent water connected to the Chesapeake Bay. The Chesapeake Bay and the Choptank River are Traditional Navigable Waters. The Chesapeake Bay, the Choptank River, and the Upper Choptank River are "waters of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
32. On February 16, 2022, representatives from the EPA, Region 3 conducted an onsite compliance evaluation inspection ("Inspection"). The combined findings of the onsite inspection were incorporated into an Inspection Report finalized on March 23, 2022 and submitted to Respondent on March 28, 2022. The EPA received Respondent's responses to this Inspection Report on April 11, 2022.

33. On January 9, 2024 the EPA sent a Notice of Potential Violations and Opportunity to Confer letter (“NOPVOC letter”) to the Respondent, summarizing certain alleged violations of the CWA observed during the February 2022 Inspection.
34. On February 7, February 9, and March 14, 2024, Respondent provided supplemental information for the EPA to consider with regard to the alleged violations.

### COUNT 1

#### **Failure to Make Necessary Modifications or Determinations in Response to Benchmark Exceedances**

35. The allegations in the preceding paragraphs are incorporated herein by reference.
36. Part V(B)(3)(b) of the Permit provides that, after collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, Respondent must review the selection, design, installation, and implementation of control measures to *determine if modifications are necessary* to meet permit effluent limits. The Permit section further states that, following identification of such benchmark exceedances, Respondent must either: 1) *make necessary modifications* and continue quarterly monitoring until four additional quarters of monitoring indicate the average does not exceed the benchmark; or 2) *make and document a determination that no further pollutant reductions are technologically available*, economically practicable, and achievable in light of best industry practice to meet the technology-based effluent limits, or, in the alternative, that such reductions are not necessary to meet the water-quality-based effluent limitations the Permit. [emphasis added]
37. According to observations from the EPA’s onsite Inspection and subsequent review of Respondent’s ICIS Data Report, at the time of Inspection there were 29 instances from March 2018 through December 2021 when the average of four consecutive parameter monitoring values exceeded benchmark concentrations at Respondent’s Facility. These averaged exceedances occur five times for total recoverable iron; nine times for copper; six times for zinc; six times for aluminum; and three times for chemical oxygen demand. The data additionally shows two mathematically certain exceedances (where a single sample concentration is greater than four times the limit) of zinc.
38. At the time of Inspection, the EPA observed that Respondent failed to take adequate corrective actions to address the benchmark exceedances. Although Respondent’s 2021 stormwater pollution prevention plan (“SWPPP”) suggested corrective actions for copper and zinc exceedances, EPA alleges that Respondent either: 1) failed to make the necessary modifications; or 2) failed to make a determination that no further pollutant reductions were technologically available or economically practicable and achievable.
39. Following the date of Inspection, additional review by the EPA of Respondent’s ICIS Data Report indicated that there were 25 additional instances when the average of four

consecutive parameter monitoring values exceeded benchmark concentrations at Respondent's Facility between December 2021 and December 2023.

40. Although Respondent's supplemental correspondence, dated March 14, 2024, indicated that Respondent prepared corrective action reports with additional information required under Part V(B)(3)(b) of the Permit, prior to January 2024 these reports did not include information indicating that Respondent implemented any specific modifications recommended to resolve continuing exceedances, or that Respondent had determined that further pollutant reductions were either infeasible or unnecessary.
41. By failing to make modifications in response to benchmark exceedances, or to make and document any determinations of infeasibility, Respondent violated Part V(B)(3)(b) of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

## **COUNT 2**

### **Failure to Properly Document Responses to Benchmark Exceedances**

42. The allegations in the preceding paragraphs are incorporated by reference.
43. Parts IV(B)(2) and IV(D) of the Permit provide that the Respondent must review the selection, design, installation, and implementation of control measures to determine if modifications are necessary to meet benchmark limits where the average of four quarterly sampling results exceeds an applicable benchmark. The Permit sections further detail specific actions Respondent must take within 24 hours and 14 days, respectively, when such benchmark exceedances occur. These required actions include documentation of the triggering condition, description of the issue, date of issue identification, summaries of corrective actions, and the initiation / completion date of corrective actions, which must then be incorporated into an annual report.
44. As stated above in Paragraph 37, at the time of Inspection, there were 29 instances from March 2018 through December 2021 when the average of four consecutive parameter monitoring values exceeded benchmark concentrations at Respondent's Facility. These averaged exceedances occurred five times for total recoverable iron; nine times for copper; six times for zinc; six times for aluminum; and three times for chemical oxygen demand. The data additionally shows two mathematically certain exceedances (where a single sample concentration is greater than four times the limit) of zinc.
45. As stated above in Paragraph 39, although Respondent's 2021 SWPPP included suggested corrective actions for copper and zinc exceedances, it did not include more detailed information such as dates of issue identification, dates of corrective action implementation, or summaries of the corrective actions taken as required by Permit Parts IV(B)(2) and IV(D).

46. Supplemental correspondence provided by Respondent on March 14, 2024, demonstrated that Respondent prepared corrective action reports with additional information required under Permit Parts IV(B)(2) and IV(D), but prior to January 2024 the reports failed to include certain information such as the details of Respondent's review of the selection, design, installation, and implementation of control measures.
47. By failing to properly document information associated with the nature of and responses to benchmark exceedances, Respondent violated parts IV(B)(2) and IV(D) of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

**COUNT 3**

**Failure to Incorporate a Complete Location Map into SWPPP**

48. The allegations in the preceding paragraphs are incorporated herein by reference.
49. Part III(C)(2)(c) of the Permit states Respondent shall prepare, and incorporate into a SWPPP, a site map depicting certain pertinent information including the locations of all existing structural control measures or Best Management Practices ("BMPs"), locations of certain site activities, locations of significant structures and impervious surfaces, and locations of all stormwater conveyances including ditches, pipes, and swales.
50. According to observations from the EPA's onsite inspection, Respondent's site map did not include an accurate location of the Facility's settling basin, did not depict the location of other existing structural control measures such as filters socks and a rock check dam, and did not include the locations of stormwater conveyances such as an earthen channel or pipes discharging into NPDES Outfall 001.
51. In follow-up correspondence, dated February 18, 2022, Respondent submitted an updated SWPPP that EPA alleges still failed to adequately depict the location of the settling basin, filter socks, rock check dam, earthen channel, or pipes that discharge to Outfall 001.
52. Supplemental correspondence provided by Respondent on March 14, 2024 included a site map with additional updates, but the map still failed to include certain required information such as, the location of an adjacent major roadway, identification of a water body, and areas where activities are exposed to precipitation in an adjoining leased facility.
53. By failing to prepare a site map with all required information, Respondent violated Part III(C)(2)(c)(2) of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.



**COUNT 4**

**Failure to Ensure Good Housekeeping**

54. The allegations in the preceding paragraphs are incorporated herein by reference.
55. Parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M) of the Permit together state that Respondent must keep clean all exposed areas that are potential sources of pollutants, and that Respondent must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the Permit. These Permit sections further provide that Respondent must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
56. According to observations from the EPA's onsite inspection, there were various instances at Respondent's Facility wherein exposed pollution source areas were not kept clean and where waste or debris had accumulated and could eventually be discharged to nearby waters. Specifically, the EPA Inspection Team observed staining and debris on exposed earth next to accumulated piles of recyclables, staining and debris on exposed pavement underneath a 300-gallon tote containing motor oil / hydraulic liquid, and accumulated sediment within an earthen channel leading from the settling basin to NPDES Outfall 001.
57. Supplemental correspondence provided by Respondent on March 14, 2024 indicated that Respondent intends to install additional surface spill kits which will partially address concerns associated with observed housekeeping issues.
58. By failing to keep onsite locations clean and free of staining and debris, Respondent violated parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M) of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

**V. ORDER**

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

59. The Respondent shall submit Corrective Action Reports to EPA within 30 days of discovery of the condition(s) requiring corrective action, as required by the Discharge Permit No. 20-SW for future and current benchmark exceedances from the average of four consecutive quarters. The Corrective Action Reports must include at a minimum the information as required under Discharge Permit No. 20-SW Part IV(C), including:
- a. Identification of the condition triggering the need for corrective action review;
  - b. Description of the problem identified;
  - c. Date the problem was identified;

- d. Summary of corrective action taken or to be taken;
  - e. Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
  - f. Date corrective action initiated; and
  - g. Date corrective action completed or expected to be completed.
60. Respondent shall submit documentation and photographs of new controls referenced in the Corrective Action Reports to the EPA within sixty (60) days of the exceedance. If Respondent cannot meet the deadline of 60 days, Respondent shall submit a schedule to complete installation of new controls. EPA shall either (1) approve or (2) disapprove of the schedule. If disapproved, Respondent shall submit a revised schedule to EPA within (14) days.
61. Respondent shall submit to the EPA for approval a revised site map and, as may be appropriate, a revised general location map, with the following information within ninety (90) calendar days of the Effective Date of this Order:
- a. Boundaries extending one-quarter of a mile beyond the boundaries of the facility.
  - b. The identity of any water body where discharges are conveyed.
  - c. The location of a least one public roadway.
  - d. The locations of the following activities where such activities are exposed to precipitation:
    - i. fueling stations;
    - ii. vehicle and equipment maintenance and/or cleaning areas;
    - iii. loading/unloading areas;
    - iv. locations used for the treatment, storage, or disposal of wastes;
    - v. liquid storage tanks;
    - vi. processing and storage areas;
    - vii. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - viii. transfer areas for substances in bulk;
    - ix. and machinery manufacturing buildings.
  - e. The locations and sources of run-on to your site from adjacent property that contain significant quantities of pollutants.” (e.g. a separately leased facility and/or adjacent facilities bounded by the entire parcel).
  - f. The locations of municipal separate storm sewer systems where the Facility discharges stormwater.
  - g. The locations and descriptions of all non-stormwater discharges identified under Permit Part I(E)(3).
  - h. The locations of stormwater inlets.
  - i. The locations where significant spills or leaks identified under Part III(C)(3) have occurred.

- j. The locations of all receiving waters in the immediate vicinity of the Facility, if any of the waters are impaired and, if so, whether the waters have total maximum daily loads established for them.
  - k. The location and extent of significant structures and impervious surfaces.
  - l. The location and extent for planned restoration of impervious surfaces, or other nutrient reduction control measures.
62. Respondent shall incorporate the map(s) referenced in Paragraph 61 into its SWPPP within ninety (90) calendar days of the EPA's approval.
63. Respondent shall install controls in areas of significant staining including north of the baler, liquid storage area and areas near material stockpile. Acceptable controls may include but are not limited to spill containment BMP's such as tarping and berms around baled material area and filter socks in areas of known staining. Within (30) days of the Order, Respondent shall propose controls and a schedule for installation. EPA will either (1) approve of the proposed controls and schedule or (2) disapprove the proposed controls and schedule. If disapproved, Respondent shall resubmit the proposed controls and schedule within (14) days.
64. Respondent shall prepare a written standard operating procedure ("SOP") addressing the roles and responsibilities of Facility employees in implementing good housekeeping practices. The SOP shall address training to be provided to Facility employees and specific onsite task orders targeted at ensuring compliance with Permit Parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M). Respondent shall submit the written SOP to the EPA for approval within one-hundred-twenty (120) calendar days following the Effective Date this Order.
65. Respondent shall achieve compliance with its benchmarks pursuant to the requirements of Discharge Permit No. 20-SW.
66. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, **including** amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it

to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 103; and
  - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

## **VI. PROCEDURES FOR SUBMISSIONS**

67. 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(a), 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.

Signature \_\_\_\_\_

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

Title \_\_\_\_\_

Date \_\_\_\_\_

68. Any submission or communication relating to this Order shall be submitted (via electronic transmission) to:

Ingrid Hopkins  
Environmental Protection Specialist  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3  
Philadelphia, PA 19103  
hopkins.ingrid@epa.gov

and

R3\_ORC\_mailbox@epa.gov (Attn: Natalie Katz)

69. For each submission required pursuant to this Order, the EPA will review the submission. If the EPA comments on a submission, Respondent agrees to respond in writing via email within thirty (30) calendar days.
70. Respondent may assert a business confidentiality claim covering part or all of the information which this Order 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. Information which is effluent data or a standard or limitation is not eligible for confidential treatment pursuant to 40 C.F.R. § 2.302(e). If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

## **VII. CERTIFICATION OF COMPLIANCE AND TERMINATION**

71. Upon Respondent's determination that Respondent has completed all tasks required pursuant to this Order and no earlier than twenty-four (24) calendar months following the Effective Date of this Order, Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this Order. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this Order for the term of this Order; and
  - b. all necessary documentation, including photo documentation as appropriate, to

support a finding that Respondent has complied with Section V of this Order.

72. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA determines that any requirement has not been completed and implemented in accordance with this Order, the EPA will notify Respondent in writing, provide a written summary of deficiencies, and require Respondent to modify its actions as appropriate to correct such deficiencies. If so required, the EPA may also require Respondent to submit a revised Certification of Compliance and Request for Termination of this Order.
73. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA agrees that Respondent has adequately complied with all requirements of this Order, then the EPA may, in its unreviewable discretion, provide written notification of termination of this Order.
74. The EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.
75. The EPA shall provide Respondent with written notification of termination of this Order.

#### **VIII. ORDER MODIFICATIONS**

76. Any request to modify the terms of, or parties to, this Order 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 Order shall not relieve Respondent of any obligation under this Order and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this Order, in its sole and unreviewable discretion.

#### **IX. EFFECTIVE DATE**

77. This Order is effective after receipt by Respondent, or Respondent's counsel, of a fully executed copy of this Order.

**SO ORDERED:**

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Karen Melvin  
*[Digitally signed and dated]*  
Director, Enforcement and Compliance Assurance Division  
U.S. EPA Region 3

AGREED TO FOR THE RESPONDENT DENTON SCRAP METAL RECYCLING, LLC

By: Kelly Ryan authorized person  
Name: Kelly Ryan  
Title: authorized party





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Denton Scrap Metal Recycling, LLC  
Attn: Kelly Boyle  
24769-A Meeting House Road  
Denton, Maryland 21629  
[kboyle@jsmith-sons.com](mailto:kboyle@jsmith-sons.com)

M. Trent Zivkovich, Esq.  
Whiteford, Taylor & Preston, LLP  
[tzivkovich@whitefordlaw.com](mailto:tzivkovich@whitefordlaw.com)  
Counsel for Respondent

Copies served via email to:

Natalie Katz  
Senior Assistant Regional Counsel  
U.S. EPA, Region 3  
[katz.natalie@epa.gov](mailto:katz.natalie@epa.gov)

Edward Simas  
Environmental Engineer  
U.S. EPA, Region 3  
[simas.edward@epa.gov](mailto:simas.edward@epa.gov)

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*[Digital Signature and Date]*  
Regional Hearing Clerk, 3RC00  
U.S. Environmental Protection Agency,  
Region 3