

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



**In the Matter of:** :  
: **U.S. EPA Docket No. CWA-03-2024-0037DN**  
Felman Production, LLC :  
4442 Graham Station Road :  
Letart, WV 25253 :  
: **ADMINISTRATIVE ORDER ON CONSENT**  
**Respondent.** : **PURSUANT TO 33 U.S.C. § 1319(a)**  
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**I. STATUTORY AUTHORITY AND JURISDICTION**

1. This Administrative Order on Consent (“AOC or Order”) is issued to Felman Production, LLC (“Respondent”) under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) (“CWA” or “Act”). The Administrator delegated this authority to the Regional Administrator of EPA Region III, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region III.
2. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides, inter alia, that whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any permit condition or limitation implementing certain sections of the CWA, in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.
3. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. EPA has consulted with the West Virginia Department of Environmental Protection (“WVDEP”) regarding this action and, subsequent to the Effective Date, EPA will email a copy of this fully executed AOC to the appropriate WVDEP representative.

**II. GENERAL PROVISIONS**

5. The provisions of this AOC shall apply to and be binding upon the Respondent and the officers, directors, employees, contractors, agents, trustees, successors, and assigns of the Respondent.
6. Respondent shall bear its own costs and attorney’s 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.

7. EPA reserves the right to commence an action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA reserves all existing rights and remedies available to it under the CWA, 33 U.S.C. §§ 1311-1330, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, including enforcement of this AOC.
8. 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 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. §§ 1251-1346, or any regulations promulgated thereunder.
9. 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.
10. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
11. The undersigned representative of Respondent certifies that they are fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
12. 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.
13. Respondent certifies that, to the best of its reasonable knowledge and belief, any information or representation it has supplied or made to 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. EPA shall have the right to institute further actions to recover appropriate relief if 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 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.
14. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance

of Section V (Compliance Order) of this Order is restitution, remediation, or required to come into compliance with the law.

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

15. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permits. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
16. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the State of West Virginia, through WVDEP, is authorized by EPA to administer the NPDES program in the State of West Virginia.
17. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344.
18. “Pollutant” is defined 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.” 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(6).
19. “Discharge of a pollutant” means “[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).
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.” 40 C.F.R. § 122.26(b)(14).
22. 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.

23. Pursuant to the authority of the CWA, on February 29, 2012, WVDEP issued an NPDES Permit, NPDES Permit No. WV0000426, to Respondent for discharges of treated industrial wastewater (from cooling tower blowdown, well pump blowdown, compressor water, septic tank overflow, stormwater runoff and leachate, and stormwater runoff from the sedimentation pond) and untreated stormwater into outlets and ultimately into the Ohio River (the “Permit”). The Permit became effective on April 1, 2012, and expired on February 28, 2017. Respondent applied to renew the Permit and, on August 29, 2017, WVDEP reissued the Permit. The Permit became effective on October 1, 2017, and expired on August 28, 2022. On February 10, 2021, WVDEP issued a modification to the Permit. Respondent applied to renew the Permit and, on October 24, 2022, WVDEP reissued the Permit. The Permit became effective December 1, 2022, and will expire October 23, 2027.
24. Between the August 2017 to August 2022 Permit and the December 2022 to October 2027 Permit, the effluent limits for all the relevant exceedances were the same except for Cadmium. Cadmium previously had a monthly average limit of 0.0002 mg/L and a daily maximum limit of 0.0006 mg/L. Cadmium now has a monthly average limit of 0.0013 mg/L and a daily maximum limit of 0.0026 mg/L.
25. The Permit requires Respondent to comply with specific requirements governing industrial wastewater and storm water discharges associated with industrial activities.
26. A violation of the Permit is also a violation of the CWA and may be subject to penalties established under that statute.
27. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within West Virginia for NPDES permit violations.
28. By entering into this AOC, Respondent neither admits nor denies the specific factual allegations set forth herein.

#### **IV. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW**

29. Felman Production, LLC is, and at all times relevant to this AOC was, the owner and operator of a ferroalloy manufacturing facility located at 4442 Graham Station Road, Letart, West Virginia 25253 (the “Facility”).
30. Felman Production, LLC is a limited liability company organized and existing under the laws of the State of West Virginia and is thus a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
31. Respondent is, and at all times relevant to this AOC was, engaging in “industrial activity” at the Facility, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).

32. The Facility discharges, and at all times relevant to this AOC discharged, stormwater and/or authorized non-stormwater through outfalls identified in its Permit into the Ohio River which is a “water of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
33. On July 22, 2020, EPA sent Respondent an information request letter (“IRL”), pursuant to Section 308 of the Act, 33 U.S.C. § 1318. On September 9, 2020, Respondent responded to EPA’s IRL with a letter.
34. On September 2, 2021, EPA sent Respondent another IRL, pursuant to Section 308 of the Act, 33 U.S.C. § 1318. On September 23, 2021, Respondent responded to the second IRL with a letter.
35. On January 31, 2023, EPA sent Respondent a Notice of Potential Violations and Opportunity to Confer letter.
36. Based on the IRLs and review of Respondent’s responses as mentioned in the Paragraphs above, EPA has identified the following violations of the Permit and Section 301 of the CWA, 33 U.S.C. § 1311, described in the Paragraphs below.

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

37. The allegations in the preceding paragraphs are incorporated by reference.
38. Parts A.001, A.002, A.003, A.004, and A.101 of the Permit define effluent limitations and monitoring requirements for Outlets 001, 002, 003, 004, and 101 discharges.
39. During the period from October 31, 2018, to July 31, 2023, the Facility experienced 81 effluent limit exceedances from Outlets 001, 004, and 101, which it reported in its Discharge Monitoring Reports (“DMRs”). *See Table I*, below, for the exceedances, which include iron, aluminum, lead, total suspended solids, nitrogen, cadmium, fecal coliform, zinc, pH and chromium.
40. Respondent failed to comply with effluent limitations required by Parts A.001, A.004, and A.101 of the Permit.
41. Based on the above assertions and allegations, EPA concludes Respondent’s failure to comply with effluent limitations required by Parts A.001, A.004, and A.101 is a violation of the Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

**Table 1. Effluent Discharge Limitations Exceedances by Respondent (from October 2018 through July 2023)**

Monitoring Period Date	Outlet	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
10/31/2018	001	Cadmium, total recoverable	MO AVG	0.0004	mg/L	0.0002	mg/L
10/31/2018	001	Coliform, fecal general	MO GEOM N	3450	#/100m L	200	#/100m L
12/31/2018	001	Coliform, fecal general	MO GEOM N	368	#/100m L	200	#/100m L
1/31/2019	001	Iron, total recoverable	MO AVG	1.11	mg/L	1	mg/L
1/31/2019	001	Aluminum, total recoverable	MO AVG	0.757	mg/L	0.55	mg/L
1/31/2019	001	Cadmium, total recoverable	DAILY MX	0.0007	mg/L	0.0006	mg/L
1/31/2019	001	Cadmium, total recoverable	MO AVG	0.0007	mg/L	0.0002	mg/L
1/31/2019	001	Lead, total recoverable	MO AVG	0.0186	mg/L	0.016	mg/L
1/31/2019	001	Coliform, fecal general	DAILY MX	886	#/100m L	400	#/100m L
3/31/2019	001	Nitrogen, nitrite total (as N)	MO AVG	0.815	mg/L	0.4	mg/L
5/31/2019	001	Aluminum, total recoverable	MO AVG	0.57	mg/L	0.55	mg/L
5/31/2019	001	Coliform, fecal general	MO GEOM N	369	#/100m L	200	#/100m L
5/31/2019	001	Coliform, fecal general	DAILY MX	411	#/100m L	400	#/100m L
6/30/2019	001	Coliform, fecal general	MO GEOM N	209	#/100m L	200	#/100m L
6/30/2019	001	Coliform, fecal general	DAILY MX	2180	#/100m L	400	#/100m L
7/31/2019	001	Nitrogen, nitrite total (as N)	DAILY MX	1.37	mg/L	1.3	mg/L
7/31/2019	001	Nitrogen,	MO	1.37	mg/L	0.4	mg/L

		nitrite total (as N)	AVG				
7/31/2019	001	Cadmium, total recoverable	DAILY MX	0.0019	mg/L	0.0006	mg/L
7/31/2019	001	Cadmium, total recoverable	MO AVG	0.0019	mg/L	0.0002	mg/L
7/31/2019	001	Coliform, fecal general	DAILY MX	1190	#/100m L	400	#/100m L
7/31/2019	001	Coliform, fecal general	MO GEOM N	267	#/100m L	200	#/100m L
8/31/2019	001	Nitrogen, nitrite total (as N)	MO AVG	1.23	mg/L	0.4	mg/L
8/31/2019	001	Lead, total recoverable	MO AVG	0.017	mg/L	0.016	mg/L
10/31/2019	001	Coliform, fecal general	MO GEOM N	336	#/100m L	200	#/100m L
11/30/2019	001	pH	INST MAX	9.52	SU	9	SU
11/30/2019	001	Nitrogen, nitrite total (as N)	DAILY MX	2.4	mg/L	1.3	mg/L
11/30/2019	001	Nitrogen, nitrite total (as N)	MO AVG	2.4	mg/L	0.4	mg/L
12/31/2019	001	Iron, total recoverable	MO AVG	1.57	mg/L	1	mg/L
12/31/2019	001	Zinc, total recoverable	MO AVG	0.135	mg/L	0.12	mg/L
12/31/2019	001	Aluminum, total recoverable	MO AVG	1.26	mg/L	0.55	mg/L
12/31/2019	001	Cadmium, total recoverable	MO AVG	0.00099	mg/L	0.0002	mg/L
12/31/2019	001	Cadmium, total recoverable	DAILY MX	0.00099	mg/L	0.0006	mg/L
12/31/2019	001	Lead, total recoverable	MO AVG	0.0227	mg/L	0.016	mg/L
12/31/2019	001	Coliform, fecal general	MO GEOM N	1054	#/100m L	200	#/100m L
12/31/2019	001	Coliform, fecal general	DAILY MX	1054	#/100m L	400	#/100m L
1/31/2020	001	Aluminum,	MO	0.721	mg/L	0.55	mg/L

		total recoverable	AVG				
1/31/2020	001	Cadmium, total recoverable	MO AVG	0.0017	mg/L	0.0002	mg/L
1/31/2020	001	Cadmium, total recoverable	DAILY MX	0.0017	mg/L	0.0006	mg/L
1/31/2020	001	Chromium, hexavalent dissolved (as Cr)	MO AVG	0.032	mg/L	0.014	mg/L
2/29/2020	001	Iron, total recoverable	MO AVG	1.04	mg/L	1	mg/L
2/29/2020	001	Aluminum, total recoverable	MO AVG	1.02	mg/L	0.55	mg/L
2/29/2020	001	Cadmium, total recoverable	MO AVG	0.00049	mg/L	0.0002	mg/L
2/29/2020	001	Coliform, fecal general	MO GEOM N	350	#/100m L	200	#/100m L
4/30/2020	001	Coliform, fecal general	MO GEOM N	1467.4	#/100m L	200	#/100m L
4/30/2020	001	Coliform, fecal general	DAILY MX	1467.4	#/100m L	400	#/100m L
7/31/2020	001	Coliform, fecal general	MO GEOM N	884.0	#/100m L	200	#/100m L
7/31/2020	001	Coliform, fecal general	DAILY MX	884.0	#/100m L	400	#/100m L
8/31/2020	001	pH	INST MAX	9.82	SU	9	SU
8/31/2020	001	Aluminum, total recoverable	MO AVG	0.8515	mg/L	0.55	mg/L
10/31/2020	001	Coliform, fecal general	MO GEOM N	14832.5	#/100m L	200	#/100m L
10/31/2020	001	Coliform, fecal general	DAILY MX	24190	#/100m L	400	#/100m L
1/31/2021	001	Cadmium, total recoverable	MO AVG	0.00088	mg/L	0.0002	mg/L
1/31/2021	001	Cadmium, total recoverable	DAILY MX	0.00088	mg/L	0.0006	mg/L
6/30/2021	001	Cadmium, total recoverable	MO AVG	0.00031	mg/L	0.0002	mg/L

6/30/2021	001	Coliform, fecal general	MO GEOM N	384	#/100m L	200	#/100m L
7/31/2021	001	Iron, total recoverable	MO AVG	1.41	mg/L	1	mg/L
7/31/2021	001	Aluminum, total recoverable	MO AVG	1.28	mg/L	0.55	mg/L
7/31/2021	001	Coliform, fecal general	MO GEOM N	1624	#/100m L	200	#/100m L
7/31/2021	001	Coliform, fecal general	DAILY MX	1624	#/100m L	400	#/100m L
8/31/2021	001	Iron, total recoverable	MO AVG	1.32	mg/L	1	mg/L
8/31/2021	001	Aluminum, total recoverable	MO AVG	1.06	mg/L	0.55	mg/L
8/31/2021	001	Coliform, fecal general	MO GEOM N	987	#/100m L	200	#/100m L
8/31/2021	001	Coliform, fecal general	DAILY MX	987	#/100m L	400	#/100m L
9/30/2021	001	Solids, total suspended	MO AVG	64	mg/L	51	mg/L
9/30/2021	001	Coliform, fecal general	MO GEOM N	300	#/100m L	200	#/100m L
12/31/2021	001	pH	INST MAX	9.33	SU	9	SU
1/31/2022	001	Nitrogen, nitrite total (as N)	DAILY MX	1.6	mg/L	1.3	mg/L
1/31/2022	001	Nitrogen, nitrite total (as N)	MO AVG	1.6	mg/L	0.4	mg/L
2/28/2022	001	Aluminum, total recoverable	MO AVG	0.86	mg/L	0.55	mg/L
3/31/2022	001	Coliform, fecal general	MO GEOM N	202	#/100m L	200	#/100m L
3/31/2022	004	Iron, total recoverable	DAILY MX	26.8	mg/L	1.5	mg/L
3/31/2022	004	Aluminum, total	DAILY MX	10.1	mg/L	0.75	mg/L

		recoverable					
5/31/2022	001	Coliform, fecal general	MO GEOM N	1130	#/100m L	200	#/100m L
5/31/2022	001	Coliform, fecal general	DAILY MX	1130	#/100m L	400	#/100m L
12/31/2022	101	Coliform, fecal general	DAILY MX	6000	#/100m L	400	#/100m L
01/31/2023	001	Iron, total recoverable	MO AVG	1.27	mg/L	1	mg/L
01/31/2023	001	Aluminum, total recoverable	MO AVG	0.7700	mg/L	0.55	mg/L
02/28/2023	001	Iron, total recoverable	MO AVG	9.51	mg/L	1	mg/L
02/28/2023	001	Iron, total recoverable	DAILY MX	18.80	mg/L	2.77	mg/L
07/31/2023	001	Iron, total recoverable	MO AVG	2.04	mg/L	1	mg/L
07/31/2023	001	Iron, total recoverable	DAILY MX	3.75	mg/L	2.77	mg/L

**V. COMPLIANCE ORDER**

THEREFORE, based on the foregoing, 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:

42. Respondent shall take all actions necessary to comply with the Permit (or subsequent permits or permit modifications, including permit compliance schedules, issued by WVDEP) at the Facility. In addition, within 60 days of the Effective Date of this AOC, Respondent shall provide to EPA for review a Corrective Action Plan (“CAP”). All actions detailed in the CAP shall be completed no later than 2 years after the Effective Date of this AOC and shall include, at a minimum, the following:
  - An identification of and brief explanation of all the potential sources of pollutants that may be causing the effluent exceedances identified in *Table 1*, including for iron, aluminum, lead, total suspended solids, nitrogen, cadmium, fecal coliform, zinc, pH and chromium;
  - A technical review of the treatment systems for stormwater and sanitary waste;
  - An evaluation of potential solutions for full Permit compliance, including permitting strategies, pollutant minimization, and treatment options; and

- A plan and schedule to implement the potential solution(s) the Facility will undertake to return to full permit compliance.
43. After review of the CAP:
- 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.
  - If the submission is accepted, pursuant to Paragraph 42, Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, pursuant to Paragraph 42, above, Respondent shall, upon written documentation by EPA, take all actions required by the accepted parts of the CAP.
  - If the CAP is disapproved in whole or in part, Respondent shall, within 15 days of receipt from EPA of notice of deficiencies or by such other time as the parties agree to in writing, correct all deficiencies and resubmit the CAP or any deficient 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.
44. No later than 10 days from EPA's approval of the CAP, the Respondent shall submit to EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the parties). Within 10 days of modifications of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.
45. Respondent shall submit (a) a notice to EPA within 30 days of completing a scheduled event in the CAP, and (b) progress reports every 90 days, until all work required by the CAP has been completed. Respondent shall submit the reports in accordance with Paragraphs 45, 46, and 47, below. Respondent shall submit these reports starting 90 days from the CAP's approval and continuing until completion of the CAP, and shall include in those reports, at a minimum, the following:
- Activities completed during the reporting period.
  - Dates by which the activities were completed.
  - Any barriers to the timely completion of activities encountered.
  - Activities currently in progress.

**VI. PROCEDURES FOR SUBMISSIONS**

- 46. 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.

Signature: \_\_\_\_\_

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

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

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

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

Angela Weisel  
[weisel.angela@epa.gov](mailto:weisel.angela@epa.gov)  
 NPDES Enforcement  
 Enforcement and Compliance Assurance Division  
 U.S. EPA, Region III

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

- 48. Respondent may assert a business confidentiality claim covering part or all the information which this AOC requires it to submit to 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. 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 EPA, the Respondent submitting such information does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.

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

49. Upon completion of all items required by this AOC, and a determination of completeness of each item, and after at least one year of implementation, Respondent shall submit to EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this Order 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.
50. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA agrees that Respondent has adequately complied with all requirements of this Order, then EPA will provide written notification of termination of this AOC.

**VIII. AOC MODIFICATIONS**

51. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion.

**IX. CHANGE OF OWNERSHIP OR OPERATION OF THE FACILITY**

81. Until or unless this AOC is modified or terminated, in accordance with the terms of this Order, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the Facility.
52. At least 90 days prior to any transfer of ownership or operation of the Facility, Respondent shall submit a written notification to EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the Facility, and a schedule for such anticipated change.
53. Respondent shall condition any sale or transfer of ownership or operation of the Facility, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer of the Facility, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

**X. EFFECTIVE DATE**

54. This AOC shall become effective upon Respondent's receipt of a fully executed copy of this AOC ("Effective Date").

**FOR RESPONDENT FELMAN PRODUCTION, LLC**

Date: 10/30/2023 By:

  
\_\_\_\_\_  
Mordechai Korf  
President & Chief Executive Officer  
Felman Production, LLC

**SO ORDERED:**

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

By:

\_\_\_\_\_

[*Digital Signature and Date*]

Karen Melvin, Director

Enforcement & Compliance Assurance Division

U.S. EPA, Region III

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

**In the Matter of:** :  
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 Felman Production, LLC : **U.S. EPA Docket No. CWA-03-2024-0037DN**  
 4442 Graham Station Road :  
 Letart, WV 25253 :  
 :  
 : **ADMINISTRATIVE ORDER ON CONSENT**  
**Respondent.** : **PURSUANT TO 33 U.S.C. § 1319(a)**  
 :  
 :  
 :

**CERTIFICATE OF SERVICE**

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region III 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:

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By: \_\_\_\_\_  
[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. EPA, Region III