

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

In the Matter of:	:	
	:	
Chemalloy Company LLC	:	U.S. EPA Docket No. CWA-03-2023-0011DN
1301 Conshohocken Rd	:	
Conshohocken, Pennsylvania 19428	:	
	:	ADMINISTRATIVE ORDER ON CONSENT
Respondent.	:	PURSUANT TO 33 U.S.C. § 1319(a)
	:	
	:	
Chemalloy Company LLC	:	
1301 Conshohocken Rd	:	
Conshohocken, Pennsylvania 19428	:	
	:	
Facility.	:	

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent (“AOC or Order”) is issued to Chemalloy Company 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 or her, 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 or she 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 Pennsylvania Department of Environmental Protection (“PADEP”) regarding this action and, subsequent to the Effective Date, EPA will mail a copy of this fully executed AOC to the appropriate PADEP 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, *et seq.*, 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, *et seq.*, 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 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 permit. 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 Commonwealth of Pennsylvania, through PADEP, is authorized by EPA to administer the NPDES program in the Commonwealth of Pennsylvania.
17. The Commonwealth of Pennsylvania, through PADEP, has incorporated the NPDES Permit program requirements of the CWA, 33 U.S.C. § 1342, into its Clean Streams Law, as amended, 35 P.S. § 691.1 *et seq.*
18. 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.
19. “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).
20. “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).
21. “Storm water” is defined as “storm water runoff, snow melt runoff, and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).

22. “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).
23. 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.
24. Pursuant to the authority of the CWA, PADEP issued an NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity General Permit, PAG-03, on September 24, 2016 (the “General Permit”).
25. The General Permit is issued for 5-year terms and requires facilities that discharge storm water to a surface water body of the Commonwealth to comply with specific requirements governing storm water discharges associated with industrial activities.
26. PADEP has administratively extended the General Permit and permittees that are operating under the General Permit may continue to operate until March 23, 2023.
27. The General Permit authorizes the discharge of stormwater associated with industrial activity in accordance with the provisions of the Commonwealth’s General Permit.
28. A violation of the General Permit is also a violation of the CWA and may be subject to penalties established under that statute.
29. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within Pennsylvania for NPDES permit violations.

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

30. Chemalloy Company LLC is, and at all times relevant to this AOC was, the owner and operator of a metal powder and crushed metals manufacturing facility located at 1301 Conshohocken Road, Conshohocken, Pennsylvania 19428 (the “Facility”).
31. Chemalloy Company LLC is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania and is thus a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
32. 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).
33. Respondent had applied for and was granted coverage under the General Permit, NPDES Permit Number PAR200003, to discharge stormwater associated with industrial activity from the Facility, alone or in combination with authorized non-stormwater discharges listed in Part C.I.B of the General Permit, beginning September 1, 2017.
 34. 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 Watershed 3-F of the Schuylkill 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).
 35. On September 29, 2021, an EPA compliance inspection team conducted an inspection of the Facility (“Inspection”), pursuant to Section 308 of the Act, 33 U.S.C. § 1318.
 36. EPA sent an Inspection report dated November 11, 2021, to Respondent on November 22, 2021. Respondent replied to the Inspection report by letter dated December 7, 2021. Respondent also sent EPA subsequent documentation via email on June 17, 2022.
 37. Based on the Inspection and review of Respondent’s responses as mentioned in the Paragraphs above, EPA has identified the following violations of the General Permit, and Section 301 of the CWA, 33 U.S.C. § 1311, described in the Paragraphs below.
 38. By entering into this AOC, Respondent neither admits nor denies the allegations set forth herein.

Count 1

Failure to Update Preparedness, Prevention, and Contingency (“PPC”) Plan

39. The allegations in the preceding paragraphs are incorporated by reference.
40. Part C.IV.A of the General Permit requires Respondent to “develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34” following guidance by PADEP, and Part C.IV.B of the General Permit requires Respondent to “review and, if necessary, update the PPC Plan on an annual basis, at a minimum, and when one or more” events listed in the General Permit occur such as when the Facility’s design changes “in a manner that materially increases the potential for fires, explosions, or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency.” The Respondent must “maintain all PPC Plan updates on-site, make the updates available to [PA]DEP upon request, and document the updates in the Annual Reports” required by Part A.III.C.1 of the General Permit.
41. At the time of the Inspection, EPA inspectors observed that the PPC Plan, dated May 2017, had some minor updates and corrections, including updates to the list of emergency coordinators and the Facility map; however, these updates were not dated nor were they documented in the annual reports as the Respondent did not submit annual reports for 2018, 2019, 2020, and 2021 (discussed in Count 8 below).

42. At the time of the Inspection, EPA inspectors noted that the PPC Plan contained a Facility map that was inconsistent with the Facility’s actual layout. Inlets, manholes, and storage areas that EPA inspectors visually observed were not noted on the map. An inlet noted on the map was not visually observed by EPA at that location. Specifically, EPA inspectors found the following:
- EPA inspectors observed an inlet in proximity to Building No. 7 and Plant No. 6 that did not appear on the Facility map provided.
 - EPA inspectors observed two inlets located between Building No. 6a and Warehouse A that did not appear on the Facility map provided.
 - EPA inspectors observed a manhole south of the “Outdoor Storage Area” that did not appear on the Facility map provided.
 - EPA inspectors observed a material storage area on the east side of the Facility with several open drums that had metals stored inside. The Facility map provided labeled this area as “Catch Basin (Covered/Sealed),” not as a material storage area.
 - EPA inspectors observed a palettes and drums storage area east of Plant No. 5. The Facility map provided did not have this area labeled as a storage area.
 - EPA inspectors observed a storage pile of wood chips in the area east of Plant No. 5 that did not appear on the Facility map provided.
 - The Facility map provided shows an inlet located by the northeast corner of Building No. 7. EPA inspectors did not observe an inlet in this area.
43. Respondent failed to update its PCC Plan on an annual basis and to document the updates to its PCC Plan in its annual reports as required by Part C.IV.B. of the General Permit when the Facility’s design changed in a manner that materially increased the potential for fires, explosions, or releases of toxic or hazardous constituents or which changed the response necessary in an emergency.
44. Based on the above assertions and allegations, EPA concludes Respondent’s failure to update its PCC Plan on an annual basis violated Part C.IV.B of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342. Furthermore, based on the above assertions and allegations, EPA concludes Respondent’s failure to include the items listed in Paragraph 42 in the Facility map within the PPC Plan violated Part C.IV.B of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 2
Failure to Conduct Training

45. The allegations in the preceding paragraphs are incorporated by reference.
46. Part C.IV.A.6 of the General Permit requires the PPC Plan to include “a plan for training employees and contractors on pollution prevention, [best management practices (“BMPs”)], and emergency response measures.” This training must be conducted in accordance with Part C.II.E.3 of the General Permit which requires Respondent to “develop and implement employee and contractor training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases.” Respondent must conduct the training periodically, no less than annually, and document the training in the Annual Reports required by Part A.III.C.1 of the General Permit.
47. At the time of the Inspection, EPA inspectors noted that the PPC Plan mentioned annual training for employees, but the Facility did not have annual reports with records of the training (*see* Count 8 below). Moreover, during the Inspection, the representative of the Facility stated that he was unaware of the date of the most recent training.
48. Based on the above assertions and allegations, EPA concludes Respondent’s failure to include records of training in its annual reports violated Part C.II.E.3 of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 3
Failure to Implement Proper Operation and Maintenance Measures

49. The allegations in the preceding paragraphs are incorporated by reference.
50. Part B.I.D of the General Permit requires Respondent, at all times, to “properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs.”
51. At the time of the Inspection, EPA inspectors observed various stormwater inlet and outlet grates in need of maintenance. Specifically, EPA inspectors observed the following:
 - The grates of two inlets east of Plant No. 4 were covered by foliage and weeds.
 - The grate of an inlet east of Plant No. 5 was covered by debris and palletes.
 - The grate of an inlet south of Plant No. 5 was covered by materials such as metal beams, pallets, and leaf and/or wood chip debris.
 - The grate of an outlet for Outlet No. 002 located in the “Detention Basin” was covered by heavy vegetation and inaccessible to EPA inspectors for observation.

52. Based on the above assertions and allegations, EPA concludes Respondent's failure to maintain the Facility as described in Paragraph 51 violated Part B.I.D of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 4

Failure to Implement Pollution Prevention and Exposure Minimization Measures

53. The allegations in the preceding paragraphs are incorporated by reference.
54. Part C.II.B of the General Permit requires Respondent to "minimize the exposure of manufacturing, processing, and material storage areas...to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings wherever feasible." Respondent is required, among other things, to use grading, berming, or curbing to prevent runoff of polluted stormwater and divert run-on away from areas that contain polluted stormwater; to locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge to surface waters; to clean up spills and leaks promptly to prevent discharge to surface waters; and to keep all dumpster lids closed when not in use or ensure that lidless dumpster discharges have a control.
55. At the time of the Inspection, EPA inspectors observed various dumpsters that did not have a lid or cover and/or were leaking. The EPA inspectors also observed a storage pile of wood chips in the area east of Plant No. 5 that did not have any erosion controls or coverings. Specifically, EPA inspectors observed the following.
- EPA inspectors observed a dumpster labeled "Metal Only" in the southwest area of the Facility, near Maintenance Shop Building No. B, with scrap material, and various chemical containers. They observed liquid leaking from the corner of the dumpster.
 - EPA inspectors observed a dumpster south of the "Outdoor Storage Area" that did not have a lid or cover nor any additional control or secondary containment.
 - EPA inspectors observed a dumpster in proximity to Plant No. 5 that did not have a lid or cover nor any additional control or secondary containment.
 - EPA inspectors observed an uncovered dumpster without any additional control or secondary containment west of the "Outdoor Storage Area." They observed liquid leaking from the bottom of the dumpster.
 - EPA inspectors observed a storage pile of wood chips stored in an area east of Plant No. 5 that did not have any erosion controls or coverings.

56. Based on the above assertions and allegations, EPA concludes Respondent's failure to minimize exposure and failure to prevent runoff as identified in Paragraph 55 violated Part C.II.B of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 5
Failure to Implement Spill Prevention and Response Measures

57. The allegations in the preceding paragraphs are incorporated by reference.
58. Part C.II.E of the General Permit requires Respondent "to minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop a plan consistent with Part.C.IV for effective responses to such releases." At a minimum, Respondent must "[i]mplement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas."
59. At the time of the Inspection, EPA inspectors observed various drums, containers, and barrels with liquids and materials throughout the site. These barrels lacked secondary containment. Specifically, EPA inspectors observed the following.
- EPA inspectors observed drums of antifreeze south of Plant No. 6 without secondary containment or a similarly effective means designed to prevent the discharge of pollutants from this area.
 - EPA inspectors observed drums on the east side of the "Outdoor Storage Area" without secondary containment or a similarly effective means designed to prevent the discharge of pollutants from this area.
 - EPA inspectors observed drums of ethylene glycol and corrosives stored in the "Recyclable Raw Material Storage (Drums)" area without secondary containment or a similarly effective means designed to prevent the discharge of pollutants from this area.
60. Based on the above assertions and allegations, EPA concludes Respondent's failure to maintain secondary containment as mentioned in Paragraph 59 violated Part C.II.E of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 6
Failure to Ensure Good Housekeeping

61. The allegations in the preceding paragraphs are incorporated by reference.
62. Part C.II.C of the General Permit requires Respondent to "perform good housekeeping measures in order to minimize pollutant discharges" including the routine implementation of measures such as "eliminat[ing] floor drain connections to storm sewers."

63. At the time of the Inspection, EPA inspectors observed a floor drain in Warehouse A with an inflatable plug used to prevent liquids from entering the drain.
64. Based on the above assertions and allegations, EPA concludes Respondent's floor drain with a plug to prevent liquids entering is a failure to perform good housekeeping measures to minimize pollutant discharge in violation of Part C.II.C of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 7
Failure to Conduct Routine Inspections

65. The allegations in the preceding paragraphs are incorporated by reference.
66. Part C.III.A of the General Permit requires Respondent to visually inspect, at a minimum, specific areas, such as areas where industrial materials or activities are exposed to stormwater, areas identified in the PPC Plan, areas where spills or leaks have occurred in the past three years, stormwater outfalls and locations where authorized non-stormwater discharges may commingle, and BMPs on a semiannual basis. One of these routine inspections must be "conducted during a period when a stormwater discharge is occurring" at least once each calendar year.
67. At the time of the Inspection, EPA inspectors reviewed the Facility's routine inspection forms used by the Facility to comply with Part C.III.A. These forms had no clarity on whether all areas where industrial materials and activities are exposed to stormwater were inspected, no clarity on whether all BMPs were inspected, and no indication as to whether the inspections were conducted during a stormwater discharge.
68. Based on the above assertions and allegations, EPA concludes Respondent's failure to maintain inspections forms to document that Respondent conducted routine inspections in accordance with the requirements of the General Permit violated Part C.III.A of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

Count 8
Failure to Report

69. The allegations in the preceding paragraphs are incorporated by reference.
70. Part A.III.C of the General Permit requires Respondent to "submit a complete Annual Report to the PADEP office that issued the approval of the General Permit." This Annual Report must "address activities under the General Permit for the previous calendar year."
71. At the time of the Inspection, the Facility's representative stated that annual reports were not completed. EPA inspectors further noted that annual reports were not submitted for 2018, 2019, 2020, and 2021.

Based on the above assertions and allegations, EPA concludes Respondent's failure to submit annual reports for 2018, 2019, 2020, and 2021 to PADEP violated Part A.III.C of the General Permit which Respondent is granted coverage under and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.

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:

72. For a 24-month period after the Effective Date of this Order, Respondent shall electronically submit to EPA the following on an annual basis.
- The annual reports required by Part A.III.C of the General Permit to be submitted to PADEP that include, at a minimum, a training log and any updates to the PPC Plan with dates of completion or updates, respectively.
 - Completed inspection forms Respondent utilizes to comply with Part C.III.A of the General Permit.

Respondent shall submit these documents in accordance with Paragraphs 77, 78, and 79 below. Respondent shall submit these documents on May 1st of each year.

73. Respondent shall take all actions necessary to comply with the General Permit (or subsequent permits or permit modifications, including permit compliance schedules, issued by PADEP) 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"), which shall be completed no later than 1 year after the Effective Date of this AOC and shall include, at a minimum, the following.
- A bi-annual inspection plan for the stormwater inlet and outlets at the Facility to check for debris, overgrowth, and other materials that impede proper operation and maintenance of the Facility.
 - A plan and schedule to implement pollution prevention and exposure minimization measures for all the dumpsters and the wood chip pile discussed in Section IV of this AOC, as well as for any dumpsters and wood chip piles as necessary by the General Permit.
 - An audit of all drums, containers, and barrels to ensure secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas are utilized as necessary as required by the General Permit. If the drums, containers, and barrels do not have secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge

of pollutants from these areas, then Respondent shall submit a plan and schedule to implement secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas as necessary as required by the General Permit.

- A plan and schedule for eliminating the floor drain with an inflatable plug in Warehouse A.
- A Standard Operating Procedure describing proper operation and maintenance of the Facility, including a description of obligations Respondent has pursuant to the CWA, applicable state regulations, and the General Permit.

74. 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 73, above, 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 73, 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.

75. 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.

76. Respondent shall submit (a) a notice to EPA within 30 days of completing a scheduled event in the CAP, and (b) annual progress reports, until all work required by the CAP has been completed. Respondent shall submit the reports in accordance with Paragraphs 77, 78, and 79 below. Respondent shall submit these reports on June 1st each year, 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

77. 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 CFR § 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: _____

78. 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
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.

79. 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

80. 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, the 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 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.
81. 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 AOC, then EPA will provide written notification of termination of this AOC.

VIII. AOC MODIFICATIONS

82. 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 AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the Facility.
83. 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.
84. 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

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

FOR RESPONDENT CHEMALLOY COMPANY LLC

Date: _____

By: _____

Carolyn Zhang
Executive Vice President, Chief Financial Officer
Chemalloy Company LLC
Metal Powder Group

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:	:	
	:	
Chemalloy Company LLC	:	U.S. EPA Docket No. CWA-03-2023-0011DN
1301 Conshohocken Rd	:	
Conshohocken, Pennsylvania 19428	:	ADMINISTRATIVE ORDER ON CONSENT
	:	PURSUANT TO 33 U.S.C. § 1319(a)
Respondent.	:	
	:	
Chemalloy Company LLC	:	
1301 Conshohocken Rd	:	
Conshohocken, Pennsylvania 19428	:	
	:	
Facility.	:	

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:

Colin Hudson
Chemalloy Company LLC
Colin.Hudson@metalpowdergroup.com
1301 Conshohocken Rd
Conshohocken, Pennsylvania 19428

Copies served via email to:

Promy Tabassum
Assistant Regional Counsel
U.S. EPA, Region III
tabassum.promy@epa.gov

Angela Weisel
Life Scientist
U.S. EPA, Region III
weisel.angela@epa.gov

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