

Stormwater Enforcement: U.S. Environmental Protection Agency and Sanford, North Carolina Foundry Owner Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Hallman Foundry, LLC and A. Stucki Company (collectively “Hallman”) entered into a September 5th Consent Agreement (“CA”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System/Stormwater Permit. See Docket No. CWA-04-2017-4506(b).

The CA provides that Hallman owned and/or operated an iron foundry (“Foundry”) as identified by Standard Industrial Classification Code 3321 at Sanford, North Carolina.

The North Carolina Department of Environmental Quality (“NCDEQ”) was stated to have issued:

General Permit to Discharge Stormwater Under the National Pollutant Discharge Elimination System, Permit No. NCG030000 (Permit) for establishments primarily engaged in metal fabrication in accordance with the North Carolina General Statute 143-215.1 and the CWA.

The referenced permit could be obtained by submitting a Notice of Intent to the NCDEQ.

Representatives of the EPA, in conjunction with NCDEQ are stated to have performed a compliance stormwater evaluation at the foundry. The purpose of the evaluation was stated to be to determine compliance with the requirements of Section 301 of the CWA and regulations promulgated thereunder at 40 C.F.R. § 122.26, and the previously referenced permit. The evaluation allegedly determined that from November 2011 to May 2016:

... stormwater associated with industrial activities discharged without proper authorization to a drainage ditch to Little buffalo Creek which ultimately discharges to Deep River, a traditional navigable water of the United States.

The evaluation therefore allegedly concluded that Hallman violated Section 301 of the Clean Water Act due to industrial stormwater discharges not authorized by a National Pollution Discharge Elimination System permit.

The CA assesses a civil penalty of \$72,153.36.

[A copy of the CA can be downloaded here.](#)