

Stormwater Enforcement: U.S. Environmental Protection Agency and York, Pennsylvania Cement Manufacturing Facility Enter into Consent Agreement



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11/17/2020

The United States Environmental Protection Agency (“EPA”) and Lehigh White Cement Company (“Lehigh”) entered into a November 16th Consent Agreement (“CA”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See Docket No. CWA-03-2021-0015.

The CA provides that Lehigh owns and operates a cement manufacturing facility (“Facility”) in York, Pennsylvania.

The Facility is stated to be authorized to discharge stormwater associated with industrial activities to waters of the United States through an outfall in accordance with the conditions of the NPDES permit. The NPDES permit is stated to require Lehigh to develop and implement a Preparedness, Prevention and Contingency Plan (“PPC Plan”) to minimize the potential for leaks, spills or releases that may be exposed to stormwater.

Representatives of EPA and EPA contractors, along with Pennsylvania Department of Environmental Protection (collectively “the Inspection Team”) are stated to have conducted an inspection of the Facility on June 19, 2019. Besides observing the conditions, the Inspection Team is stated to have reviewed records pertaining to training, monitoring and maintenance activities.

The CA identified certain alleged violations at the Facility:

- Failure to Sample for pH in Accordance with the Requirements of 40 CFR Part 136
- Failure to Discharge in Accordance with the Requirements of the Permit as a Result of Failure to Maintain Systems of Treatment and Control - Sump Pump
- Failure to Discharge in Accordance with the Requirements of the Permit as a Result of Failing to Maintain Systems of Treatment and Control - Sock Filters
- Failure to Use Controls on Lidless Dumpsters
- Failure to Cover Fueling Areas
- Failure to implement an effective means of preventing discharge from chemical and oil drums
- Failure to implement routine cleaning and maintenance programs for impervious areas where sediment from stockpiled raw material accumulated

- Failure to Clean Storm Drains of Accumulated Sediment

The CA assesses a civil penalty of \$30,000.

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