

# Stormwater Enforcement: U.S. Environmental Protection Agency and Keasbey, New Jersey, Recycling Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Bayshore Recycling Corp. (“Bayshore”) entered into an August 25th Consent and Final Order (“CAFO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See CWA-02-2022-3316.

The CAFO provides that Bayshore owns/operates an approximately 40-acre recycling facility in Keasbey, New Jersey (“Site”).

Stormwater associated with industrial activities (“SIC 5093”) is stated to be discharged from the Site to eight outfalls designated by the New Jersey Department of Environmental Protection to Kinsey Creek which eventually flows to the Raritan River. Such discharges are authorized pursuant to an NPDES individual permit.

EPA Region 2 is stated to have conducted a Compliance Evaluation Inspection at the Site on June 19, 2019.

The CAFO indicates that EPA identified the following permit violations:

- The Site had no Drainage Control Plan at the time of the inspection
- Several Best Management Practices (“BMPs”) were not properly maintained
- The Site had exceedances of BMP design criteria for COD, TSS, BOD, Aluminum, Copper, Iron, Lead and Zinc from the third quarter of 2018 through the first quarter of 2019 and no evaluations were identified at the time of the inspection
- Significant erosion and sedimentation were observed around certain outfalls
- Several of the Site’s roll-off containers had evidence of leakage
- None of the roll-off containers observed had coverings and there was evidence of exposure to stormwater from rain earlier that day
- Stormwater had been exposed to source material in an area of the Site
- No horizontal marker observed on the Stormwater Pollution Prevention Site Map or in use on the Site
- Outfall 5 was observed to have significant sediment accumulation in the outfall structure
- Scrap metal was observed being stored outside of the outfall SP8A drainage area
- Three channels were observed in the buffer zone along Kinsey Creek allowing sediment laden stormwater to flow offsite and into Kinsey Creek
- No buffer zone inspection reports were observed

- No quarterly inspections were available for review

Bayshore submitted on October 7, 2019, an initial response to an EPA Administrative Order which indicated corrective actions at the Site that it planned to undertake. On December 6, 2019, Bayshore submitted the first quarterly progress report required by an Administrative Order. However, the CAFO provides that Bayshore was unable to meet certain deadlines in the Administrative Order and therefore EPA issued a second Administrative Order.

EPA determined on November 10, 2021, that Bayshore had submitted sufficient information to address the remaining Order provisions.

Bayshore neither admits nor denies the factual allegations and legal conclusions contained in the CAFO.

A civil penalty of \$25,000 is assessed.

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