

Stormwater Enforcement: U.S. Environmental Protection Agency and Baltimore, Maryland, Scrap Recycling Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Berg Brothers Recycling, Inc. (“Berg Brothers”) entered into a January 31st Consent Agreement (“CA”) addressing alleged violations of a Clean Water Act stormwater permit. See Docket No. CWA-03-2024-0001.

The CA provides that Berg Brothers operates a scrap recycling facility (“Facility”) in Baltimore, Maryland.

The Facility is described as engaging in industrial activity within the meaning of 40 C.F.R. § 122.26(a)(1)(ii). Further, the Facility is stated to discharge stormwater and/or authorized non-stormwater through outfalls identified in its permit into a water of the United States.

Berg Brothers filed a Notice of Intent (“NOI”) in 2015 and the Maryland Department of Environment extended coverage to the Facility under a National Pollution Discharge Elimination System (“NPDES”) permit.

An EPA compliance inspection team is stated to have conducted an inspection of the Facility in 2021. Further, the CA provides that Berg Brothers could not provide complete records at the time of the inspection.

Based on the inspection and a review of Berg Brothers responses to EPA’s information requests, certain alleged violations of the NPDES permit were identified.

The alleged violations include:

- Failure to implement and document corrective actions
- Failure to implement appropriate control measures
- Failure to maintain good housekeeping
- Failure to provide required employee training

The CA assesses a civil penalty of \$22,000.

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