

# Stormwater Enforcement: U.S. Environmental Protection Agency and Seaford, Delaware Mulch Manufacturer Enter into Expedited Settlement Agreement



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

08/20/2024

The United States Environmental Protection Agency (“EPA”) and Mr. Mulch, LLC (“Mr. Mulch”) entered into a July 11th Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act Stormwater Regulations. See Docket No.: CWA-03-2024-0088.

The ESA provides that Mr. Mulch is an operator of a facility where industrial activities take place in Seaford, Delaware as those terms are described in federal regulations at 40 CFR §§ 122.2 and 122.26.

The facility is stated to store and shred wood debris to manufacture mulch.

Mr. Mulch is stated to color and store the material in piles for distribution and sale.

The ESA provides that operations at the facility (including industrial activities) were observed to occur mostly outdoors and exposed to stormwater. The referenced activities are stated to include:

- Manufacturing of wood mulch products.
- Shredding wood debris to create mulch.
- Coloring of mulch.
- Storage of mulch.

Such activities are stated to be regulated under the National Pollutant Discharge Elimination System (“NPDES”) general permit for discharges of stormwater associated with industrial activities.

Representatives of EPA are stated to have conducted a compliance inspection at the facility on September 2, 2021. The inspection is stated to have identified stormwater runoff from the facility discharging into an unnamed tributary to the Nanticoke River – which is stated to be a Water of the United States.

The facility is stated to not have an NPDES permit to discharge stormwater. Further, the ESA provides that on at least September 2, 2021 evidence of mulch and wood debris was observed to have migrated off site in proximity to a Water of the United States indicating the facility discharged stormwater from the facility into Waters of the United States without authorization by any permit issued pursuant to the Clean Water Act.

The ESA assesses a civil penalty of \$10,000.00.

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