

Air Enforcement: U.S. and Medford, New York Metal Shredding Facility Enter into Consent Judgment



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

08/27/2024

The United States Department of Justice on behalf of the United States Environmental Protection Agency (“EPA”) and Gershow Recycling Corporation (“GRC”) entered into an August 20th Consent Judgment (“CJ”) addressing alleged violations of the Clean Air Act. See Case No. 2:24-cv-05794.

GRC is stated to operate a metal shredding facility in Medford, New York.

EPA had previously filed a Complaint alleging that GRC violated the Clean Air Act and provisions of the New York State Implementation Plan. The facility was alleged to have failed to implement Reasonably Available Control Technology to control emissions of volatile organic compounds (“VOCs”) at the metal shredding facility.

GRC does not admit the allegations in the Complaint or a Notice of Violation that had previously been filed. Nor does it admit any liability to the United States arising out of the transactions or occurrences that are alleged.

The CJ requires that GRC install, operate, and maintain a capture system at its shredder consisting of flaps and panels, piping, and a draft fan to capture shredder emissions and route them to the air pollution control equipment referenced in the CJ. The design and operation of this capture system is described.

The CJ also requires the installation, operation, and maintenance of additional described air pollution control equipment along with a CEMS that monitors the outlet VOC concentration of the regenerative thermal oxidizer.

The CJ also requires submission of an Air Permit application, startup and performance test requirements, and recordkeeping.

A civil penalty of \$550,000.00 is assessed.

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