

# Stormwater Enforcement: U.S. Environmental Protection Agency and Seaford, Delaware Asphalt Recycling Facility Enter into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and Waste Recycling (“WR”) entered into an August 29th Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act stormwater regulations. See Docket No. CWA-03-2024-0089.

The ESA provides that the WR facility crushes used concrete and asphalt for re-use as a recycled product which is stored for distribution and resale. The facility’s operation is stated to include industrial activities.

The industrial activities are stated to have occurred outdoors and exposed to stormwater. These activities are stated to include the crushing and recycling of used concrete and asphalt which are regulated under the National Pollutant Discharge Elimination System General Permit for discharges of stormwater associated with industrial activities.

EPA representatives are stated to have undertaken an inspection of the facility on September 2, 2021. Stormwater runoff is stated to have discharged from the facility into an unnamed tributary to the Nanicoke River. This water body is stated to be a Water of the United States within the meaning of Section 502(7) of the Clean Water Act.

The facility is stated to not have an NPDES Permit to discharge stormwater from the facility into Waters of the United States. The inspection is stated to have identified evidence of crushing operations and the storage of raw recycled concrete and asphalt product in proximity to a Water of the United States which discharged stormwater into such Waters without authorization of a Permit. Such discharge is stated to have constituted a non-compliance with the relevant stormwater regulations and 301(a) of the Clean Water Act.

A civil penalty of \$2,500.00 is assessed.

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