

## SPCC/Stormwater Enforcement: U.S. Environmental Protection Agency and Maryland Scrap Facilities Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Super Salvage, Inc. (“SSI”) entered into a November 3rd Consent Agreement (“CA”) addressing alleged violations of certain Clean Water Act stormwater regulations. See EPA Docket No. CWA-03-2019-0001.

The CA provides that SSI is the owner and operator of scrap recycling facilities in Prince Frederick and California, Maryland.

EPA is stated to have inspected the California facility on December 2, 2014, and the Prince Frederick facility on December 3, 2014.

The California scrap recycling facility is stated to undertake activities that constitute “industrial activity” within the meaning of Section 402(p) of the Clean Water Act and discharge stormwater to the St. Mary’s River. The facility allegedly had not sought coverage under Maryland General Permit 12-SW until March 2014. As a result, SSI is alleged to have discharged unpermitted, unallowable, stormwater associated with an industrial activity to the St. Mary’s River.

The Prince Frederick scrap recycling facility activities are also stated to constitute “industrial activity” within the meaning of Section 402(p) of the Clean Water Act and discharge to a stormwater basin and from there to an unnamed tributary to a creek. As a result, it is alleged that the Prince Frederick facility is required to seek coverage under the Maryland General Permit pertaining to stormwater discharges associated with industrial activity. The CA provides that the Prince Frederick did not seek coverage under the referenced permit until 2014. As a result, it is alleged that SSI discharged unpermitted, unallowable, stormwater associated with an industrial activity to an unnamed tributary to Buzzard Island Creek, a water of the United States.

The California facility is also stated to be engaged in the storage and use of hydraulic fluid, diesel fuel, motor oil, waste oil, and gear lubricant. Each of these petroleum products is stated to constitute oil as defined at 40 C.F.R. § 112.2. SSI, therefore, is stated to be the owner and operator of the facility within the meaning of Section 311(a)(6) of the Clean Water Act. Further, the California facility’s oil storage capacity is stated to exceed the 1,320 gallon above ground capacity threshold of the Oil Pollution Prevention Regulations.

The CA provides that at the time of the previously referenced EPA inspection, SSI had a Spill Prevention Control and Countermeasure (“SPCC”) Plan which on its cover reflected a date of November 2014, but

which was not signed or dated by an California facility representative. As a result, it is alleged that SSI failed to prepare an SPCC Plan for the facility.

The Prince Frederick facility is stated to also be engaged in the storage and use of similar petroleum products and constituted an owner and operator within the meaning of Section 311(a)(6) of the Clean Water Act. Further, the oil storage capacity at the time of the EPA inspection on December 3, 2014, and currently, is stated to exceed the 1,320 gallon above ground capacity threshold of the Oil Pollution Prevention Regulations.

The CA provides that at the time of the previously referenced EPA inspection, SSI had an SPCC Plan which on its cover reflected a date of 2014. As a result, it is alleged that SSI failed to prepare an SPCC Plan for the facility.

A civil penalty of \$150,000 is assessed.

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