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Stormwater Enforcement: U.S. Environmental Protection Agency and Summerville, South Carolina, Concrete Block Manufacturing Facility Enter into Expedited Settlement Agreement

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The United States Environmental Protection Agency ("EPA") and Van Smith Block Company, LLC ("VSBC") entered into an Expedited Settlement Agreement ("ESA") addressing an alleged violation of the Clean Water Act Industrial Stormwater Permit related regulations. See Docket No. CWA-04-2020-0320(b).

The ESA provides that VSBC owns and operates a concrete block manufacturing facility ("Facility") in Summerville, South Carolina.

The Facility is stated to be identified by Standard Industrial Classification ("SIC") Code 3271. Facilities classified within SIC . . . 32 (except 323) . . . include SIC Code 3271. As a result, such facilities are considered to be engaging in "industrial activity" for purposes of 40 C.F.R. 122.26(b)(14).

EPA is stated to have issued an Information Request pursuant to Section 308 of the Clean Water Act on March 27, 2019, to the Van Smith Company, Inc. The Van Smith Company, Inc., is stated to have a common shareholder with VSBC.

EPA is stated to have reviewed the information provided in the Information Request along with aerial photography and topography and made certain observations about the Facility which included:

1. The Respondent has operated at the Facility since December 2003.
2. The Facility had outdoor industrial processes, including but not limited to, process equipment, material storage, and product storage with potential exposure and contribution to stormwater contamination.
3. The Facility is a concrete block manufacturing facility (SIC Code 3271) but had not submitted an NOI for coverage under the existing Permit.

The ESA provides that VSBC has violated Section 301 of the Clean Water Act by discharging stormwater from the Facility without proper authorization to waters of the United States.

The ESA assesses a civil penalty of \$20,000 for the alleged violation.

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

