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Stormwater Enforcement: U.S. Environmental Protection Agency and Union Bridge, Maryland, Cement Plant/Terminal Operator Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Lehigh Cement Company, LLC, ("Lehigh") entered into a Consent Agreement ("Agreement") addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") General Permit for Stormwater Activities Associated with Industrial Activities ("Permit"). See U.S. EPA Docket No. CWA-03-2021-0061.

The Agreement provides that Lehigh was the owner and/or operator of a site known as the Union Bridge Plant ("Plant") in Union Bridge, Maryland.

Lehigh is stated to have been at all relevant times engaged in industrial activity that discharges stormwater from a point source to Sam's Creek, which flows into the Monocacy River. The referenced waterbodies are stated to be "navigable waters" within the meaning of Section 502(7) of the Clean Water Act. The Plant is stated to be engaged in industrial activity which discharges stormwater that is directly related to manufacturing, processing, or raw materials storage areas within the meaning of 40 C.F.R. § 122.26(b)(14).

Representatives of EPA Region III and agency contractors are stated to have conducted a joint inspection on June 12, 2019, at the Plant to assess compliance with the previously referenced Permit.

EPA contends that on August 1, 2019, it sent a copy of the resulting Inspection Report to Lehigh. Lehigh responded that it did not receive a copy of the Inspection Report until October 16, 2020.

Lehigh is stated to have sent to EPA a comprehensive response to the Inspection Report on December 21, 2020. Such response included narratives that described the corrective actions taken by Lehigh since the time of the Inspection.

The Agreement alleges the following violations:

- Failure to Implement Stormwater Pollution Prevention Plan Requirements
- Failure to Maintain Good Housekeeping Standards

A civil penalty of \$25,000 is assessed.

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

