

Stormwater Enforcement: U.S. Environmental Protection Agency and Warrenton, North Carolina, Architectural Concrete Production Facility Enter into Expedited Settlement Agreement

08/15/2023

The United States Environmental Protection Agency (“EPA”) and Cast Stone Systems, Inc. (“CSSI”) entered into a July 31st Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act Industrial Stormwater Provisions. See Docket No.: CWA-04-2023-0303(b).

CSSI operates a cast stone and architectural concrete production facility (“Facility”) in Warrenton, North Carolina.

The ESA provides that:

. . . Observations indicated operations at the facility were responsible for allegedly discharging industrial stormwater without a permit at the Site.

Such alleged discharge of industrial stormwater without a Clean Water Act permit is stated to be a violation of Section 301 of that statute.

The ESA further provides in an “Industrial Stormwater Non-Filer Inspection Findings, Alleged Violations, and Proposed Penalty Form – Enclosure A” in part that:

- The CSSI Facility is identified by Standard Industrial Classification (“SIC”) Code 3272.
- Facilities within SIC Code 3272 are considered to be engaging in industrial activity for purposes of 40 C.F.R. 122.26(b)(14) and therefore require a Clean Water Act National Pollutant Discharge Elimination System permit for stormwater discharge associated with industrial activity.

EPA representatives in conjunction with the North Carolina Department of Environmental Quality are stated to have conducted an inspection of the CSSI Facility on August 30, 2022, and observed the following:

1. The Facility had outdoor industrial loading and unloading operations, material storage, and waste material storage activities with potential exposure and contribution to stormwater contamination.

2. The Facility had stormwater runoff which discharges offsite into an unnamed tributary of Possumquarter Creek, which is a water of the United States.
3. CSSI's industrial activity at the Facility, which includes the manufacture of concrete products, is classified under SIC Code 3272. Facilities operating under SIC Code 3272, industrial Sector E, are required to obtain a general NPDES permit coverage for their stormwater discharges.
4. CSSI did not have a NPDES permit at the time of the Compliance Stormwater Evaluation Inspection.

The ESA assesses a civil penalty of \$20,000.

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