Stormwater Enforcement: U.S. Environmental Protection Agency and Middletown, Pennsylvania Scrap Recycler Enter Into Expedited Settlement Agreement



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The United States Environmental Protection Agency ("EPA") and Shemas Iron Works ("SIW") entered into a June 30th Expedited Settlement Agreement ("ESA") addressing alleged violations of the Clean Water Act. See Docket No.: CWA-03-2025-0058.

The ESA provides that SIW is an owner/operator of a facility where industrial activities are taking place as those terms are described in federal regulations at 40 C.F.R. §§ 122.2 and 122.26.

The SIW facility is located in Middletown, Pennsylvania. The activities at the facility are stated to include recycling scrap and materials, including processing, sorting, and storing construction debris and scrap metals.

The ESA provides that operations at the facility, including industrial activities were observed to occur mostly outdoors and exposed to stormwater. Such activities are stated to have included waste and scrap recycling and storage, which are regulated under the NPDES general permit for discharges of stormwater associated with industrial activities.

A February 8, 2023, EPA compliance inspection is stated to have observed outdoor industrial activities exposed to storm water. The facility is stated to not have a Clean Water Act National Pollutant Discharge Elimination System Permit to discharge stormwater from the facility into waters of the United States. Therefore, the ESA alleges that SIW violated Section 301(a) of the Clean Water Act at least on the date of inspection.

A civil penalty of $10,000.00 is assessed.

A copy of the ESA can be downloaded here.