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**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
DENTON SCRAP METAL RECYCLING, LLC	: U.S. EPA Docket No. CWA-03-2026-0072
24769-A MEETING HOUSE ROAD	:
DENTON, MARYLAND 21629	: Proceeding under Section 309(g) of the Clean
	: Water Act, 33 U.S.C. § 1319(g)
Respondent.	:
	:
DENTON SCRAP METAL RECYCLING, LLC	:
24769-A MEETING HOUSE ROAD	:
DENTON, MARYLAND 21629,	:
	:
Facility.	:
	:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Denton Scrap Metal Recycling, LLC ("Respondent") (collectively the "Parties"), pursuant to Section to Section 309(g) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).
5. In accordance with Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and by email sent on February 6, 2023, EPA notified the Maryland Department of the Environment (“MDE”) of EPA’s intent to commence this administrative action against Respondent in response to the violations of the CWA that are alleged herein.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
12. Pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.

13. By signing this Consent Agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
16. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the CWA, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344.
17. “Pollutant” is defined as “dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” 40 C.F.R. § 122.2. See also 33 U.S.C. § 1362(6).
18. “Discharge of a pollutant” means “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2. See also 33 U.S.C. § 1362(12).
19. “Storm water” is defined as “storm water runoff, snow melt runoff, and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).
20. “Storm water discharge associated with industrial activity” means “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant” and “includes, but is not limited to, storm water discharges from...material handling sites; refuse sites; sites used for the application or disposal of process waste waters...; sites used for the storage and

maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products.” 40 C.F.R. § 122.26(b)(14).

21. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation at 40 C.F.R. § 122.26(a)(1)(ii), require facilities discharging stormwater associated with industrial activity to obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
22. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the State of Maryland, through the Maryland Department of the Environment (“MDE”), is authorized by EPA to administer the NPDES program in Maryland.
23. The State of Maryland, through MDE has incorporated the NPDES Permit program requirements of the CWA, 33 U.S.C. § 1342 in Title 9 of the Environment Article, Annotated Code of Maryland (“Maryland Stormwater Regulations”).
24. Pursuant to the authority of the CWA, MDE issued the General Permit for Stormwater Discharges Associated with Industrial Discharges (“General Permit”), Permit No. 12-SW in Maryland. This General Permit became effective on January 1, 2014, and expired December 31, 2018. MDE then administratively extended this General Permit. The General Permit is available at <https://mde.maryland.gov/programs/permits/WaterManagementPermits/Documents/GDP%20Stormwater/Modification%20A%20%282018%29/12SW-Permit-w-ModA.pdf>.
25. Subsequently, MDE issued the final renewal permit for the General Permit for Discharges from Stormwater Associated with Industrial Activities, effective February 1, 2023, known as “Maryland General Permit No. 20-SW”. Existing permittees were required to submit a Notice of Intent (“NOI”), fee, and Stormwater Pollution Prevention Plan (“SWPPP”) no later than July 31, 2023, to prevent a lapse in coverage.
26. The General Permit is issued for 5-year terms and requires facilities that discharge storm water associated with industrial activity to a surface water body of the state to comply with specific requirements governing storm water discharges associated with industrial activities.
27. The General Permit authorizes the discharge of stormwater associated with industrial activity in accordance with the provisions of the State’s General Permit.
28. A violation of the General Permit is also a violation of the CWA and may be subject to penalties established under that statute.

29. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the assessment of administrative penalties against any person who violates any NPDES permit condition or limitation.
30. Respondent, Denton Scrap Metal Recycling, LLC is and at all times relevant to this Consent Agreement and Final Order, was the owner and operator of a scrap metal recycling facility located at 24769-A Meeting House Road, Denton, Maryland 21629 (the “Facility”).
31. Respondent is, and at all times relevant to this Consent Agreement and Final Order, was a corporation organized and existing under the laws of the State of Maryland, and a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and is subject to the assessment of civil penalties for the violations alleged herein.
32. Respondent is, and at all times relevant to this Consent Agreement and Final Order, was engaging in “industrial activity” at the Facility, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
33. At the Facility, Respondent discharges and, at all times relevant to this Consent Agreement and Final Order, discharged stormwater and/or authorized non-stormwater through outfalls identified in its Permit into the Upper Choptank River, a relatively permanent water connected to the Chesapeake Bay. The Chesapeake Bay and the Choptank River are Traditional Navigable Waters. The Chesapeake Bay, the Choptank River, and the Upper Choptank River are “waters of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
34. Respondent filed a Notice of Intent (“NOI”) for coverage under Maryland General Permit No. 12-SW on November 9, 2016. On January 10, 2017, MDE extended coverage to Respondent under the General Permit by issuing National Pollution Discharge Elimination System (“NPDES”) Registration No. MDR003194 (“Permit”). Coverage was set to expire on December 12, 2018, but was administratively extended during the pendency of MDE’s consideration of Respondent’s Notice of Intent seeking coverage under the new General Permit No. 20-SW.
35. Respondent submitted an NOI for Maryland General Permit No. 20-SW on April 21, 2023. MDE granted coverage under this new Permit on January 8, 2024, and identified the coverage granted by Registration Number 20SW3194 (“New Permit”). This coverage will continue until January 31, 2028.
36. On February 16, 2022, an EPA compliance inspection team conducted an inspection of the Facility (“Inspection”), pursuant to Section 308 of the CWA, 33 U.S.C. § 1318.
37. The EPA sent an Inspection report, dated March 23, 2022, to Respondent on March 28, 2022.
38. Based on the Inspection, EPA’s investigation, and review of Respondent’s responses to EPA’s subsequent questions, EPA has identified the following violations of the Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Count 1
Failure to Make Necessary Modifications or Determinations
In Response to Benchmark Exceedances

39. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
40. Part V(B)(3)(b) of the Permit provides that, after collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, Respondent must review the selection, design, installation, and implementation of control measures to determine if modifications are necessary to meet permit effluent limits. The Permit section further states that, following identification of such benchmark exceedances, Respondent must either: 1) make necessary modifications and continue quarterly monitoring until four additional quarters of monitoring indicate the average does not exceed the benchmark; or 2) make and document a determination that no further pollutant reductions are technologically available, economically practicable, and achievable in light of best industry practice to meet the technology-based effluent limits, or, in the alternative, that such reductions are not necessary to meet the water-quality-based effluent limitations the Permit.
41. According to observations from the EPA's onsite Inspection and subsequent review of Respondent's ICIS Data Report, at the time of Inspection, there were 29 instances from March 2018 through December 2021 when the average of four consecutive parameter monitoring values exceeded benchmark concentrations at Respondent's Facility. These averaged exceedances occurred five times for total recoverable iron; nine times for copper; six times for zinc; six times for aluminum; and three times for chemical oxygen demand. The data additionally showed two mathematically certain exceedances (where a single sample concentration is greater than four times the limit) of zinc.
42. At the time of Inspection, the EPA observed that Respondent failed to take adequate corrective actions to address the benchmark exceedances. Although Respondent's 2021 Stormwater Pollution Prevention Plan ("SWPPP") suggested corrective actions for copper and zinc exceedances, EPA alleges that Respondent either: 1) failed to make the necessary modifications; or 2) failed to make a determination that no further pollutant reductions were technologically available or economically practicable and achievable.
43. Following the date of Inspection, additional review by the EPA of Respondent's ICIS Data Report indicated that there were 25 additional instances when the average of four consecutive parameter monitoring values exceeded benchmark concentrations at Respondent's Facility between December 2021 and December 2023.

44. Although Respondent's supplemental correspondence, dated March 14, 2024, indicated that Respondent prepared corrective action reports with additional information required under Part V(B)(3)(b) of the Permit, prior to January 2024 these reports did not include information indicating that Respondent implemented any specific modifications recommended to resolve continuing exceedances, or that Respondent had determined that further pollutant reductions were either infeasible or unnecessary.
45. From at least March 2018 to at least December 2023, Respondent failed to implement corrective actions to address the cause of each benchmark exceedance, as required by Part V(B)(3)(b) of the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342.
46. The EPA concludes that, as a result of the failure to implement corrective actions to address the cause of each benchmark exceedance, Respondent violated Part V(B)(3)(b) of the Permit and the CWA on at least the dates set forth above.
47. In failing to make modifications in response to benchmark exceedances, or to make and document any determinations of infeasibility, Respondent violated the CWA and the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 2

Failure to Properly Document Responses to Benchmark Exceedances

48. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
49. Parts IV(B)(2) and IV(D) of the Permit provide that the Respondent must review the selection, design, installation, and implementation of control measures to determine if modifications are necessary to meet benchmark limits where the average of four quarterly sampling results exceeds an applicable benchmark. The Permit sections further detail specific actions Respondent must take within 24 hours and 14 days, respectively, when such benchmark exceedances occur. These required actions include documentation of the triggering condition, description of the issue, date of issue identification, summaries of corrective actions, and the initiation / completion date of corrective actions, which must then be incorporated into an annual report.
50. As stated above, at the time of Inspection, there were 54 instances from March 2018 through December 2023 when the average of four consecutive parameter monitoring values exceeded benchmark concentrations at Respondent's Facility.
51. As stated above, although Respondent's 2021 SWPPP included suggested corrective actions for copper and zinc exceedances, it did not include more detailed information such as dates of

issue identification, dates of corrective action implementation, or summaries of the corrective actions taken as required by Permit Parts IV(B)(2) and IV(D).

52. Supplemental correspondence provided by Respondent on March 14, 2024 demonstrated that Respondent prepared corrective action reports with additional information required under Permit Parts IV(B)(2) and IV(D), but, prior to January 2024, the reports failed to include certain information such as the details of Respondent's review of the selection, design, installation, and implementation of control measures.
53. From at least March 2018 to at least December 2023, Respondent failed to properly document information associated with the nature of and responses to benchmark exceedances, as required by Parts IV(B)(2) and IV(D) of the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342.
54. The EPA concludes that, as a result of the failure to properly document information associated with the nature of and responses to benchmark exceedances, Respondent violated Parts IV(B)(2) and IV(D) of the Permit and the CWA on at least the dates set forth above.
55. In failing to properly document information associated with the nature of and responses to benchmark exceedances, Respondent violated the CWA and the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 3

Failure to Incorporate a Complete Location Map into SWPPP

56. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
57. Part III(C)(2)(c) of the Permit states that Respondent shall prepare, and incorporate into a SWPPP, a site map depicting certain pertinent information including the locations of all existing structural control measures or Best Management Practices ("BMPs"), locations of certain site activities, locations of significant structures and impervious surfaces, and locations of all stormwater conveyances including ditches, pipes, and swales.
58. According to observations from the EPA's onsite Inspection, Respondent's site map did not include an accurate location of the Facility's settling basin, did not depict the location of other existing structural control measures such as filters socks and a rock check dam, and did not include the locations of stormwater conveyances such as an earthen channel or pipes discharging into NPDES Outfall 001.

59. In follow-up correspondence, dated February 18, 2022, Respondent submitted an updated SWPPP that EPA alleges still failed to adequately depict the location of the settling basin, filter socks, rock check dam, earthen channel, or pipes that discharge to Outfall 001.
60. Supplemental correspondence provided by Respondent on March 14, 2024 included a site map with additional updates, but the map still failed to include certain required information such as, the location of an adjacent major roadway, identification of a water body, and areas where activities are exposed to precipitation in an adjoining leased facility.
61. The EPA concludes that, as a result of the failure to prepare, and incorporate into its SWPPP, a site map depicting certain pertinent information including the locations of all existing structural control measures or BMPs, locations of certain site activities, locations of significant structures and impervious surfaces, and locations of all stormwater conveyances including ditches, pipes, and swales, Respondent violated Part III(C)(2)(c) of the Permit and the CWA.
62. In failing to prepare, and incorporate into its SWPPP, a site map depicting certain pertinent information including the locations of all existing structural control measures or BMPs, locations of certain site activities, locations of significant structures and impervious surfaces, and locations of all stormwater conveyances including ditches, pipes, and swales, Respondent violated the CWA and the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 4

Failure to Ensure Good Housekeeping

63. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
64. Parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M) of the Permit together state that Respondent must keep clean all exposed areas that are potential sources of pollutants, and that Respondent must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the Permit. These Permit sections further provide that Respondent must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
65. According to observations from the EPA's onsite inspection, there were various instances at Respondent's Facility wherein exposed pollution source areas were not kept clean and where waste or debris had accumulated and could eventually be discharged to nearby waters. Specifically, the EPA inspection team observed staining and debris on exposed earth next to accumulated piles of recyclables, staining and debris on exposed pavement underneath a 300-

gallon tote containing motor oil / hydraulic liquid, and accumulated sediment within an earthen channel leading from the settling basin to NPDES Outfall 001.

66. The EPA concludes that, as a result of the failure to keep onsite locations clean and free of staining and debris, Respondent violated Parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M) of the Permit, and the CWA.
67. In failing to keep onsite locations clean and free of staining and debris, Respondent violated the CWA and Parts III(B)(1)(b)(ii), (b)(xi), and (VI)(M) of the Permit, which was issued under Section 402 of the CWA, 33 U.S.C. § 1342, and is subject to the assessment of penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

CIVIL PENALTY

68. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FIFTEEN THOUSAND TWO HUNDRED DOLLARS (\$15,200.00)** ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
69. In determining the amount of the Assessed Penalty, EPA has taken into account the factors specified in Section 309(g) of the CWA, 33 U.S.C. § 1319(g).
70. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
71. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: [Modernizing Payments To and From America's Bank Account](#), EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.
72. When making a payment, Respondent shall:
- Identify every payment with Respondent's name and the docket number of this Consent Agreement, CWA-03-2026-0072,
 - Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Natalie Katz
Sr. Assistant Regional Counsel
katz.natalie@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

73. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS “standard” underpayment rate.
 - b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.
 - c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.
74. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.
75. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
76. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
77. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, **including** amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 86; and
 - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

78. The Parties consent to service of the Final Order by e-mail at the following valid e-mail addresses: katz.natalie@epa.gov (for Complainant), and dmullen@whitefordlaw.com and tzivkovich@whitefordlaw.com (for Respondent).
79. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
80. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about Respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all

other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

81. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Administrative Order on Consent between Respondent and the EPA, Docket No. CWA-03-2024-0143DN, which addresses the violations alleged herein.

OTHER APPLICABLE LAWS

82. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

83. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

84. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

85. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective (“Effective Date”) thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

ENTIRE AGREEMENT

86. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: DENTON SCRAP METAL RECYCLING, LLC

Date: _____

By: _____
Daniel Donovan
Operations Director

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[Digital Signature and Date]
Andrea Bain
Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[Digital Signature and Date]
Natalie L. Katz
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jul 16, 2026

3:28 pm

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of: :
: :
DENTON SCRAP METAL RECYCLING, LLC : U.S. EPA Docket No. CWA-03-2026-0072
24769-A MEETING HOUSE ROAD :
DENTON, MARYLAND 21629 : Proceeding under Section 309(g) of the Clean
: Water Act, 33 U.S.C. § 1319(g)
Respondent. :
: :
DENTON SCRAP METAL RECYCLING, LLC :
24769-A MEETING HOUSE ROAD :
DENTON, MARYLAND 21629, :
: :
Facility. :
:

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement.

This Consent Agreement and Final Order will become final and effective ("Effective Date") thirty (30) days after having been signed by me and filed with the Regional Hearing Clerk.

By: _____
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
DENTON SCRAP METAL RECYCLING, LLC	:	U.S. EPA Docket No. CWA-03-2026-0072
24769-A MEETING HOUSE ROAD	:	
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	:	Water Act, 33 U.S.C. § 1319(g)
Respondent.	:	
	:	
DENTON SCRAP METAL RECYCLING, LLC	:	
24769-A MEETING HOUSE ROAD	:	
DENTON, MARYLAND 21629,	:	
	:	
Facility.	:	
	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Daniel Donovan
Denton Scrap Metal Recycling, LLC
24769-A Meeting House Road
Denton, MD 21629
ddonovan@jsmith-sons.com

Dale Mullen
Whiteford Law
Two James Center
1021 East Cary Street, Suite 2001
Richmond, Virginia 23219
dmullen@whitefordlaw.com

Natalie Katz
Sr. Assistant Regional Counsel
U.S. EPA, Region 3
katz.natalie@epa.gov

Mark Zolandz
Section Chief
U.S. EPA, Region 3
zolandz.mark@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3