

**Joy Recycling LLC**  
**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER**  
**ASSESSING ADMINISTRATIVE PENALTY**  
**AND OPPORTUNITY FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION**  
**Enforcement and Compliance Assurance Division (3ED32)**  
**1600 John F. Kennedy Boulevard**  
**Philadelphia, Pennsylvania 19103**

**Date of Notice:** February 23, 2026

**Permit Number:** West Virginia National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Water Pollution Control Permit No. WV0111457; NPDES Permit Nos. WVG611544, WVG612820, WVG612792, WVG611273, WVG612793

**Docket Number:** CWA-03-2026-0030

**Comments will be accepted until:** April 3, 2026

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.45, notice is hereby given that the U.S. Environmental Protection Agency Region 3 (the EPA Mid-Atlantic Region) is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of one thousand and five hundred dollars (\$1,500.00) against the Respondent named below for alleged violations of the CWA.

**RESPONDENT:**

Joy Recycling LLC  
18562 Veterans Memorial Highway  
Kingwood, West Virginia 26537

**FOR FACILITIES:**

Kingwood Facility  
438 Morgantown Street  
Kingwood, West Virginia 26537

Kerens Facility  
120 Moon Run Road  
Kerens, West Virginia 26276

Core Facility  
4220 Mason-Dixon Highway  
Core, West Virginia 26541

**SUMMARY OF VIOLATIONS:**

The EPA Mid-Atlantic Region alleges the following violations: 1) violations of Section 301 of the Clean Water Act, 33 U.S.C. § 1311, resulting from discharges of stormwater associated with industrial activity at the above-referenced facilities at times when the Respondent did not have

the above-referenced permit to prevent stormwater discharges of pollution into adjacent State waters, and 2) at times when the Respondent did have the above-referenced permit, violations of the above-referenced permit, issued under Section 402 of the Clean Water Act, 33 U.S.C. § 1342, as follows:

1. Failure to Obtain a Permit/Discharge Without a Permit

At certain times at each of its three facilities, Respondent failed to have an active permit registration for coverage under the current West Virginia National Pollutant Discharge Elimination System (NPDES) (WV/NPDES) Multi-Sector General Water Pollution Control Permit No. WV0111457 (the Permit), in violation of Chapter 22, Article 11, Section 8.b.1. of the Code of West Virginia, and Section 47-10-3.1 of the Rules and Regulations thereunder, and during certain of those times, discharges of stormwater occurred that constituted violations of Section 301 of the CWA, 33 U.S.C. § 1311.

2. Failure to Review and Revise Stormwater Pollution Prevention Plan

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kingwood facility, an unauthorized discharge at the facility occurred, and, in response, Respondent failed to review and revise, as appropriate, its required Stormwater Pollution Prevention Plan, in violation of Section B.7.a. of the Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

3. Failure to Maintain Good Housekeeping

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kerens Facility, the Kerens Facility had numerous areas with petroleum staining on the ground, and totes, barrels, and batteries without proper secondary containment, evidencing a failure to implement good housekeeping, in violation of Section B.18.A.a)(2)(D) of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Core Facility, the Core Facility had oils, metals, tires, glass, and crushed cars on the property. Oils were observed in and around the cars and car crusher and in puddles throughout the property. Oil-stained gravel was observed throughout the property. These conditions evidenced a failure to maintain good housekeeping, in violation of Section B.18.A.a)(2)(D) of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kingwood Facility, the Kingwood Facility had large amounts of petroleum product staining on site, a large petroleum product stain running downhill from the vehicle crusher towards the stormwater outlet, and a tote with product without secondary containment, evidencing a failure to implement good housekeeping, in violation of Section B.17.A.2.a.4. of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

4. Failure to Take All Reasonable Steps to Prevent or Minimize Violative Discharge

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kingwood Facility, in failing to prevent or clean up a petroleum product spill, Respondent failed to take all reasonable steps to minimize or prevent any violative discharge which had a reasonable likelihood of adversely affecting human health or the environment, in violation of Section I.3. of Appendix A of the permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

#### 5. Failure to Post Permanent Outlet Marker

At times when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kerens Facility, Respondent failed to have a permanent marker, with specified information and of specified size, posted on the stream bank at each outlet covered by the permit at the facility, in violation of Section I.13. of Appendix A of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

At times when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Core Facility, Respondent failed to have a permanent marker, with specified information and of specified size, posted on the stream bank at each outlet covered by the Permit at the facility, in violation of Section I.13. of Appendix A of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

At times when Respondent had an active permit registration for the current Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kingwood Facility, Respondent failed to have a permanent marker, with specified information and of specified size, posted on the stream bank at each outlet covered by the Permit at the facility, in violation of Section I.13. of Appendix A of the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

#### 6. Failure to Submit Semi-Annual Discharge Monitoring Reports

At times when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kerens Facility, Respondent failed to submit discharge monitoring reports on a semi-annual basis following a specified format and indicating the analytically-determined concentrations of listed constituents in the effluent(s), in violation of Section III.2. of Appendix A of the Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

#### 7. Failure to Immediately Report Petroleum Product Spill

At a time when Respondent had an active permit registration for the current WV/NPDES Multi-Sector General Water Pollution Control Permit No. WV0111457 at the Kingwood Facility, when a large stain from a petroleum product spill was running downhill from the vehicle crusher towards the stormwater outlet, potentially endangering health or the environment, Respondent, after becoming aware of the circumstances, failed to immediately report the potential noncompliance using WVDEP's designated spill alert

telephone number, in violation of Section IV.2.a) of Appendix A of the Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

**OPPORTUNITY FOR COMMENT:** Persons wishing to comment on the CAFO are invited to submit via email a statement to the EPA Mid-Atlantic Region Enforcement and Compliance Assurance Division Director. This statement should be emailed directly to the Regional Hearing Clerk (email below) within forty (40) days of the date of this public notice. Comments received within this forty-day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

**All comments should be either emailed to:**

The EPA Region 3 Regional Hearing Clerk: [r3\\_hearing\\_clerk@epa.gov](mailto:r3_hearing_clerk@epa.gov)

**OR**

**Mailed/Submitted to:**

U. S. Environmental Protection Agency, Region 3  
Regional Hearing Clerk – Mail Code 3RC00  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103

**AVAILABILITY OF INFORMATION:** Information relevant to the Consent Agreement may be requested through the Regional Hearing Clerk. A copy of the proposed CAFO can be obtained from the Region 3 Regional Hearing Clerk at [R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

**REGISTRY OF INTERESTED PERSONS:** Any person interested in a particular case or group of cases may leave their name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

**FOR FURTHER INFORMATION:** Interested parties may contact the following EPA representatives to learn more about this action.

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