UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC. Plaintiff, v. SCHNITZER STEEL INDUSTRIES, INC.; PROLERIZED NEW ENGLAND, LLC; METALS RECYCLING, L.L.C.; JOINT VENTURE OPERATIONS, INC.; PROLERIDE TRANSPORT SYSTEMS, INC.; and MAINE METAL RECYCLING, INC., Defendants	Case No. **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES**

INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA,"), 33 U.S.C. § 1365(a), to address Clean Water Act violations at three scrap metal facilities: (1) Schnitzer Northeast – Attleboro, located at 136 Bacon Street in Attleboro, Massachusetts 02703 (the "Attleboro Facility"); (2) Schnitzer Northeast, located at 69 Rover Street in Everett, Massachusetts 02149 (the "Everett Facility"); and (3) Schnitzer Northeast, located at 20 Nippnapp Trail in Worcester, Massachusetts 01607 (the "Worcester Facility") (collectively, the "Facilities").

2. The Facilities are owned and operated by Schnitzer Steel Industries, Inc. and/or its subsidiaries Prolerized New England, LLC; Metals Recycling, L.L.C.; Joint Venture Operations, Inc.; Proleride Transport Systems, Inc.; Maine Metal Recycling, Inc., their agents, and directors (collectively, "Schnitzer" or "Defendants"). Schnitzer is discharging pollutants including heavy

metals from these three facilities into receiving waters that include the Blackstone River, the Mystic River, and Cranberry Pond. Schnitzer's discharges have been subject to the 2015 and 2021 Multi-Sector General Permits for Stormwater Discharges Associated with Industrial Activity (the "2015 MSGP" and the "2021 MSGP," collectively, the "MSGPs"). Schnitzer has discharged and continues to discharge stormwater associated with its industrial activities into waters of the United States in violation of the MSGPs by: (1) failing to take required corrective actions; (2) failing to follow required procedures for minimizing pollutant discharges; (3) contributing to the receiving waters' failure to meet water quality standards and their impairments; and (4) failing to comply with monitoring and reporting requirements.

3. Conservation Law Foundation ("CLF") seeks declaratory judgment, injunctive relief, and other relief with respect to the Facilities' violations of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

JURISDICTION AND VENUE

4. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

5. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

6. On December 20, 2021, Plaintiff notified Schnitzer and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the corresponding regulations located at 40 C.F.R. § 135.2. A true and accurate copy of Plaintiff's

Notice Letter ("Notice Letter") is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

7. Each Defendant received the Notice Letter. A copy of each return receipt is attached as Exhibit 2.

8. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency ("EPA"), the Acting Regional Administrator of EPA Region 1, the Citizen Suit Coordinator, and the Massachusetts Department of Environmental Protection ("MassDEP").

9. Each of the addressees identified in the preceding paragraph received the Notice Letter. A copy of each return receipt is attached as Exhibit 3.

10. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither EPA nor the Commonwealth of Massachusetts has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

11. The Clean Water Act violations alleged in the Notice Letter are of a continuing nature, ongoing, or reasonably likely to re-occur. The Defendants remain in violation of the Clean Water Act.

12. Venue is proper in the United States District Court for the District of Massachusetts pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

PARTIES

Plaintiff

13. Plaintiff, Conservation Law Foundation ("CLF"), is a nonprofit, member-supported, regional environmental advocacy organization dedicated to protecting New England's environment.

14. CLF has a long history of working to protect the health of New England's water resources, including addressing sources of industrial stormwater pollution.

15. CLF has over 6,300 members, including over 3,400 members in Massachusetts. CLF's members use and enjoy the waters of Massachusetts, including the Blackstone River, the Seekonk River, and the Mystic River, for recreational and aesthetic purposes, including but not limited to boating, swimming, fishing, and observing wildlife.

16. CLF's members include individuals who live and spend time near the Blackstone, the Seekonk, and the Mystic Rivers. CLF's members have used and enjoyed the Blackstone, Seekonk, and Mystic Rivers downstream from Defendants' facilities for recreational purposes, including rowing, kayaking, and observing wildlife; as well as for aesthetic purposes.

17. CLF's members include individuals who have been and continue to be directly and adversely affected by the degradation of water quality in the Blackstone, Seekonk, and the Mystic Rivers.

18. CLF's members are harmed by stormwater discharge of aluminum, copper, iron, lead, zinc, total suspended solids, and other pollutants to the Blackstone and Mystic Rivers from Defendants' facilities. Schnitzer's stormwater discharges impair the recreational and aesthetic uses of the Blackstone, Seekonk, and Mystic Rivers by harming fish and other aquatic life, contributing to unpleasant scum, foam, and/or odor, increasing toxic pollution, and reducing the enjoyment of CLF's members.

Defendants

19. Defendant Schnitzer Steel Industries, Inc. ("Schnitzer Steel") is a corporation incorporated under the laws of Oregon.

20. Defendant Schnitzer Steel is the parent company of Prolerized New England, LLC

("Prolerized"); Metals Recycling, L.L.C. ("Metals Recycling"); Joint Venture Operations, Inc. ("Joint Venture"); Proleride Transport Systems, Inc. ("Proleride"); and Maine Metal Recycling, Inc. ("Maine Metal").

21. Defendant Schnitzer Steel has control over its subsidiaries Prolerized, Metals Recycling, Joint Venture, Proleride, and Maine Metal.

22. Defendant Schnitzer Steel is liable for the Clean Water Act violations of Prolerized, Metals Recycling, Joint Venture, Proleride, and Maine Metal.

23. Prolerized is a corporation incorporated under the laws of Delaware.

24. Metals Recycling is a corporation incorporated under the laws of Rhode Island.

25. Joint Venture is a corporation incorporated under the laws of Delaware.

26. Proleride is a corporation incorporated under the laws of Delaware.

27. Maine Metal is a corporation incorporated under the laws of Maine.

28. Schnitzer Steel, its subsidiary Prolerized, and Prolerized's managers (Joint Venture, Proleride, and Maine Metal) own and/or operate the Attleboro Facility and have owned and/or operated it since at least 2016.

29. Schnitzer Steel, its subsidiary Prolerized, and Prolerized's managers (Joint Venture, Proleride, and Maine Metal) own and/or operate the Everett Facility and have owned and/or operated it since at least 2016.

30. Schnitzer Steel, its subsidiary Metals Recycling, and Metals Recycling's manager (Joint Venture) own and/or operate the Worcester Facility and have owned and/or operated it since at least 2016.

31. Schnitzer Steel is responsible for ensuring that the Facilities operate in compliance with the Clean Water Act.

32. Prolerized is responsible for ensuring that the Attleboro and Everett Facilities operate in compliance with the Clean Water Act.

33. Joint Venture, Proleride, and Maine Metal are responsible for ensuring that the Attleboro and Everett Facilities operate in compliance with the Clean Water Act.

34. Metals Recycling and Joint Venture are responsible for ensuring that the Worcester Facility operates in compliance with the Clean Water Act.

35. Defendants Schnitzer Steel Industries, Inc.; Prolerized New England, LLC; Metals Recycling, L.L.C.; Joint Venture Operations, Inc.; Proleride Transport Systems, Inc.; and Maine Metal Recycling, Inc. are all persons as defined by Section 502(5) of the Clean Water Act, 33 U.S.C. 1362(5).

STATUTORY AND REGULATORY BACKGROUND

The Clean Water Act and the MSGP

36. The objective of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a) (1972).

37. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System ("NPDES") permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

38. Under the Clean Water Act's implementing regulations, the "discharge of a pollutant" is defined as "[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).

39. A "pollutant" is any "solid waste," "chemical wastes, biological materials," "wrecked or discarded equipment, rock, sand," and "industrial . . . waste" discharged into water. 33 U.S.C. § 1362(6).

40. The Clean Water Act defines navigable waters as "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7). "Waters of the United States" are defined by EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 122.2.

41. "Point source" is defined broadly to include, "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

42. Section 402 of the CWA requires that NPDES permits be issued for stormwater discharges associated with industrial activities. 33 U.S.C. §§ 1342(a)(1), 1342(p)(2), 1342(p)(3)(A), 1342(p)(4), 1342(p)(6).

43. In establishing the regulations at 40 C.F.R. § 122.26, EPA cited abundant data showing the harmful effects of stormwater runoff on rivers, streams, and coastal areas across the nation. In particular, EPA found that runoff from industrial facilities contained elevated pollution levels. 55 Fed. Reg. 47990, 47991 (Nov. 16, 1990).

44. In September 1995, EPA issued a NPDES Storm Water Multi-Sector General Permit for Industrial Activities. EPA re-issued the MSGP on October 30, 2000, 65 Fed. Reg. 64746; on September 29, 2008, 73 Fed. Reg. 56572; on June 4, 2015 (the "2015 MSGP"), 80 Fed. Reg. 34403; and on September 29, 2021 (the "2021 MSGP"), 86 Fed. Reg. 10269.

45. The MSGP is issued by EPA pursuant to Sections 402(a) and 402(p) of the CWA and regulates stormwater discharges from industrial facilities. 33 U.S.C. §§ 1342(a), 1342(p).

46. In order to discharge stormwater lawfully, industrial dischargers must obtain coverage under the MSGP and comply with its terms.

47. Industrial dischargers must develop and implement a Stormwater Pollution Prevention Plan ("SWPPP") that identifies sources of pollutants associated with industrial discharges from

the facility and identifies effective best management practices to control pollutants in stormwater discharges in a manner that achieves the substantive requirements of the permit.

48. The MSGPs incorporate state water quality standards for all affected states. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

49. The MSGPs require permittees to control stormwater discharges and to modify their control measures "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP §§ 2.1 at 14, 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

Massachusetts' Surface Water Quality Regulations

50. Massachusetts' state surface water quality standards address deposits, floating matter, odor, color, taste, turbidity, and undesirable or nuisance species of aquatic life. 314 MASS. CODE REGS. 4.05(5)(a) (2021).

51. Massachusetts' state surface water quality standards require that all surface waters "shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife." *Id.* at (5)(e).

52. Massachusetts' state surface water quality standards require that Class B waters

> shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to this Class, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom.

314 MASS. CODE REGS. 4.05(3)(b)(5).

53. Massachusetts' state surface water quality standards require that Class B waters "shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to this Class." *Id.* at (3)(b)(6).

54. Massachusetts' state surface water quality standards include oil and grease standards for Class B waters. *Id.* at (3)(b)(7).

55. Massachusetts' state surface water quality standards require that Class B waters shall contain no taste and odor "in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to this Class, or that would cause tainting or undesirable flavors in the edible portions of aquatic life." *Id.* at (3)(b)(8).

Rhode Island's Surface Water Quality Regulations

56. Rhode Island's state surface water quality standards address the composition, integrity, propagation, life cycle functions, uses, processes, and activities of fish and wildlife, as well as human health. 250-RICR-150-05-1.10.B.1.

57. Rhode Island's state surface water quality standards address deposits, floating material, oil and grease, odor, taste, and color. *Id.* at 1.10.B.2

58. Rhode Island's state surface water quality standards pertaining to Class B1 and SB1 waters prohibit any sludge deposits, solids, oil, grease, and scum; prohibit color, turbidity, taste, and odor in concentrations that would impair any assigned uses; and prohibit chemical constituents in concentrations or combinations that could be harmful to humans, fish, or wildlife or impair the water for any other uses. *Id.* at 1.10.D.1; *id.* at 1.10.E.1.

Citizen Enforcement Suits Under the Clean Water Act

59. The Clean Water Act authorizes citizen enforcement actions against any "person" who is alleged to be in violation of an "effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation." 33 U.S.C. § 1365(a)(1).

60. An "effluent limitation" is "any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance." *See id.* 1362(11).

61. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an

action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(f).

62. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

FACTUAL BACKGROUND

The Facilities' MSGPs

63. The Facilities discharge stormwater associated with industrial activity.

64. Schnitzer's activities at the Facilities include activities which are classified by the MSGPs as subsector N1: Scrap Recycling and Waste Recycling Facilities. 2015 MSGP § 8.N.6 at 129; 2021 MSGP § 8.N.6 at 163.

65. Schnitzer's activities at the Facilities include the receiving, processing, and distribution of non-source separated, nonliquid recyclable wastes, including ferrous and nonferrous metals per § 8.N.3.1 of the MSGPs. 2015 MSGP at 125; 2021 MSGP at 158.

66. Schnitzer was required to comply with the requirements of the 2015 MSGP from at least January 1, 2016 until July 1, 2021.

67. Schnitzer submitted its Notice of Intent for Stormwater Discharges Associated with Industrial Activity Under the [2021] NPDES Multi-Sector General Permit for the Facilities on May 28, 2021.

68. Schnitzer is required to comply with the requirements of the 2021 MSGP and has been required to comply with the requirements of the 2021 MSGP since July 1, 2021.

Schnitzer's Pollutant Control Requirements Under the MSGP

69. The MSGPs require Schnitzer to "select, design, install, and implement control measures

(including best management practices) to minimize pollutant discharges [and] that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, . . . and meet the water quality-based effluent limitations in Part 2.2." 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

70. The MSGPs require Schnitzer to "minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings." 2015 MSGP § 2.1.2.1 at 15; 2021 MSGP § 2.1.2.1 at 20.

71. The MSGPs require Schnitzer to "keep clean all exposed areas that are potential sources of pollutants" and "perform good housekeeping measures in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.2 at 15-16; 2021 MSGP 2.1.2.2 at 20-21.

72. The MSGPs require Schnitzer to "[s]weep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water." *Id.*

73. The MSGPs require Schnitzer to "[m]inimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged." 2015 MSGP § 2.1.2.2 at 16; 2021 MSGP 2.1.2.2 at 21.

74. The MSGPs require Schnitzer to "maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.3 at 16-17; 2021 MSGP 2.1.2.3 at 21-22.

75. The MSGPs require Schnitzer to "perform[] inspections and preventative maintenance of

stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in discharges of pollutants via stormwater." *Id.*

76. The MSGPs require Schnitzer to "clean[] catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth . . . and keep[] the debris surface at least six inches below the lowest outlet pipe." *Id.*

77. The MSGPs require that if Schnitzer "find[s] that [its] control measures need routine maintenance, [it] must conduct the necessary maintenance immediately in order to minimize pollutant discharges." *Id.* If Schnitzer "find[s] that [its] control measures need to be repaired or replaced, [it] must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented." *Id.*

78. The MSGPs require Schnitzer to "minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. [It] must conduct spill prevention and response measures" including measures listed in § 2.1.2.4 of the MSGPs. 2015 MSGP § 2.1.2.4 at 17; 2021 MSGP 2.1.2.4 at 22-23.

79. The MSGPs require Schnitzer to minimize erosion and discharge of sediment. 2015 MSGP § 2.1.2.5 at 17-18; 2021 MSGP 2.1.2.5 at 23.

80. The MSGPs require Schnitzer to "divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in [its] discharges." 2015 MSGP § 2.1.2.6 at 18; 2021 MSGP 2.1.2.6 at 23.

81. The MSGPs require Schnitzer to "evaluate for the presence of non-stormwater discharges. . . If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with

applicable industrial pretreatment requirements, or otherwise disposed of appropriately." 2015 MSGP § 2.1.2.9 at 19; 2021 § 2.1.2.9 at 24.

82. The MSGPs require Schnitzer to "minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater." 2015 MSGP § 2.1.2.10 at 19; 2021 MSGP 2.1.2.10 at 24.

83. Schnitzer is required to conduct routine facility inspections "of areas of the facility covered by the requirements in the [MSGPs]" at least quarterly. 2015 MSGP § 3.1 at 22-24; 2021 MSGP § 3.1 at 27-29.

84. The MSGPs require that "[d]uring an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly." *Id.*

Schnitzer's Sector-Specific Pollutant Control Requirements Under the MSGPs

85. The MSGPs require Schnitzer to minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures. 2015 MSGP § 8.N.3.1.1 at 125; 2021 MSGP § 8.N.3.1.1 at 158.

86. The MSGPs require Schnitzer to minimize contact of stormwater and/or stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures. 2015 MSGP § 8.N.3.1.2 at 126; 2021 MSGP § 8.N.3.1.2 at 159.

87. The MSGPs require Schnitzer to minimize contact of stormwater and/or surface runoff with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover or establishing dedicated containment areas for all turnings

that have been exposed to cutting fluids. 2015 MSGP § 8.N.3.1.3 at 126; 2021 MSGP § 8.N.3.1.3 at 159.

88. The MSGPs require Schnitzer to minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with stormwater and/or surface runoff through implementation of control measures. 2015 MSGP § 8.N.3.1.4 at 126; 2021 MSGP § 8.N.3.1.4 at 159.

89. The MSGPs require Schnitzer to minimize the contact of stormwater and/or surface runoff with scrap processing equipment and minimize the contact of accumulated particulate matter and residual fluids with stormwater and/or runoff. 2015 MSGP § 8.N.3.1.5 at 126; 2021 MSGP § 8.N.3.1.5 at 159.

90. The MSGPs require Schnitzer to "minimize the discharge of pollutants in stormwater from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures." 2015 MSGP § 8.N.3.1.6 at 127; 2021 MSGP § 8.N.3.1.6 at 160.

Schnitzer's Monitoring and Reporting Requirements Under the MSGPs:

91. The MSGPs require Schnitzer "to collect and analyze stormwater samples" during "a storm event that results in an actual discharge from [the] site" "at least once in each of the following 3-month intervals: January 1—March 31; April 1—June 30; July 1—September 30; October 1—December 31." 2015 MSGP § 6, 6.1.3, 6.1.7 at 39-40; 2021 MSGP § 4, 4.1.3, 4.1.7 at 31-33.

92. Schnitzer is required to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, chemical oxygen demand ("COD"), and total suspended solids ("TSS"). 2015 MSGP § 6.2 at 40-41, § 8.N.6 at 129-130; 2021 MSGP § 4.2 at 33-35, § 8.N.7 at 163-164.

93. "When adverse weather conditions [such as flooding, high winds, electrical storms, or

extended frozen conditions] prevent the collection of stormwater discharge samples according to the relevant [benchmark or impaired waters] monitoring schedule, [Schnitzer] must take a substitute sample during the next qualifying storm event." 2015 MSGP § 6.1.5 at 39-40; 2021 MSGP § 4.1.5 at 33.

94. Once each quarter for the entire MSGP term, Schnitzer must collect a stormwater sample from each outfall and conduct a visual assessment of each of these samples. 2015 MSGP § 3.2.1 at 24; 2021 MSGP § 3.2.1 at 29. Schnitzer "must visually inspect or observe the sample for the following water quality characteristics: color; odor; clarity (diminished); floating solids; settled solids; suspended solids; foam; oil sheen; and other obvious indicators of stormwater pollution." *Id.*; 2021 MSGP § 3.2.2.4 at 29-30.

95. "When adverse weather conditions prevent the collection of stormwater discharge sample(s) during the quarter [for visual assessment], Schnitzer must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with [Schnitzer's] SWPPP records." 2015 MSGP § 3.2.3 at 25; 2021 MSGP § 3.2.4.1 at 30.

96. The Facilities are "considered to discharge to an impaired water if the first water of the U.S. to which [it] discharges is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard . . ." 2015 MSGP § 6.2.4 at 45; 2021 MSGP § 4.2.5 at 42.

97. The 2015 MSGP requires Schnitzer to "monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists . . . once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA-approved or established TMDL [Total Maximum Daily Load]. The MSGPs identify such

monitoring as "impaired waters monitoring." 2015 MSGP § 6.2.4.1 at 45.

98. The 2021 MSGP requires Schnitzer to conduct impaired waters monitoring "annually in the first year of permit coverages and again in the fourth year of permit coverage. . . unless [it] detect[s] a pollutant causing an impairment, in which case annual monitoring must continue." 2021 MSGP § 4.2.5.1 at 42.

99. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Attleboro Facility for cadmium, fecal coliform, enterococci, lead, mercury, dissolved oxygen, and polychlorinated biphenyls ("PCBs").

100. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Everett Facility for aluminum, arsenic, cadmium, chromium, copper, fecal coliform, foaming agents, iron, lead, nickel, nitrogen, odor, oil/petroleum, dissolved oxygen, PCBs, and zinc.

101. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Worcester Facility for E. coli, lead, dissolved oxygen, phosphorus, TSS, and turbidity.

102. Schnitzer is required to report its monitoring data to EPA using EPA's electronic NetDMR tool. 2015 MSGP § 6.1.9 at 40; 2021 MSGP § 4.1.9 at 33.

Schnitzer's Required Corrective Action and Additional Implementation Measures Under the MSGPs

103. The MSGPs require Schnitzer to take corrective action or Additional Implementation Measures ("AIM") when the following triggering events occur: 1) "the average of four quarterly sampling results exceeds an applicable benchmark" or if less than four benchmark samples have been taken, "an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level)," 2015 MSGP at 27; 2021 MSGP at 39; 2) Schnitzer's control measures are not stringent enough for the discharge and/or the receiving water of the United States to meet applicable water quality standards or the

non-numeric effluent limits in the MSGPs, 2015 MSGP at 27; 2021 MSGP at 45; 3) whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam), *id.*; or 4) a required control measure was never installed, was installed incorrectly, or not in accordance with the MSGPs, or is not being properly operated or maintained, *id.*.

104. The MSGPs include sector-specific benchmarks for Sector N facilities like Schnitzer. 2015 MSGP § 8.N at 125-130; 2021 MSGP § 8.N at 158-164.

105. The benchmark values in the 2015 MSGP applicable to Schnitzer and not dependent on water hardness are: 0.75 milligrams per liter for aluminum; 1.0 milligrams per liter for iron; 120 milligrams per liter for COD; and 100 milligrams per liter for TSS. 2015 MSGP at 129-130.

106. The benchmark values in the 2021 MSGP applicable to Schnitzer and not dependent on water hardness are: 1.1 milligrams per liter for aluminum; 5.19 micrograms per liter for copper (freshwater receiving water) or 4.8 micrograms per liter for copper (saltwater receiving water); 120 milligrams per liter for COD; and 100 micrograms per liter for TSS. 2021 MSGP at 163-4.

107. The hardness of the receiving water for the Attleboro Facility is 37.5 milligrams per liter.

108. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Attleboro Facility are: 0.0056 milligrams per liter for copper; 0.023 milligrams per liter for lead; and 0.05 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

109. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Attleboro Facility are: 24 micrograms per liter for lead; and 52 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4. [1]

110. The benchmark values for copper, lead, and zinc in the 2015 MSGP applicable to the

[1] The benchmark value units of measurement for certain pollutant criteria change from milligrams per liter in the 2015 MSGP to micrograms per liter in the 2021 MSGP.

Everett Facility are: 0.0048 milligrams per liter for copper; 0.21 milligrams per liter for lead; and 0.09 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

111. The benchmark values for lead and zinc in the 2021 MSGP applicable to the Everett Facility are: 210 micrograms per liter for lead; and 90 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.

112. The hardness for the receiving water for the Worcester Facility is 87.5 milligrams per liter.

113. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Worcester Facility are: 0.0123 milligrams per liter for copper; 0.069 milligrams per liter for lead; and 0.11 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

114. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Worcester Facility are: 69 micrograms per liter for lead; and 107 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.

115. Following a triggering event, Schnitzer is required to: 1) review and revise its SWPPP so that the MSGPs' effluent limits are met and pollutant discharges are minimized; 2) immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational; and 3) if necessary, "complete the corrective actions. . . before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition." 2015 MSGP §§ 4.1 at 27, 4.3.1 at 28, 4.3.2 at 28; 2021 MSGP §§ 5.1.1 § 45, 5.1.3.1 at 46, 5.1.3.2 at 46.

Schnitzer's State Water Quality Standards Requirements

116. Under the MSGPs, Schnitzer is required to control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP § 2.2.1

at 20; 2021 MSGP § 2.2.1 at 25.

117. Schnitzer's discharge must not cause or contribute to an exceedance of applicable water quality standards in any affected state. 2015 MSGP § 2.2.1 at 20.

118. The MSGPs require that if at any time Schnitzer becomes aware that its discharge does not meet applicable water quality standards or its stormwater discharge will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard, Schnitzer must take corrective action(s) and document the corrective actions. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

119. If Schnitzer finds that its control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water standards or any of the other non-numeric effluent limits in the MSGP, Schnitzer must modify these control measures per the corrective action requirements. 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

The Facilities and Their Operations and Discharges

120. Defendants Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal have operated and continue to operate a scrap metal facility at 136 Bacon Street in Attleboro, Massachusetts 02703 (the "Attleboro Facility").

121. Defendants Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal have operated and continue to operate a scrap metal facility at 69 Rover Street in Everett, Massachusetts 02149 (the "Everett Facility").

122. Defendants Schnitzer Steel, Metals Recycling, and Joint Venture have operated and continue to operate a scrap metal facility at 20 Nippnapp Trail in Worcester, Massachusetts 01607 (the "Worcester Facility").

123. Schnitzer collects and/or processes raw scrap metal, including salvaged vehicles, rail cars, household scrap and appliances, industrial machinery, manufacturing scrap, and

construction and demolition scrap at the Facilities.

124. Schnitzer receives unprocessed scrap metal at the Facilities, which it stores in uncovered piles on-site that are exposed to precipitation and snowmelt.

125. Schnitzer's processing activities include crushing, torching, shearing, shredding, separating, sorting, and/or baling of scrap metal.

126. Most of Schnitzer's scrap processing operations are conducted outdoors.

127. Processed metal is stored at the Facilities in uncovered bales that are exposed to precipitation and snowmelt.

128. The Facilities store petroleum hydrocarbons onsite, including bulk fuel storage in aboveground storage tanks that are exposed to precipitation and snowmelt.

129. The Facilities' handling and/or storage of oil, grease, petroleum hydrocarbons, and/or fuel have resulted in spills, leaks, and/or slicks at the Facilities.

130. Upon information and belief, spills, leaks, and/or slicks of oil, grease, petroleum hydrocarbons, and/or fuel at the Facilities have been exposed to precipitation and snowmelt.

131. Schnitzer uses a crane to transfer processed and/or unprocessed scrap metal from a ship to the Everett Facility. As the crane loads and/or unloads scrap metal, dust is generated which directly enters the Mystic River and is discharged from the Everett Facility in stormwater.

132. Processed and unprocessed scrap metal, end-of-life vehicles, machinery, equipment, oil, fuel, and chemical storage tanks, batteries, and vehicles are exposed to precipitation and snowmelt at the Facilities.

133. Precipitation and snowmelt at the Facilities become contaminated with heavy metals, dust and solids, organic contaminants including fuel and oil, trash, and other pollutants associated with the Facilities' operations.

134. The sources of pollutants associated with industrial operations at the Facilities include: unprocessed scrap metal including end-of-life vehicles, appliances, machinery, and other scrap; bales of processed scrap metal; machines and equipment left outdoors; and vehicles driving on and off the Facilities.

135. Pollutants associated with industrial operations at the Facilities include, but are not limited to: heavy metals, suspended solids, debris, solvents, dust, low density waste (floatables), oil, fuel, trash, and other pollutants associated with the Facilities' operations.

136. During every measurable precipitation event and every instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Facilities, generating stormwater runoff.

137. EPA considers precipitation above 0.1 inches during a 24-hour period a measurable precipitation event. 40 C.F.R. § 122.26(c)(i)(E)(6).

138. Upon information and belief, a measurable precipitation event is sufficient to generate runoff from the Facility.

139. Stormwater runoff from the Facilities is collected, channeled, and conveyed via site grading, slopes, site infrastructure, the operation of gravity, and other conveyances into waters of the United States.

140. Schnitzer has discharged and continues to discharge stormwater associated with industrial activities from the Facilities into waters of the United States.

141. The Attleboro Facility has a SWPPP originally prepared in June 2003 and most recently updated in March 2021. The Attleboro Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

142. The Everett Facility has a SWPPP that was most recently updated in May 2021. Upon information and belief, the Everett Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

143. The Worcester Facility has a SWPPP originally prepared in January 2009 and most recently updated in April 2021. The Worcester Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

144. Schnitzer's operations cause the discharge of pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from the Facilities.

145. At the Attleboro Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from two outfalls: the Lower Main Yard outfall ("LMY") and the Maintenance Yard outfall ("MY1").

146. At the Attleboro Facility, stormwater from the Upper Main Yard area of the facility is collected and piped to the Lower Main Yard area. Schnitzer ultimately discharges effluent from the Upper and Lower Main Yards to the Blackstone River via a drainage ditch.

147. At the Attleboro Facility, the Maintenance Yard outfall discharges to Cranberry Pond.

148. The Attleboro Facility previously discharged pollutants from a third Turner Street Yard outfall ("TSY"). The Turner Street Yard outfall was removed in April 2019.

149. At the Everett Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to the Mystic River.

150. The Everett Facility previously discharged pollutants through Outfall 002, but it has been sealed with a permanent concrete plug and is no longer used.

151. At the Worcester Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – to the Blackstone River at Outfall 001 via a subsurface drainage pipe system.

152. Upon information and belief, the Worcester Facility discharges pollutants to the Blackstone River from Outfall 002.

153. At the Worcester Facility, stormwater from the lower portion of the facility site, including the scrap yard, is discharged through Outfall 001. Stormwater from the upper portion of the site, which includes the office, the truck scale, and scrap dumpsters, is discharged through Outfall 002.

<u>The Waterbodies Affected by the Facilities' Discharges</u>

The Blackstone and Seekonk Rivers

154. The Attleboro Facility discharges pollutants into the Blackstone River at waterbody segment RI0001003R-01B in Rhode Island.

155. Waterbody segment RI0001003R-01B segment was listed as impaired on the 2020 303(d) list for all its designated uses, including impairment to fish and wildlife habitat from metals including iron and lead, as well as from cadmium, mercury, PCBs, enterococcus, and fecal coliform.

156. Waterbody segment RI0001003R-01B was listed as impaired for dissolved oxygen beginning in 1996 and for phosphorus beginning in 2008.

157. Waterbody segment RI0001003R-01B was removed from the impaired waters lists for dissolved oxygen and phosphorus in the 2018-2020 Delisting Document published by the Rhode Island Department of Environmental Management ("RIDEM") in January 2021.

158. The sources of impairment for waterbody segment RI0001003R-01B include urban runoff.

159. In 2013, RIDEM prepared a Total Maximum Daily Load ("TMDL") Analysis for the Blackstone River addressing the cadmium and lead impairments for waterbody segment RI0001003R-01B.

160. The Blackstone River becomes the Seekonk River, waterbody segment RI0007019E-01, at Pawtucket Falls 1.3 miles downstream from the Attleboro Facility. Waterbody segment RI0007019E-01 is listed as impaired on the 2020 303(d) list for fish and wildlife habitat and primary and secondary contact recreation.

161. The Worcester Facility discharges pollutants into the Blackstone River at waterbody segment MA51-03.

162. Waterbody segment MA51-03 was listed as impaired on the 2016 303(d) list for aesthetic use, primary contact recreation, and secondary contact recreation due to debris, odor, oil and grease, scum/foam, trash, turbidity, algae, flocculant masses, phosphorus, dissolved oxygen, lead, non-native aquatic plants, eutrophication, physical substrate habitat alternations, sedimentation/siltation, E. coli, curly-leaf pondweed, fish bioassessments, and flow regime modification.

163. Waterbody segment MA51-03 is impaired for fish, other aquatic life, and wildlife from chronic aquatic toxicity, dissolved oxygen, fish bioassessments, lead, eutrophication indicators, and sedimentation/siltation.

164. The sources of impairment for waterbody segment MA51-03 include unspecified urban stormwater and wet weather discharges (including stormwater discharges).

165. In 2000, MassDEP prepared a Draft Pathogen TMDL for the Blackstone River Watershed, including waterbody segment MA51-03.

166. The Blackstone River in Massachusetts is a Class B waterbody.

167. The Blackstone River in Rhode Island is a Class B1 waterbody.

168. The Seekonk River is a Class SB1 waterbody.

169. The Blackstone River is a navigable water within the meaning of the Clean Water Act.

170. The Blackstone and Seekonk Rivers' designated uses include habitat for fish, other aquatic life, and wildlife, and primary and secondary contact recreation.

171. The Blackstone and Seekonk Rivers have are used for boating, hiking, observing wildlife, and a variety of other aesthetic and recreational uses.

Cranberry Pond

172. The Attleboro Facility discharges pollutants to Cranberry Pond in Attleboro, Massachusetts.

173. Outflow from Cranberry Pond flows into the Blackstone River.

174. Cranberry Pond is a Class B waterbody.

175. Cranberry Pond is a navigable water within the meaning of the Clean Water Act.

The Mystic River

176. The Everett Facility discharges pollutants into the Mystic River at waterbody segment MA71-03.

177. Waterbody segment MA71-03 is impaired on the 2016 303(d) list for all of its designated uses, including aesthetic use and primary and secondary contact recreation for pollutants including odor, oil and grease, scum/foam, flocculant masses, PCBs, ammonia, dissolved oxygen, and petroleum hydrocarbons.

178. Waterbody segment MA71-03 is impaired for fish, other aquatic life, and wildlife from dissolved oxygen, petroleum hydrocarbons, and unknown causes.

179. The sources of impairment for waterbody segment MA71-03 include contaminated

sediments and unknown sources

180. In 2020, the Mystic River Watershed Alternative TMDL Development for Phosphorus Management – Final Report was prepared for and accepted by EPA.

181. The Mystic River is a Class B waterbody.

182. The Mystic River's designated uses include habitat for wildlife and aquatic life, and primary and secondary contact recreational uses.

183. The Mystic River is a navigable water within the meaning of the Clean Water Act.

184. The Mystic River is used for swimming, boating, fishing, water sports, hiking, observing wildlife, and a variety of aesthetic uses and recreational uses.

DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT

Effluent and Water Quality Standards Violations

185. The Facilities have failed, and continue to fail, to use control measures to minimize pollutant discharges.

186. The Facilities have discharged, and continue to discharge, pollutants (including but not limited to discharges of aluminum, copper, iron, lead, zinc, organic materials measured as COD, solids, foam, oil and grease, and other odiferous and discolored pollutants) that have contributed to, and will continue to contribute to, degradation of the Blackstone, Seekonk, and Mystic Rivers and Cranberry Pond, including the violation of state water quality standards.

187. The discharge of pollutants from the Facilities has resulted in unnatural and objectionable odor, color, taste, and/or turbidity in the receiving waters downstream from the Facilities.

188. The discharge of pollutants from the Facilities has resulted in floating, suspended, and settleable solids; scum; benthic deposits; oil and grease; and/or harmful concentrations or combinations of chemical constituents in the receiving waters downstream from the Facilities.

189. The discharge of pollutants from the Worcester Facility has contributed to the

impairments of the Blackstone River at waterbody segment MA51-03 for aesthetic use, primary contact recreation, and secondary contact recreation due to debris, odor, oil and grease, scum/foam, trash, and turbidity.

190. The discharge of pollutants from the Worcester Facility has contributed to the impairments of the Blackstone River at waterbody segment MA51-03 for fish, other aquatic life, and wildlife due to chronic aquatic toxicity, dissolved oxygen, lead, eutrophication indicators, and sediment/siltation.

191. The discharge of pollutants from the Everett Facility has contributed to the impairments of the Mystic River at waterbody segment MA71-03 for aesthetic use, primary and secondary contact recreation due to odor, oil and grease, and scum/foam.

192. The discharge of pollutants from the Everett Facility has contributed to the impairments of the Mystic River at waterbody segment MA71-03 for fish, other aquatic life, and wildlife due to dissolved oxygen, petroleum hydrocarbons, and unknown causes.

193. The discharge of pollutants from the Attleboro Facility has contributed to the impairments of the Blackstone River at waterbody segment RI0001003R-01B for all its designated uses, including impairment to fish and wildlife habitat from metals including iron and lead, as well as from cadmium, mercury, PCBs, enterococcus, and fecal coliform.

194. The discharge of pollutants from the Attleboro Facility has contributed to the impairments of the Seekonk River at waterbody segment RI0007019E-01 for fish and wildlife habitat and primary and secondary contact recreation

195. Upon information and belief, CLF expects that discovery will reveal additional discharges of pollutants causing or contributing to violations of the Massachusetts and Rhode Island state water quality standards.

196. Upon information and belief, CLF expects that discovery will reveal additional violations of the MSGPs.

Pollutant: Aluminum

197. The Facilities' discharges of aluminum contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of state water quality standards for Massachusetts and Rhode Island.

198. Aluminum is toxic to fish and many aquatic animals. It bioaccumulates in certain types of plants and in some fish and invertebrate species.

199. Skin exposure to aluminum may cause rashes. When ingested, aluminum may cause health problems in humans such as bone disease, brain disease, and Alzheimer's disease.

200. The Facilities' quarterly discharge monitoring reports show that they have discharged aluminum every quarter for which monitoring was conducted since the fourth quarter of 2016.

201. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of aluminum.

202. The Attleboro Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter eight times between the fourth quarter of 2016 and the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
203.	Aluminum	12/31/2016	TSY	0.75 mg/L	4.39 mg/L	585%
204.	Aluminum	9/30/2017	MY1	0.75 mg/L	0.989 mg/L	132%
205.	Aluminum	12/31/2017	TSY	0.75 mg/L	1.61 mg/L	215%
206.	Aluminum	3/31/2018	TSY	0.75 mg/L	3.8 mg/L	507%
207.	Aluminum	6/30/2018	MY1	0.75 mg/L	1.24 mg/L	165%
208.	Aluminum	6/30/2018	TSY	0.75 mg/L	0.886 mg/L	118%
209.	Aluminum	9/30/2019	MY1	0.75 mg/L	0.947 mg/L	126%
210.	Aluminum	3/31/2021	MY1	0.75 mg/L	1.07 mg/L	143%

211. The Everett Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value for aluminum of 1,100 micrograms per liter four times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
212.	Aluminum	12/31/2016	001A	0.75 mg/L	7.236 mg/L	965%
213.	Aluminum	12/31/2016	001B	0.75 mg/L	13.95 mg/L	1860%
214.	Aluminum	12/31/2020	001	0.75 mg/L	1.19 mg/L	159%
215.	Aluminum	12/31/2021	001	1,100 μg/L	1,366 μg/L	124%

216. The Worcester Facility discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter in the fourth quarter of 2018, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
217.	Aluminum	12/31/2018	001	0.75 mg/L	0.8642 mg/L	115%

218. Schnitzer's annual average aluminum concentrations at the Attleboro Facility have exceeded the benchmark value of 0.75 milligrams per liter twice since the fourth quarter of 2016.

219. Schnitzer's discharges of aluminum from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average[2]
220.	Aluminum	12/31/2016	TSY	0.75 mg/L	2.04 mg/L
221.	Aluminum	3/31/2017	TSY	0.75 mg/L	2.13 mg/L

[2] Either the four-quarter annual average or the measured value where an exceedance is mathematically certain (i.e., the sum of a quarterly sample results to date is already more than four times the benchmark threshold).

222.	Aluminum	6/30/2017	TSY	0.75 mg/L	1.83 mg/L
223.	Aluminum	9/30/2017	TSY	0.75 mg/L	1.36 mg/L
224.	Aluminum	3/31/2018	TSY	0.75 mg/L	1.48 mg/L
225.	Aluminum	6/30/2018	TSY	0.75 mg/L	1.69 mg/L
226.	Aluminum	9/30/2018	TSY	0.75 mg/L	1.59 mg/L
227.	Aluminum	12/31/2018	TSY	0.75 mg/L	1.24 mg/L

228. Schnitzer's annual average aluminum concentrations at the Everett Facility have exceeded the benchmark value of 0.75 milligrams per liter twice since the fourth quarter of 2016.

229. Schnitzer's discharges of aluminum from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements twice since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
230.	Aluminum	12/31/2016	001A	0.75 mg/L	13.96 mg/L
231.	Aluminum	12/31/2016	001B	0.75 mg/L	7.003 mg/L

Pollutant: Copper

232. The Facilities' discharges of copper contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

233. Copper is toxic to aquatic animals and it bioconcentrates in mollusks.

234. The ingestion of copper can be dangerous for humans. Consuming too much copper may cause liver and kidney damage, increased risk of heart disease, nausea, vomiting, abdominal pain and diarrhea, and even death.

235. Stormwater runoff is a major source of elevated copper levels in river water.

236. The Facilities' quarterly discharge monitoring reports show that they have discharged copper every quarter for which monitoring was conducted since the fourth quarter of 2016.

237. The Facilities have failed, and continue to fail, to use control measures to minimize

discharges of copper.

238. The Attleboro Facility has discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 5.6 micrograms per liter and/or the 2021 MSGP benchmark value for copper of 5.19 micrograms per liter 48 times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
239.	Copper	12/31/2016	LMY	5.6 µg/L	51 µg/L	911%
240.	Copper	12/31/2016	MY1	5.6 µg/L	18 µg/L	321%
241.	Copper	12/31/2016	TSY	5.6 µg/L	239 µg/L	4,268%
242.	Copper	3/31/2017	LMY	5.6 µg/L	22 µg/L	393%
243.	Copper	3/31/2017	MY1	5.6 µg/L	18 µg/L	321%
244.	Copper	3/31/2017	TSY	5.6 µg/L	57 µg/L	1,018%
245.	Copper	6/30/2017	MY1	5.6 µg/L	17 µg/L	304%
246.	Copper	9/30/2017	LMY	5.6 µg/L	233 µg/L	4,161%
247.	Copper	9/30/2017	MY1	5.6 µg/L	66 µg/L	1,179%
248.	Copper	9/30/2017	TSY	5.6 µg/L	87 µg/L	1,554%
249.	Copper	12/31/2017	LMY	5.6 µg/L	84 µg/L	1,500%
250.	Copper	12/31/2017	MY1	5.6 µg/L	10 µg/L	179%
251.	Copper	12/31/2017	TSY	5.6 µg/L	68 µg/L	1,214%
252.	Copper	3/31/2018	LMY	5.6 µg/L	16 µg/L	286%
253.	Copper	3/31/2018	MY1	5.6 µg/L	13 µg/L	232%
254.	Copper	3/31/2018	TSY	5.6 µg/L	328 µg/L	5,857%
255.	Copper	6/30/2018	LMY	5.6 µg/L	197 µg/L	3,518%
256.	Copper	6/30/2018	MY1	5.6 µg/L	57 µg/L	1,018%
257.	Copper	6/30/2018	TSY	5.6 µg/L	66 µg/L	1,179%
258.	Copper	9/30/2018	LMY	5.6 µg/L	20 µg/L	357%
259.	Copper	9/30/2018	MY1	5.6 µg/L	28 µg/L	500%
260.	Copper	9/30/2018	TSY	5.6 µg/L	55 µg/L	982%
261.	Copper	12/31/2018	LMY	5.6 µg/L	22 µg/L	393%
262.	Copper	12/31/2018	MY1	5.6 µg/L	19 µg/L	339%
263.	Copper	12/31/2018	TSY	5.6 µg/L	27 µg/L	482%
264.	Copper	3/31/2019	LMY	5.6 µg/L	73 µg/L	1,304%
265.	Copper	3/31/2019	MY1	5.6 µg/L	7 µg/L	125%
266.	Copper	3/31/2019	TSY	5.6 µg/L	15 µg/L	268%
267.	Copper	6/30/2019	LMY	5.6 µg/L	77 µg/L	1,375%
268.	Copper	6/30/2019	MY1	5.6 µg/L	30 µg/L	536%
269.	Copper	9/30/2019	LMY	5.6 µg/L	19 µg/L	339%
270.	Copper	9/30/2019	MY1	5.6 µg/L	29 µg/L	518%

271.	Copper	12/31/2019	LMY	5.6 µg/L	58 µg/L	1,036%
272.	Copper	12/31/2019	MY1	5.6 µg/L	7 µg/L	125%
273.	Copper	3/31/2020	LMY	5.6 µg/L	27 µg/L	482%
274.	Copper	3/31/2020	MY1	5.6 µg/L	25 µg/L	446%
275.	Copper	6/30/2020	LMY	5.6 µg/L	57 µg/L	1,018%
276.	Copper	6/30/2020	MY1	5.6 µg/L	15 µg/L	268%
277.	Copper	9/30/2020	LMY	5.6 µg/L	11 µg/L	196%
278.	Copper	9/30/2020	MY1	5.6 µg/L	31 µg/L	554%
279.	Copper	12/31/2020	LMY	5.6 µg/L	74 µg/L	1,321%
280.	Copper	12/31/2020	MY1	5.6 µg/L	33 µg/L	589%
281.	Copper	3/31/2021	LMY	5.6 µg/L	27 µg/L	482%
282.	Copper	3/31/2021	MY1	5.6 µg/L	30 µg/L	536%
283.	Copper	9/30/2021	LMY	5.19 µg/L	108 µg/L	2,081%
284.	Copper	9/30/2021	MY1	5.19 µg/L	25 µg/L	482%
285.	Copper	12/31/2021	LMY	5.19 µg/L	18 µg/L	347%
286.	Copper	12/31/2021	MY1	5.19 µg/L	15 µg/L	289%

287. The Everett Facility has discharged concentrations of copper higher than the MSGPs' benchmark value for copper of 4.8 micrograms per liter 14 times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
288.	Copper	12/31/2016	001A	4.8 µg/L	402.9 µg/L	8,394%
289.	Copper	12/31/2016	001B	4.8 µg/L	749 µg/L	15,604%
290.	Copper	3/31/2017	001	4.8 µg/L	9.34 µg/L	195%
291.	Copper	6/30/2018	001	4.8 µg/L	18.91 µg/L	394%
292.	Copper	3/31/2019	001	4.8 µg/L	10.85 µg/L	226%
293.	Copper	9/30/2019	001	4.8 µg/L	< 5 µg/L	< 104%
294.	Copper	12/31/2019	001	4.8 µg/L	<= 5 µg/L	<=104%
295.	Copper	3/31/2020	001	4.8 µg/L	131.9 µg/L	2,748%
296.	Copper	6/30/2020	001	4.8 µg/L	<= 10 µg/L	<=208%
297.	Copper	9/30/2020	001	4.8 µg/L	< 20 µg/L	< 417%
298.	Copper	12/31/2020	001	4.8 µg/L	44.9 µg/L	935%
299.	Copper	3/31/2021	001	4.8 µg/L	8.85 µg/L	184%
300.	Copper	6/30/2021	001	4.8 µg/L	5.9 µg/L	123%
301.	Copper	12/31/2021	001	4.8 µg/L	9.85 µg/L	205%

302. The Worcester Facility discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 12.3 micrograms per liter and/or the 2021 MSGP benchmark

value for copper of 5.19 micrograms per liter 14 times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
303.	Copper	12/31/2016	001	12.3 µg/L	99 µg/L	805%
304.	Copper	6/30/2017	001	12.3 µg/L	74 µg/L	602%
305.	Copper	12/31/2017	001	12.3 µg/L	173.8 µg/L	1,413%
306.	Copper	3/31/2018	001	12.3 µg/L	19.47 µg/L	158%
307.	Copper	9/30/2018	001	12.3 µg/L	307 µg/L	2,496%
308.	Copper	12/31/2018	001	12.3 µg/L	43.82 µg/L	356%
309.	Copper	3/31/2019	001	12.3 µg/L	26.45 µg/L	215%
310.	Copper	12/31/2019	001	12.3 µg/L	19.99 µg/L	163%
311.	Copper	3/31/2020	001	12.3 µg/L	27.89 µg/L	227%
312.	Copper	6/30/2020	001	12.3 µg/L	16 µg/L	130%
313.	Copper	9/30/2020	001	12.3 µg/L	27 µg/L	220%
314.	Copper	12/31/2020	001	12.3 µg/L	13 µg/L	106%
315.	Copper	9/30/2021	001	5.19 µg/L	16.16 µg/L	311%
316.	Copper	12/31/2021	001	5.19 µg/L	8.35 µg/L	161%

317. Schnitzer's annual average copper concentrations at the Attleboro Facility have exceeded the 2015 MSGP benchmark value of 5.6 micrograms per liter and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter 49 times since the fourth quarter of 2016.

318. Schnitzer's discharges of copper from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements 49 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
319.	Copper	12/31/2016	LMY	5.6 µg/L	72.8 µg/L
320.	Copper	12/31/2016	MY1	5.6 µg/L	9.51 µg/L
321.	Copper	12/31/2016	TSY	5.6 µg/L	162 µg/L
322.	Copper	3/31/2017	LMY	5.6 µg/L	78.3 µg/L
323.	Copper	3/31/2017	MY1	5.6 µg/L	14 µg/L
324.	Copper	3/31/2017	TSY	5.6 µg/L	176 µg/L
325.	Copper	6/30/2017	MY1	5.6 µg/L	18.25 µg/L
326.	Copper	6/30/2017	TSY	5.6 µg/L	176 µg/L

327.	Copper	9/30/2017	LMY	5.6 µg/L	136 µg/L
328.	Copper	9/30/2017	MY1	5.6 µg/L	29.8 µg/L
329.	Copper	9/30/2017	TSY	5.6 µg/L	95.8 µg/L
330.	Copper	12/31/2017	LMY	5.6 µg/L	97.5 µg/L
331.	Copper	12/31/2017	MY1	5.6 µg/L	27.8 µg/L
332.	Copper	12/31/2017	TSY	5.6 µg/L	53 µg/L
333.	Copper	3/31/2018	LMY	5.6 µg/L	88.8 µg/L
334.	Copper	3/31/2018	MY1	5.6 µg/L	26.5 µg/L
335.	Copper	3/31/2018	TSY	5.6 µg/L	121 µg/L
336.	Copper	6/30/2018	LMY	5.6 µg/L	132.5 µg/L
337.	Copper	6/30/2018	MY1	5.6 µg/L	36.5 µg/L
338.	Copper	6/30/2018	TSY	5.6 µg/L	137 µg/L
339.	Copper	9/30/2018	LMY	5.6 µg/L	79.2 µg/L
340.	Copper	9/30/2018	MY1	5.6 µg/L	27 µg/L
341.	Copper	9/30/2018	TSY	5.6 µg/L	129 µg/L
342.	Copper	12/31/2018	LMY	5.6 µg/L	63.8 µg/L
343.	Copper	12/31/2018	MY1	5.6 µg/L	29.2 µg/L
344.	Copper	12/31/2018	TSY	5.6 µg/L	119 µg/L
345.	Copper	3/31/2019	LMY	5.6 µg/L	78 µg/L
346.	Copper	3/31/2019	MY1	5.6 µg/L	27.8 µg/L
347.	Copper	3/31/2019	TSY	5.6 µg/L	40.8 µg/L
348.	Copper	6/30/2019	LMY	5.6 µg/L	48 µg/L
349.	Copper	6/30/2019	MY1	5.6 µg/L	21 µg/L
350.	Copper	9/30/2019	LMY	5.6 µg/L	47.8 µg/L
351.	Copper	9/30/2019	MY1	5.6 µg/L	21.2 µg/L
352.	Copper	12/31/2019	LMY	5.6 µg/L	56.8 µg/L
353.	Copper	12/31/2019	MY1	5.6 µg/L	18.2 µg/L
354.	Copper	3/31/2020	LMY	5.6 µg/L	45.2 µg/L
355.	Copper	3/31/2020	MY1	5.6 µg/L	22.8 µg/L
356.	Copper	6/30/2020	LMY	5.6 µg/L	40.2 µg/L
357.	Copper	6/30/2020	MY1	5.6 µg/L	19 µg/L
358.	Copper	9/30/2020	LMY	5.6 µg/L	38.2 µg/L
359.	Copper	9/30/2020	MY1	5.6 µg/L	19.5 µg/L
360.	Copper	12/31/2020	LMY	5.6 µg/L	42.2 µg/L
361.	Copper	12/31/2020	MY1	5.6 µg/L	26 µg/L
362.	Copper	3/31/2021	LMY	5.6 µg/L	42.2 µg/L
363.	Copper	3/31/2021	MY1	5.6 µg/L	27.2 µg/L
364.	Copper	9/30/2021	LMY	5.19 µg/L	108 µg/L
365.	Copper	9/30/2021	MY1	5.19 µg/L	25 µg/L
366.	Copper	12/31/2021	LMY	5.19 µg/L	126 µg/L
367.	Copper	12/31/2021	MY1	5.19 µg/L	40 µg/L

368. Schnitzer’s annual average copper concentrations at the Everett Facility have exceeded

the MSGPs' benchmark value of 4.8 micrograms per liter 15 times since the fourth quarter of 2016.

369. Schnitzer's discharges of copper from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements 15 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
370.	Copper	12/31/2016	001A	4.8 µg/L	782 µg/L
371.	Copper	12/31/2016	001B	4.8 µg/L	1,590 µg/L
372.	Copper	6/30/2018	001	4.8 µg/L	6.89 µg/L
373.	Copper	9/30/2018	001	4.8 µg/L	7.45 µg/L
374.	Copper	12/31/2018	001	4.8 µg/L	7.21 µg/L
375.	Copper	3/31/2019	001	4.8 µg/L	9.21 µg/L
376.	Copper	6/30/2019	001	4.8 µg/L	4.98 µg/L
377.	Copper	9/30/2019	001	4.8 µg/L	5.42 µg/L
378.	Copper	12/31/2019	001	4.8 µg/L	5.71 µg/L
379.	Copper	3/31/2020	001	4.8 µg/L	36.0 µg/L
380.	Copper	6/30/2020	001	4.8 µg/L	38.0 µg/L
381.	Copper	9/30/2020	001	4.8 µg/L	41.7 µg/L
382.	Copper	12/31/2020	001	4.8 µg/L	51.7 µg/L
383.	Copper	3/31/2021	001	4.8 µg/L	20.9 µg/L
384.	Copper	6/30/2021	001	4.8 µg/L	19.9 µg/L

385. Schnitzer's annual average copper concentrations at the Worcester Facility have exceeded the 2015 MSGP's benchmark value of 12.3 micrograms per liter and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter 18 times since the fourth quarter of 2016.

386. Schnitzer's discharges of copper from the Worcester Facility have triggered the MSGPs' corrective action and/or AIM requirements 18 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
387.	Copper	12/31/2016	001	12.3 µg/L	25.5 µg/L
388.	Copper	3/31/2017	001	12.3 µg/L	26.8 µg/L

389.	Copper	6/30/2017	001	12.3 µg/L	45.3 µg/L
390.	Copper	12/31/2017	001	12.3 µg/L	88.7 µg/L
391.	Copper	3/31/2018	001	12.3 µg/L	68.8 µg/L
392.	Copper	6/30/2018	001	12.3 µg/L	67.1 µg/L
393.	Copper	9/30/2018	001	12.3 µg/L	125 µg/L
394.	Copper	12/31/2018	001	12.3 µg/L	92.8 µg/L
395.	Copper	3/31/2019	001	12.3 µg/L	94.6 µg/L
396.	Copper	6/30/2019	001	12.3 µg/L	96.9 µg/L
397.	Copper	9/30/2019	001	12.3 µg/L	21 µg/L
398.	Copper	12/31/2019	001	12.3 µg/L	15 µg/L
399.	Copper	3/31/2020	001	12.3 µg/L	15.4 µg/L
400.	Copper	6/30/2020	001	12.3 µg/L	16.8 µg/L
401.	Copper	9/30/2020	001	12.3 µg/L	22.7 µg/L
402.	Copper	12/31/2020	001	12.3 µg/L	21 µg/L
403.	Copper	3/31/2021	001	12.3 µg/L	16.5 µg/L
404.	Copper	12/31/2021	001	5.19 µg/L	24.5 µg/L

Pollutant: Iron

405. The Facilities' discharges of iron contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

406. Iron harms aquatic environments by causing turbidity and suspended solids. Iron solids in the water smother invertebrates, microbes, and eggs; impair the respiration of aquatic animals; and decrease reproduction rates.

407. Iron harms humans both as a substance that is toxic in high amounts and as a nuisance. Iron in drinking water impairs taste, clogs pipes, and causes stains.

408. The Facilities' quarterly discharge monitoring reports show that they have discharged iron every quarter for which monitoring was conducted since the fourth quarter of 2016.

409. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of iron.

410. The Attleboro Facility has discharged concentrations of iron higher than the 2015 MSGP

benchmark value for iron of 1 milligram per liter 18 times between the fourth quarter of 2016 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
411.	Iron	12/31/2016	LMY	1 mg/L	11.2 mg/L	1,120%
412.	Iron	12/31/2016	TSY	1 mg/L	5.68 mg/L	568%
413.	Iron	3/31/2017	TSY	1 mg/L	2.47 mg/L	247%
414.	Iron	9/30/2017	LMY	1 mg/L	1.08 mg/L	108%
415.	Iron	9/30/2017	MY1	1 mg/L	2.42 mg/L	242%
416.	Iron	9/30/2017	TSY	1 mg/L	1.12 mg/L	112%
417.	Iron	12/31/2017	TSY	1 mg/L	2.36 mg/L	236%
418.	Iron	3/31/2018	TSY	1 mg/L	4.62 mg/L	462%
419.	Iron	6/30/2018	MY1	1 mg/L	3.18 mg/L	318%
420.	Iron	6/30/2018	TSY	1 mg/L	1.38 mg/L	138%
421.	Iron	9/30/2018	TSY	1 mg/L	1.12 mg/L	112%
422.	Iron	12/31/2018	MY1	1 mg/L	1.93 mg/L	193%
423.	Iron	3/31/2019	LMY	1 mg/L	1.24 mg/L	124%
424.	Iron	6/30/2019	LMY	1 mg/L	1.64 mg/L	164%
425.	Iron	9/30/2019	LMY	1 mg/L	1.39 mg/L	139%
426.	Iron	9/30/2019	MY1	1 mg/L	1.28 mg/L	128%
427.	Iron	12/31/2019	LMY	1 mg/L	1.07 mg/L	107%
428.	Iron	3/31/2021	MY1	1 mg/L	1.24 mg/L	124%

429. The Everett Facility has discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter six times between the fourth quarter of 2016 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
430.	Iron	12/31/2016	001A	1 mg/L	16.2 mg/L	1,620%
431.	Iron	12/31/2016	001B	1 mg/L	48.8 mg/L	4,880%
432.	Iron	3/31/2017	001	1 mg/L	2.24 mg/L	224%
433.	Iron	3/31/2019	001	1 mg/L	1.28 mg/L	128%
434.	Iron	12/31/2020	001	1 mg/L	2.88 mg/L	288%
435.	Iron	3/31/2021	001	1 mg/L	1.33 mg/L	133%

436. The Worcester Facility discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter 17 times between the fourth quarter of 2016

and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
437.	Iron	12/31/2016	001	1 mg/L	1.7 mg/L	170%
438.	Iron	3/31/2017	001	1 mg/L	2 mg/L	200%
439.	Iron	6/30/2017	001	1 mg/L	3.4 mg/L	340%
440.	Iron	12/31/2017	001	1 mg/L	3.65 mg/L	365%
441.	Iron	3/31/2018	001	1 mg/L	2.69 mg/L	269%
442.	Iron	6/30/2018	001	1 mg/L	1.68 mg/L	168%
443.	Iron	9/30/2018	001	1 mg/L	3.69 mg/L	369%
444.	Iron	12/31/2018	001	1 mg/L	3.38 mg/L	338%
445.	Iron	3/31/2019	001	1 mg/L	6.59 mg/L	659%
446.	Iron	6/30/2019	001	1 mg/L	5.99 mg/L	599%
447.	Iron	9/30/2019	001	1 mg/L	1.55 mg/L	155%
448.	Iron	12/31/2019	001	1 mg/L	2.19 mg/L	219%
449.	Iron	3/31/2020	001	1 mg/L	5.9 mg/L	590%
450.	Iron	6/30/2020	001	1 mg/L	2.51 mg/L	251%
451.	Iron	9/30/2020	001	1 mg/L	4.04 mg/L	404%
452.	Iron	12/31/2020	001	1 mg/L	2.05 mg/L	205%
453.	Iron	3/31/2021	001	1 mg/L	2.77 mg/L	277%

454. Schnitzer's annual average iron concentrations at the Attleboro Facility have exceeded the MSGPs' benchmark value of 1 milligram per liter 22 times since the fourth quarter of 2016.

455. Schnitzer's discharges of iron from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements 22 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
456.	Iron	12/31/2016	LMY	1 mg/L	3.07 mg/L
457.	Iron	12/31/2016	TSY	1 mg/L	2.83 mg/L
458.	Iron	3/31/2017	LMY	1 mg/L	3.19 mg/L
459.	Iron	3/31/2017	TSY	1 mg/L	3.35 mg/L
460.	Iron	6/30/2017	TSY	1 mg/L	3.08 mg/L
461.	Iron	9/30/2017	LMY	1 mg/L	3.38 mg/L
462.	Iron	9/30/2017	TSY	1 mg/L	2.51 mg/L
463.	Iron	12/31/2017	LMY	1 mg/L	3.34 mg/L
464.	Iron	12/31/2017	TSY	1 mg/L	1.68 mg/L

465.	Iron	3/31/2018	TSY	1 mg/L	2.21 mg/L
466.	Iron	6/30/2018	MY1	1 mg/L	1.58 mg/L
467.	Iron	6/30/2018	TSY	1 mg/L	2.37 mg/L
468.	Iron	9/30/2018	MY1	1 mg/L	1.01 mg/L
469.	Iron	9/30/2018	TSY	1 mg/L	2.37 mg/L
470.	Iron	12/31/2018	MY1	1 mg/L	1.45 mg/L
471.	Iron	12/31/2018	TSY	1 mg/L	1.84 mg/L
472.	Iron	3/31/2019	MY1	1 mg/L	1.49 mg/L
473.	Iron	6/30/2019	LMY	1 mg/L	1.07 mg/L
474.	Iron	9/30/2019	LMY	1 mg/L	1.22 mg/L
475.	Iron	9/30/2019	MY1	1 mg/L	1.15 mg/L
476.	Iron	12/31/2019	LMY	1 mg/L	1.33 mg/L
477.	Iron	3/31/2020	LMY	1 mg/L	1.18 mg/L

478. Schnitzer's annual average iron concentrations at the Everett Facility have exceeded the MSGPs' benchmark value of 1 milligram per liter three times since the fourth quarter of 2016.

479. Schnitzer's discharges of iron from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements three times since the fourth quarter of 2016.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
480.	Iron	12/31/2016	001A	1 mg/L	38.1 mg/L
481.	Iron	12/31/2016	001B	1 mg/L	26.3 mg/L
482.	Iron	3/31/2021	001	1 mg/L	1.09 mg/L

483. Schnitzer's annual average iron concentrations at the Worcester Facility have exceeded the MSGPs' benchmark value of 1 milligram per liter 17 times since the fourth quarter of 2016.

484. Schnitzer's discharges of iron from the Worcester Facility have triggered the MSGPs' corrective action and/or AIM requirements 17 times since the fourth quarter of 2016.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
485.	Iron	12/31/2016	001	1 mg/L	2.07 mg/L
486.	Iron	3/31/2017	001	1 mg/L	1.85 mg/L
487.	Iron	6/30/2017	001	1 mg/L	2.1 mg/L
488.	Iron	12/31/2017	001	1 mg/L	2.69 mg/L
489.	Iron	3/31/2018	001	1 mg/L	2.94 mg/L
490.	Iron	6/30/2018	001	1 mg/L	2.85 mg/L

491.	Iron	9/30/2018	001	1 mg/L	2.93 mg/L
492.	Iron	12/31/2018	001	1 mg/L	2.86 mg/L
493.	Iron	3/31/2019	001	1 mg/L	3.83 mg/L
494.	Iron	6/30/2019	001	1 mg/L	4.91 mg/L
495.	Iron	9/30/2019	001	1 mg/L	4.38 mg/L
496.	Iron	12/31/2019	001	1 mg/L	4.08 mg/L
497.	Iron	3/31/2020	001	1 mg/L	3.91 mg/L
498.	Iron	6/30/2020	001	1 mg/L	3.04 mg/L
499.	Iron	9/30/2020	001	1 mg/L	3.66 mg/L
500.	Iron	12/31/2020	001	1 mg/L	3.62 mg/L
501.	Iron	3/31/2021	001	1 mg/L	2.84 mg/L

Pollutant: Lead

502. The Facilities' discharges of lead contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

503. Lead is toxic to humans and animals (including all aquatic organisms), even in very small amounts.

504. Low levels of lead can impair the brain, kidney, heart, blood, lungs, bones, immune system, and reproductive systems. Lead exposure can cause development issues, including decreased cognitive function and decreased birthweight and size. Lead is linked to increased risk of heart disease and cancer.

505. The Facilities' quarterly discharge monitoring reports show that they have discharged lead every quarter for which monitoring was conducted since the fourth quarter of 2016.

506. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of lead.

507. The Attleboro Facility has discharged concentrations of lead higher than the 2015 MSGP benchmark value for lead of 0.023 milligrams per liter eight times between the fourth quarter of 2016 and the second quarter of 2019, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
508.	Lead	12/31/2016	TSY	0.023 mg/L	0.124 mg/L	539%
509.	Lead	9/30/2017	LMY	0.023 mg/L	0.04 mg/L	174%
510.	Lead	9/30/2017	MY1	0.023 mg/L	0.034 mg/L	148%
511.	Lead	9/30/2017	TSY	0.023 mg/L	0.033 mg/L	143%
512.	Lead	12/31/2017	LMY	0.023 mg/L	0.041 mg/L	178%
513.	Lead	3/31/2018	TSY	0.023 mg/L	0.176 mg/L	765%
514.	Lead	6/30/2018	TSY	0.023 mg/L	0.03 mg/L	130%
515.	Lead	6/30/2019	LMY	0.023 mg/L	0.034 mg/L	148%

516. The Everett Facility has discharged concentrations of lead higher than the 2015 MSGP benchmark value for lead of 0.21 milligrams per liter twice in the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
517.	Lead	12/31/2016	001A	0.21 mg/L	0.7525 mg/L	358%
518.	Lead	12/31/2016	001B	0.21 mg/L	1.524 mg/L	726%

519. The Worcester Facility discharged concentrations of lead higher than the 2015 MSGP benchmark value for lead of 0.069 milligrams per liter twice between the second quarter of 2017 and the fourth quarter of 2017.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
520.	Lead	6/30/2017	001	0.069 mg/L	0.072 mg/L	104%
521.	Lead	12/31/2017	001	0.069 mg/L	0.07713 mg/L	112%

522. Schnitzer's annual average lead concentrations at the Attleboro Facility have exceeded the MSGPs' benchmark value of 0.023 milligrams per liter ten times since the fourth quarter of 2016.

523. Schnitzer's discharges of lead from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements ten times since the fourth quarter of 2016, as detailed

in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
524.	Lead	12/31/2016	TSY	0.023 mg/L	0.112 mg/L
525.	Lead	3/31/2017	TSY	0.023 mg/L	0.115 mg/L
526.	Lead	6/30/2017	TSY	0.023 mg/L	0.0945 mg/L
527.	Lead	9/30/2017	TSY	0.023 mg/L	0.0452 mg/L
528.	Lead	12/31/2017	LMY	0.023 mg/L	0.0232 mg/L
529.	Lead	3/31/2018	TSY	0.023 mg/L	0.0532 mg/L
530.	Lead	6/30/2018	LMY	0.023 mg/L	0.025 mg/L
531.	Lead	6/30/2018	TSY	0.023 mg/L	0.0602 mg/L
532.	Lead	9/30/2018	TSY	0.023 mg/L	0.0575 mg/L
533.	Lead	12/31/2018	TSY	0.023 mg/L	0.059 mg/L

534. Schnitzer's annual average lead concentrations at the Everett Facility have exceeded the MSGPs' benchmark value of 0.21 milligrams per liter twice since the fourth quarter of 2016.

535. Schnitzer's discharges of lead from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements twice since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
536.	Lead	12/31/2016	001A	0.21 mg/L	1.46 mg/L
537.	Lead	12/31/2016	001B	0.21 mg/L	0.831 mg/L

538. Schnitzer's annual average lead concentrations at the Worcester Facility have exceeded the 2015 MSGP's benchmark value of 0.069 milligrams per liter twice since the fourth quarter of 2016.

539. Schnitzer's discharges of lead from the Worcester Facility have triggered the MSGP's corrective action and/or AIM requirements twice since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
540.	Lead	12/31/2016	001	0.069 mg/L	4.52 mg/L

541.	Lead	3/31/2017	001	0.069 mg/L	4.52 mg/L

Pollutant: Zinc

542. The Facilities' discharges of zinc contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

543. When ingested, zinc may cause health problems in humans, including brain damage, infertility and developmental issues, pancreatic damage, anemia, nausea, vomiting, and stomach cramps.

544. Zinc is toxic to humans and aquatic organisms in high amounts, and it reacts with chemicals like cadmium to intensify their toxicity. Zinc bioaccumulates in aquatic animals.

545. The Facilities' quarterly discharge monitoring reports show that they have discharged zinc every quarter for which monitoring was conducted since the fourth quarter of 2016.

546. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of zinc.

547. The Attleboro Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.05 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 52 micrograms per liter 43 times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
548.	Zinc	12/31/2016	LMY	0.05 mg/L	0.091 mg/L	182%
549.	Zinc	12/31/2016	MY1	0.05 mg/L	0.117 mg/L	234%
550.	Zinc	12/31/2016	TSY	0.05 mg/L	0.912 mg/L	1,824%
551.	Zinc	3/31/2017	LMY	0.05 mg/L	0.189 mg/L	378%
552.	Zinc	3/31/2017	TSY	0.05 mg/L	0.15 mg/L	300%
553.	Zinc	9/30/2017	LMY	0.05 mg/L	0.142 mg/L	284%
554.	Zinc	9/30/2017	MY1	0.05 mg/L	0.2 mg/L	400%

555.	Zinc	9/30/2017	TSY	0.05 mg/L	0.215 mg/L	430%
556.	Zinc	12/31/2017	LMY	0.05 mg/L	0.204 mg/L	408%
557.	Zinc	12/31/2017	MY1	0.05 mg/L	0.126 mg/L	252%
558.	Zinc	12/31/2017	TSY	0.05 mg/L	0.073 mg/L	146%
559.	Zinc	3/31/2018	LMY	0.05 mg/L	0.132 mg/L	264%
560.	Zinc	3/31/2018	MY1	0.05 mg/L	0.08 mg/L	160%
561.	Zinc	3/31/2018	TSY	0.05 mg/L	0.79 mg/L	1,580%
562.	Zinc	6/30/2018	LMY	0.05 mg/L	0.123 mg/L	246%
563.	Zinc	6/30/2018	MY1	0.05 mg/L	0.053 mg/L	106%
564.	Zinc	6/30/2018	TSY	0.05 mg/L	0.145 mg/L	290%
565.	Zinc	9/30/2018	LMY	0.05 mg/L	0.062 mg/L	124%
566.	Zinc	9/30/2018	MY1	0.05 mg/L	0.058 mg/L	116%
567.	Zinc	9/30/2018	TSY	0.05 mg/L	0.125 mg/L	250%
568.	Zinc	12/31/2018	LMY	0.05 mg/L	0.152 mg/L	304%
569.	Zinc	12/31/2018	MY1	0.05 mg/L	0.063 mg/L	126%
570.	Zinc	12/31/2018	TSY	0.05 mg/L	0.066 mg/L	132%
571.	Zinc	3/31/2019	LMY	0.05 mg/L	0.252 mg/L	504%
572.	Zinc	6/30/2019	LMY	0.05 mg/L	0.165 mg/L	330%
573.	Zinc	6/30/2019	MY1	0.05 mg/L	0.052 mg/L	104%
574.	Zinc	9/30/2019	LMY	0.05 mg/L	0.053 mg/L	106%
575.	Zinc	9/30/2019	MY1	0.05 mg/L	0.072 mg/L	144%
576.	Zinc	12/31/2019	LMY	0.05 mg/L	0.264 mg/L	528%
577.	Zinc	12/31/2019	MY1	0.05 mg/L	0.099 mg/L	198%
578.	Zinc	3/31/2020	LMY	0.05 mg/L	0.08 mg/L	160%
579.	Zinc	3/31/2020	MY1	0.05 mg/L	0.074 mg/L	148%
580.	Zinc	6/30/2020	LMY	0.05 mg/L	0.134 mg/L	268%
581.	Zinc	6/30/2020	MY1	0.05 mg/L	0.059 mg/L	118%
582.	Zinc	9/30/2020	LMY	0.05 mg/L	0.056 mg/L	112%
583.	Zinc	9/30/2020	MY1	0.05 mg/L	0.052 mg/L	104%
584.	Zinc	12/31/2020	LMY	0.05 mg/L	0.137 mg/L	274%
585.	Zinc	12/31/2020	MY1	0.05 mg/L	0.057 mg/L	114%
586.	Zinc	3/31/2021	LMY	0.05 mg/L	0.214 mg/L	428%
587.	Zinc	3/31/2021	MY1	0.05 mg/L	0.057 mg/L	114%
588.	Zinc	9/30/2021	LMY	52 µg/L	160 µg/L	308%
589.	Zinc	9/30/2021	MY1	52 µg/L	66 µg/L	127%
590.	Zinc	12/31/2021	LMY	52 µg/L	274 µg/L	527%

591. The Everett Facility has discharged concentrations of zinc higher than the MSGPs' benchmark value for zinc of 90 micrograms per liter nine times between the fourth quarter of 2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
592.	Zinc	12/31/2016	001A	90 µg/L	3,150 µg/L	3,500%
593.	Zinc	12/31/2016	001B	90 µg/L	7,135 µg/L	7,928%
594.	Zinc	3/31/2017	001	90 µg/L	197.6 µg/L	220%
595.	Zinc	6/30/2019	001	90 µg/L	176.5 µg/L	196%
596.	Zinc	3/31/2020	001	90 µg/L	129.4 µg/L	144%
597.	Zinc	9/30/2020	001	90 µg/L	< 200 µg/L	< 222%
598.	Zinc	12/31/2020	001	90 µg/L	569.5 µg/L	633%
599.	Zinc	6/30/2021	001	90 µg/L	159 µg/L	177%
600.	Zinc	12/31/2021	001	90 µg/L	340.7 µg/L	379%

601. The Worcester Facility discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.11 milligrams per liter seven times between the fourth quarter of 2016 and the third quarter of 2020, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
602.	Zinc	12/31/2016	001	0.11 mg/L	0.12 mg/L	109%
603.	Zinc	9/30/2018	001	0.11 mg/L	0.1448 mg/L	132%
604.	Zinc	12/31/2018	001	0.11 mg/L	0.2984 mg/L	271%
605.	Zinc	3/31/2019	001	0.11 mg/L	0.2086 mg/L	190%
606.	Zinc	3/31/2020	001	0.11 mg/L	0.2281 mg/L	207%
607.	Zinc	6/30/2020	001	0.11 mg/L	0.15 mg/L	136%
608.	Zinc	9/30/2020	001	0.11 mg/L	0.184 mg/L	167%

609. Schnitzer's annual average zinc concentrations at the Attleboro Facility have exceeded the 2015 MSGP's benchmark value of 0.05 and/or the 2021 MSGP benchmark value of 0.052 milligrams per liter 46 times since the fourth quarter of 2016.

610. Schnitzer's discharges of zinc from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements 46 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
611.	Zinc	12/31/2016	LMY	0.05 mg/L	0.107 mg/L

612.	Zinc	12/31/2016	MY1	0.05 mg/L	0.0733 mg/L
613.	Zinc	12/31/2016	TSY	0.05 mg/L	0.543 mg/L
614.	Zinc	3/31/2017	LMY	0.05 mg/L	0.103 mg/L
615.	Zinc	3/31/2017	MY1	0.05 mg/L	0.0625 mg/L
616.	Zinc	3/31/2017	TSY	0.05 mg/L	0.546 mg/L
617.	Zinc	6/30/2017	MY1	0.05 mg/L	0.0638 mg/L
618.	Zinc	6/30/2017	TSY	0.05 mg/L	0.467 mg/L
619.	Zinc	9/30/2017	LMY	0.05 mg/L	0.119 mg/L
620.	Zinc	9/30/2017	MY1	0.05 mg/L	0.0995 mg/L
621.	Zinc	9/30/2017	TSY	0.05 mg/L	0.323 mg/L
622.	Zinc	12/31/2017	LMY	0.05 mg/L	0.157 mg/L
623.	Zinc	12/31/2017	MY1	0.05 mg/L	0.102 mg/L
624.	Zinc	12/31/2017	TSY	0.05 mg/L	0.113 mg/L
625.	Zinc	3/31/2018	LMY	0.05 mg/L	0.167 mg/L
626.	Zinc	3/31/2018	MY1	0.05 mg/L	0.111 mg/L
627.	Zinc	3/31/2018	TSY	0.05 mg/L	0.273 mg/L
628.	Zinc	6/30/2018	LMY	0.05 mg/L	0.15 mg/L
629.	Zinc	6/30/2018	MY1	0.05 mg/L	0.115 mg/L
630.	Zinc	6/30/2018	TSY	0.05 mg/L	0.306 mg/L
631.	Zinc	9/30/2018	LMY	0.05 mg/L	0.13 mg/L
632.	Zinc	9/30/2018	MY1	0.05 mg/L	0.0793 mg/L
633.	Zinc	9/30/2018	TSY	0.05 mg/L	0.283 mg/L
634.	Zinc	12/31/2018	LMY	0.05 mg/L	0.117 mg/L
635.	Zinc	12/31/2018	MY1	0.05 mg/L	0.0635 mg/L
636.	Zinc	12/31/2018	TSY	0.05 mg/L	0.282 mg/L
637.	Zinc	3/31/2019	LMY	0.05 mg/L	0.147 mg/L
638.	Zinc	3/31/2019	MY1	0.05 mg/L	0.0525 mg/L
639.	Zinc	3/31/2019	TSY	0.05 mg/L	0.0958 mg/L
640.	Zinc	6/30/2019	LMY	0.05 mg/L	0.158 mg/L
641.	Zinc	6/30/2019	MY1	0.05 mg/L	0.0522 mg/L
642.	Zinc	9/30/2019	LMY	0.05 mg/L	0.156 mg/L
643.	Zinc	9/30/2019	MY1	0.05 mg/L	0.0557 mg/L
644.	Zinc	12/31/2019	LMY	0.05 mg/L	0.183 mg/L
645.	Zinc	12/31/2019	MY1	0.05 mg/L	0.0648 mg/L
646.	Zinc	3/31/2020	LMY	0.05 mg/L	0.14 mg/L
647.	Zinc	3/31/2020	MY1	0.05 mg/L	0.0742 mg/L
648.	Zinc	6/30/2020	LMY	0.05 mg/L	0.133 mg/L
649.	Zinc	6/30/2020	MY1	0.05 mg/L	0.076 mg/L
650.	Zinc	9/30/2020	LMY	0.05 mg/L	0.134 mg/L
651.	Zinc	9/30/2020	MY1	0.05 mg/L	0.071 mg/L
652.	Zinc	12/31/2020	LMY	0.05 mg/L	0.102 mg/L
653.	Zinc	12/31/2020	MY1	0.05 mg/L	0.0605 mg/L
654.	Zinc	3/31/2021	LMY	0.05 mg/L	0.135 mg/L
655.	Zinc	3/31/2021	MY1	0.05 mg/L	0.0562 mg/L
656.	Zinc	12/31/2021	LMY	52 µg/L	434 µg/L

657. Schnitzer's annual average zinc concentrations at the Everett Facility have exceeded the MSGPs' benchmark value of 90 micrograms per liter seven times since the fourth quarter of 2016.

658. Schnitzer's discharges of zinc from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements seven times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
659.	Zinc	12/31/2016	001A	90 µg/L	14,926.75 µg/L
660.	Zinc	12/31/2016	001B	90 µg/L	3,894.5 µg/L
661.	Zinc	3/31/2020	001	90 µg/L	102.5 µg/L
662.	Zinc	9/30/2020	001	90 µg/L	107.3 µg/L
663.	Zinc	12/31/2020	001	90 µg/L	237.2 µg/L
664.	Zinc	3/31/2021	001	90 µg/L	224 µg/L
665.	Zinc	6/30/2021	001	90 µg/L	251.3 µg/L

666. Schnitzer's annual average zinc concentrations at the Worcester Facility have exceeded the MSGPs' benchmark value of 0.11 milligrams per liter nine times since the fourth quarter of 2016.

667. Schnitzer's discharges of zinc from the Worcester Facility have triggered the MSGPs' corrective action and/or AIM requirements nine times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
668.	Zinc	12/31/2018	001	0.11 mg/L	0.156 mg/L
669.	Zinc	3/31/2019	001	0.11 mg/L	0.187 mg/L
670.	Zinc	6/30/2019	001	0.11 mg/L	0.18 mg/L
671.	Zinc	9/30/2019	001	0.11 mg/L	0.154 mg/L
672.	Zinc	3/31/2020	001	0.11 mg/L	0.111 mg/L
673.	Zinc	6/30/2020	001	0.11 mg/L	0.131 mg/L
674.	Zinc	9/30/2020	001	0.11 mg/L	0.168 mg/L

675.	Zinc	12/31/2020	001	0.11 mg/L	0.158 mg/L
676.	Zinc	3/31/2021	001	0.11 mg/L	0.119 mg/L

Pollutant: Chemical Oxygen Demand ("COD")

677. The Facilities' discharges of COD contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

678. COD is an indicator for the presence of organic pollution. Organic pollution contributes to low dissolved oxygen levels and eutrophication, which can result in harmful algal and cyanobacteria blooms, a proliferation of nuisance and invasive species, discolored water, harmful benthic deposits, and scum.

679. The Facilities' quarterly discharge monitoring reports show that they have discharged COD every quarter for which monitoring was conducted since the fourth quarter of 2016.

680. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of COD.

681. The Attleboro Facility has discharged concentrations of COD higher than the 2015 MSGP benchmark value for COD of 120 milligrams per liter four times between the fourth quarter of 2016 and the first quarter of 2019, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
682.	COD	12/31/2016	TSY	120 mg/L	144 mg/L	120%
683.	COD	9/30/2017	LMY	120 mg/L	512 mg/L	427%
684.	COD	3/31/2018	TSY	120 mg/L	147 mg/L	123%
685.	COD	3/31/2019	LMY	120 mg/L	329 mg/L	274%

686. The Everett Facility has discharged concentrations of COD higher than the MSGPs benchmark value for COD of 120 milligrams per liter 20 times between the fourth quarter of

2016 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
687.	COD	12/31/2016	001A	120 mg/L	370 mg/L	308%
688.	COD	12/31/2016	001B	120 mg/L	690 mg/L	575%
689.	COD	3/31/2017	001	120 mg/L	760 mg/L	633%
690.	COD	6/30/2017	001	120 mg/L	240 mg/L	200%
691.	COD	9/30/2017	001	120 mg/L	630 mg/L	525%
692.	COD	12/31/2017	001	120 mg/L	270 mg/L	225%
693.	COD	3/31/2018	001	120 mg/L	610 mg/L	508%
694.	COD	6/30/2018	001	120 mg/L	700 mg/L	583%
695.	COD	12/31/2018	001	120 mg/L	330 mg/L	275%
696.	COD	3/31/2019	001	120 mg/L	440 mg/L	367%
697.	COD	6/30/2019	001	120 mg/L	280 mg/L	233%
698.	COD	9/30/2019	001	120 mg/L	310 mg/L	258%
699.	COD	12/31/2019	001	120 mg/L	350 mg/L	292%
700.	COD	3/31/2020	001	120 mg/L	580 mg/L	483%
701.	COD	6/30/2020	001	120 mg/L	320 mg/L	267%
702.	COD	9/30/2020	001	120 mg/L	460 mg/L	383%
703.	COD	12/31/2020	001	120 mg/L	160 mg/L	133%
704.	COD	3/31/2021	001	120 mg/L	530 mg/L	442%
705.	COD	6/30/2021	001	120 mg/L	180 mg/L	150%
706.	COD	12/31/2021	001	120 mg/L	460 mg/L	383%

707. The Worcester Facility discharged concentrations of COD higher than the 2015 MSGP benchmark value for zinc of 120 milligrams per liter twice between the second quarter of 2019 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
708.	COD	6/30/2019	001	120 mg/L	130 mg/L	108%
709.	COD	3/31/2021	001	120 mg/L	220 mg/L	183%

710. Schnitzer's annual average COD concentrations at the Attleboro Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter seven times since the fourth quarter of 2016.

711. Schnitzer's discharges of COD from the Attleboro Facility have triggered the MSGPs'

corrective action and/or AIM requirements seven times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
712.	COD	6/30/2017	TSY	120 mg/L	121 mg/L
713.	COD	9/30/2017	LMY	120 mg/L	177 mg/L
714.	COD	12/31/2017	LMY	120 mg/L	188 mg/L
715.	COD	3/31/2018	LMY	120 mg/L	186 mg/L
716.	COD	6/30/2018	LMY	120 mg/L	184 mg/L
717.	COD	3/31/2019	LMY	120 mg/L	120 mg/L
718.	COD	12/31/2019	LMY	120 mg/L	120 mg/L

719. Schnitzer's annual average COD concentrations at the Everett Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter 19 times since the fourth quarter of 2016.

720. Schnitzer's discharges of COD from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements 19 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
721.	COD	12/31/2016	001A	120 mg/L	577.500 mg/L
722.	COD	12/31/2016	001B	120 mg/L	497.5 mg/L
723.	COD	3/31/2017	001	120 mg/L	760 mg/L
724.	COD	6/30/2017	001	120 mg/L	500 mg/L
725.	COD	9/30/2017	001	120 mg/L	543.3 mg/L
726.	COD	12/31/2017	001	120 mg/L	475 mg/L
727.	COD	3/31/2018	001	120 mg/L	437.5 mg/L
728.	COD	6/30/2018	001	120 mg/L	552.5 mg/L
729.	COD	9/30/2018	001	120 mg/L	425 mg/L
730.	COD	12/31/2018	001	120 mg/L	440 mg/L
731.	COD	3/31/2019	001	120 mg/L	397.5 mg/L
732.	COD	6/30/2019	001	120 mg/L	292.5 mg/L
733.	COD	9/30/2019	001	120 mg/L	340 mg/L
734.	COD	12/31/2019	001	120 mg/L	345 mg/L
735.	COD	3/31/2020	001	120 mg/L	380 mg/L
736.	COD	6/30/2020	001	120 mg/L	390.0 mg/L
737.	COD	9/30/2020	001	120 mg/L	427.5 mg/L

738.	COD	12/31/2020	001	120 mg/L	380 mg/L
739.	COD	3/31/2021	001	120 mg/L	367.5 mg/L

Pollutant: Total Suspended Solids ("TSS")

740. The Facilities' discharges of TSS contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation of State water quality standards for Massachusetts and Rhode Island.

741. Elevated levels of TSS increase water turbidity and reduce the light available to desirable aquatic plants. TSS that settle out as bottom deposits can alter or destroy habitat for fish and other bottom-dwelling organisms.

742. The Facilities' quarterly discharge monitoring reports show that they have discharged TSS every quarter for which monitoring was conducted since the fourth quarter of 2016.

743. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of TSS.

744. The Attleboro Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter four times between the fourth quarter of 2016 and the first quarter of 2018, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
745.	TSS	12/31/2016	TSY	100 mg/L	130 mg/L	130%
746.	TSS	6/30/2017	TSY	100 mg/L	184 mg/L	184%
747.	TSS	9/30/2017	MY1	100 mg/L	123 mg/L	123%
748.	TSS	3/31/2018	TSY	100 mg/L	374 mg/L	374%

749. The Everett Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter twice in the fourth quarter of 2016.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
750.	TSS	12/31/2016	001A	100 mg/L	330 mg/L	330%
751.	TSS	12/31/2016	001B	100 mg/L	1400 mg/L	1,400%

752. Schnitzer's annual average TSS concentrations at the Attleboro Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter four times since the fourth quarter of 2016.

753. Schnitzer's discharges of TSS from the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements four times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
754.	TSS	3/31/2018	TSY	100 mg/L	151 mg/L
755.	TSS	6/30/2018	TSY	100 mg/L	108 mg/L
756.	TSS	9/30/2018	TSY	100 mg/L	119 mg/L
757.	TSS	12/31/2018	TSY	100 mg/L	111 mg/L

758. Schnitzer's annual average TSS concentrations at the Everett Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter twice since the fourth quarter of 2016.

759. Schnitzer's discharges of TSS from the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements twice since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
760.	TSS	12/31/2016	001A	100 mg/L	592.5 mg/L
761.	TSS	12/31/2016	001B	100 mg/L	517.25 mg/L

Pollutant: Effluent that Contains Evidence of Stormwater Pollution

762. The Facilities' discharges of effluent that contains evidence of stormwater pollution contribute to the degradation of the Blackstone, Seekonk, and Mystic Rivers, and to the violation

of State water quality standards for Massachusetts and Rhode Island.

763. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of visible and malodorous pollutants.

764. Schnitzer has observed evidence of stormwater pollution in the effluent of the Attleboro Facility at least 18 times since the fourth quarter of 2016.

765. Schnitzer's observations of evidence of stormwater pollution at the Attleboro Facility have triggered the MSGPs' corrective action and/or AIM requirements 18 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Monitoring Period**	**Outfall**	**Description of Issue**
766.	Q4 2016	TSY	"the presence of an [sic] settled solids, and/or cloudiness, odor, oil sheen, and brownish color were reported"
767.	Q4 2016	MY1	"suspended solids, and/or cloudiness, and an odor were reported"
768.	Q4 2016	LMY	"the presence of an odor and/or cloudiness, settled solids, suspended solids, and foam were reported"
769.	Q1 2017	MY1	"the presence of floating and suspended solids or cloudiness was reported"
770.	Q3 2017	MY1	"the presence of floating and suspended solids or cloudiness was reported"
771.	Q4 2017	MY1	"the presence of floating and suspended solids or cloudiness was reported"
772.	Q1 2017	TSY	"A light brown color, cloudiness, floating solids, suspended solids, odor, and/or oil sheen were reported"
773.	Q2 2017	TSY	"A light brown color, cloudiness, floating solids, suspended solids, odor, and/or oil sheen were reported"
774.	Q3 2017	TSY	"A light brown color, cloudiness, floating solids, suspended solids, odor, and/or oil sheen were reported"
775.	Q4 2017	TSY	"A light brown color, cloudiness, floating solids, suspended solids, odor, and/or oil sheen were reported"
776.	2018		"color, cloudiness, floating solids, suspended/settled solids, odor (one event)"
777.	2018		"oil sheen (one event)"
778.	2018	TSY	"During one or more of the quarterly sampling events the stormwater sample collected from the Turner Street Yard was reported to contain color, cloudiness, floating solids, and/or suspended/settled solids."

779.	2019		"cloudiness, floating solids, suspended solids, color, and/or settled solids."
780.	2019	LMY	"the stormwater sample collected from the Lower Main Yard (west treatment unit) was reported to contain color, settled solids, and an odor"
781.	Q1 2019	TSY	"the stormwater sample collected from the Turner Street Yard was reported to contain floating solids and suspended solids"
782.	2020	MY1	"sample collected from the Maintenance Yard was reported to contain cloudiness, floating solids, suspended solids, color, and/or settled solids."
783.	2020	LMY	"During one quarterly sampling event the stormwater sample collected from the Lower Main Yard (west treatment unit) was reported to contain settled solids"

784. Schnitzer has observed evidence of stormwater pollution in the effluent of the Everett Facility at least eight times since 2016.

785. Schnitzer's observations of evidence of stormwater pollution at the Everett Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since 2016, as detailed in the below table.

Par. No.	**Monitoring Period**	**Description of Issue**
786.	2016	"suspended solids and trace floating solids. In addition, the sample[s] were reported to be light brown in color."
787.	2017	"floating solids and settled solids in stormwater collection infrastructure"
788.	3/28/2017	"the sample was reported as very light brown in color with the presence of foam that dissipates quickly."
789.	June 2017	"The foam was also noted during the June 2017 and December 2017 sampling events and similarly noted to dissipate quickly"
790.	December 2017	"The foam was also noted during the June 2017 and December 2017 sampling events and similarly noted to dissipate quickly"
791.	2018	"trace suspended solids"
792.	2019	"a sulfur odor, a musty odor, and a light gray color."
793.	2020	"sulfur odor"

794. Schnitzer has observed evidence of stormwater pollution in the effluent of the Worcester Facility at least five times since 2016.

795. Schnitzer's observations of evidence of stormwater pollution at the Worcester Facility

have triggered the MSGPs' corrective action and/or AIM requirements five times since 2016, as detailed in the below table.

Par. No.	Monitoring Period	Description of Issue
796.	2018	"light brown color, cloudiness (one event)"
797.	2018	"floating solids, (one event)"
798.	2018	"suspended/settled solids (one event)"
799.	2018	"odor (one event)"
800.	2020	"a light yellow color, a light brown color, suspended solids, settled solids, and/or sulfur odor"

Facility Inspections

801. Facility inspections at the Attleboro Facility revealed at least the following three instances where discharges were not adequately controlled:

Par. No.	Monitoring Period	Description of Issue
802.	2016	"need for maintenance of housekeeping best management practices including replacement of haybales, sweeping, removal of floating debris, cleaning of catch basin and drainage basin structures, and realignment of filter system media."
803.	2017	"need for maintenance of housekeeping best management practices including replacement of haybales, increased sweeping, removal of settled solids, cleaning of stormwater structures, replacement of some filter media and clean-up of incidental oil spills from mobile equipment."
804.	2020	"housekeeping conditions such as sweeping, removal of accumulated solids around stormwater structures, haybale replacement, incidental oil spills from mobile equipment, solid waste management and inventory management."

805. Facility inspections at the Everett Facility revealed at least the following two instances where discharges were not adequately controlled:

Par. No.	Monitoring Period	Description of Issue
806.	2017	"occasional deficiencies of housekeeping best management practices included sweeping, oil leaks from operating equipment"
807.	2018	"incidental oil spills on concrete surface from mobile equipment"

808. Facility inspections at the Worcester Facility revealed at least the following four instances where discharges were not adequately controlled:

Par. No.	Monitoring Period	Description of Issue
809.	2016	"accumulated sediment from the site's concrete settling basin forebay structure"
810.	2017	"incidental oil leaks from mobile equipment"
811.	2018	"minor housekeeping deficiencies including sweeping, incidental oil leaks from mobile equipment, waste management, and fluid handling practices"
812.	2020	"housekeeping deficiencies including sweeping, removal of accumulated solids, inlet (haybale) management, solid waste management, outdoor petroleum storage, removal of speedi-dry and leaking equipment."

813. Schnitzer's facility inspections which have revealed instances where discharges were not adequately controlled have triggered the MSGPs' corrective action and/or AIM requirements.

Monitoring and Reporting

814. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Attleboro Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Type of Monitoring and Reporting Requirement
815.	Aluminum	6/30/2017	LMY	Benchmark
816.	COD	6/30/2017	LMY	Benchmark
817.	Copper	6/30/2017	LMY	Benchmark
818.	Iron	6/30/2017	LMY	Benchmark
819.	Lead	6/30/2017	LMY	Benchmark
820.	TSS	6/30/2017	LMY	Benchmark
821.	Zinc	6/30/2017	LMY	Benchmark
822.	Mercury	9/30/2017	LMY	Impaired waters
823.	Mercury	9/30/2017	MY1	Impaired waters
824.	Mercury	9/30/2017	TSY	Impaired waters
825.	Dissolved oxygen	9/30/2017	LMY	Impaired waters
826.	Dissolved oxygen	9/30/2017	MY1	Impaired waters

827.	Dissolved oxygen	9/30/2017	TSY	Impaired waters
828.	Polychlorinated biphenyls (PCBs)	9/30/2017	LMY	Impaired waters
829.	PCBs	9/30/2017	MY1	Impaired waters
830.	PCBs	9/30/2017	TSY	Impaired waters
831.	Fecal coliform	9/30/2018	TSY	Impaired waters
832.	Mercury	9/30/2018	LMY	Impaired waters
833.	Mercury	9/30/2018	MY1	Impaired waters
834.	Mercury	9/30/2018	TSY	Impaired waters
835.	Dissolved oxygen	9/30/2018	LMY	Impaired waters
836.	Dissolved oxygen	9/30/2018	MY1	Impaired waters
837.	Dissolved oxygen	9/30/2018	TSY	Impaired waters
838.	PCBs	9/30/2018	LMY	Impaired waters
839.	PCBs	9/30/2018	MY1	Impaired waters
840.	PCBs	9/30/2018	TSY	Impaired waters
841.	Mercury	9/30/2019	LMY	Impaired waters
842.	Mercury	9/30/2019	MY1	Impaired waters
843.	Dissolved oxygen	9/30/2019	LMY	Impaired waters
844.	Dissolved oxygen	9/30/2019	MY1	Impaired waters
845.	PCBs	9/30/2019	LMY	Impaired waters
846.	PCBs	9/30/2019	MY1	Impaired waters
847.	Mercury	9/30/2020	LMY	Impaired waters
848.	Mercury	9/30/2020	MY1	Impaired waters
849.	Dissolved oxygen	9/30/2020	LMY	Impaired waters
850.	Dissolved oxygen	9/30/2020	MY1	Impaired waters
851.	PCBs	9/30/2020	LMY	Impaired waters
852.	PCBs	9/30/2020	MY1	Impaired waters
853.	Cadmium	12/31/2021	LMY	Impaired waters
854.	Cadmium	12/31/2021	MY1	Impaired waters
855.	Fecal coliform	12/31/2021	LMY	Impaired waters
856.	Fecal coliform	12/31/2021	MY1	Impaired waters
857.	Enterococci	12/31/2021	LMY	Impaired waters
858.	Enterococci	12/31/2021	MY1	Impaired waters
859.	Lead	12/31/2021	LMY	Impaired waters
860.	Lead	12/31/2021	MY1	Impaired waters
861.	Mercury	12/31/2021	LMY	Impaired waters

862.	Mercury	12/31/2021	MY1	Impaired waters
863.	PCBs	12/31/2021	LMY	Impaired waters
864.	PCBs	12/31/2021	MY1	Impaired waters

865. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Everett Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
866.	Aluminum	12/31/2017	001	Impaired waters
867.	Arsenic	12/31/2017	001	Impaired waters
868.	Cadmium	12/31/2017	001	Impaired waters
869.	Chromium	12/31/2017	001	Impaired waters
870.	Copper	12/31/2017	001	Impaired waters
871.	Fecal coliform	12/31/2017	001	Impaired waters
872.	Foaming agents	12/31/2017	001	Impaired waters
873.	Iron	12/31/2017	001	Impaired waters
874.	Lead	12/31/2017	001	Impaired waters
875.	Nickel	12/31/2017	001	Impaired waters
876.	Nitrogen	12/31/2017	001	Impaired waters
877.	Odor	12/31/2017	001	Impaired waters
878.	Oil petroleum	12/31/2017	001	Impaired waters
879.	Dissolved oxygen	12/31/2017	001	Impaired waters
880.	Polychlorinated biphenyls (PCBs)	12/31/2017	001	Impaired waters
881.	Zinc	12/31/2017	001	Impaired waters
882.	Fecal coliform	2/28/2018	001	Impaired waters
883.	Foaming agents	2/28/2018	001	Impaired waters
884.	Odor	2/28/2018	001	Impaired waters
885.	Oil petroleum	2/28/2018	001	Impaired waters
886.	PCBs	2/28/2018	001	Impaired waters
887.	Foaming agents	2/28/2019	001	Impaired waters
888.	Odor	2/28/2019	001	Impaired waters
889.	Oil petroleum	2/28/2019	001	Impaired waters
890.	Dissolved oxygen	2/28/2019	001	Impaired waters
891.	PCBs	2/28/2019	001	Impaired waters
892.	Foaming agents	2/29/2020	001	Impaired waters
893.	Odor	2/29/2020	001	Impaired waters
894.	Oil petroleum	2/29/2020	001	Impaired waters
895.	Dissolved oxygen	2/29/2020	001	Impaired waters
896.	PCBs	2/29/2020	001	Impaired waters
897.	Foaming agents	2/28/2021	001	Impaired waters

898.	Odor	2/28/2021	001	Impaired waters
899.	Oil petroleum	2/28/2021	001	Impaired waters
900.	Dissolved oxygen	2/28/2021	001	Impaired waters
901.	PCBs	2/28/2021	001	Impaired waters
902.	Iron	6/30/2021	001	Benchmark

903. Upon information and belief, Schnitzer has failed to conduct annual impaired waters monitoring at the Everett Facility for flocculant masses and ammonia.

904. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Worcester Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
905.	Aluminum	9/30/2017	001	Benchmark
906.	COD	9/30/2017	001	Benchmark
907.	Copper	9/30/2017	001	Benchmark
908.	Iron	9/30/2017	001	Benchmark
909.	Lead	9/30/2017	001	Benchmark
910.	TSS	9/30/2017	001	Benchmark
911.	Zinc	9/30/2017	001	Benchmark
912.	Lead	9/30/2017	001	Impaired waters
913.	Dissolved oxygen	9/30/2017	001	Impaired waters
914.	TSS	9/30/2017	001	Impaired waters
915.	Dissolved oxygen	9/30/2018	001	Impaired waters
916.	Turbidity	9/30/2018	001	Impaired waters
917.	E. coli	9/30/2019	001	Impaired waters
918.	Dissolved oxygen	9/30/2019	001	Impaired waters
919.	Turbidity	9/30/2019	001	Impaired waters
920.	Aluminum	9/30/2021	002	Benchmark
921.	COD	9/30/2021	002	Benchmark
922.	Copper	9/30/2021	002	Benchmark
923.	Lead	9/30/2021	002	Benchmark
924.	TSS	9/30/2021	002	Benchmark
925.	Zinc	9/30/2021	002	Benchmark
926.	Aluminum	12/31/2021	002	Benchmark
927.	COD	12/31/2021	002	Benchmark
928.	Copper	12/31/2021	002	Benchmark
929.	Lead	12/31/2021	002	Benchmark
930.	TSS	12/31/2021	002	Benchmark
931.	Zinc	12/31/2021	002	Benchmark

932.	E. coli	12/31/2021	001	Impaired waters
933.	Lead	12/31/2021	001	Impaired waters
934.	Dissolved oxygen	12/31/2021	001	Impaired waters
935.	Phosphorus	12/31/2021	001	Impaired waters
936.	TSS	12/31/2021	001	Impaired waters
937.	Turbidity	12/31/2021	001	Impaired waters
938.	Algae	12/31/2021	002	Impaired waters
939.	Floating debris	12/31/2021	002	Impaired waters
940.	E. coli	12/31/2021	002	Impaired waters
941.	Lead	12/31/2021	002	Impaired waters
942.	Odor	12/31/2021	002	Impaired waters
943.	Oil and grease	12/31/2021	002	Impaired waters
944.	Dissolved oxygen	12/31/2021	002	Impaired waters
945.	Phosphorus	12/31/2021	002	Impaired waters
946.	TSS	12/31/2021	002	Impaired waters
947.	Turbidity	12/31/2021	002	Impaired waters

948. Upon information and belief, Schnitzer has failed to conduct annual impaired waters monitoring at the Worcester Facility for debris, odor, oil and grease, scum, foam, trash, algae, and flocculant masses.

949. Where Schnitzer failed to conduct required quarterly benchmark monitoring due to adverse weather conditions, Schnitzer failed to take a substitute sample during the next qualifying storm event as required by the MSGPs.

<u>THE FACILITIES' HARMS TO CLF'S MEMBERS</u>

950. CLF's members use the Blackstone River, the Seekonk River, and the Mystic River for boating, aesthetic enjoyment, and observing wildlife.

951. CLF's members cherish the Blackstone River, the Seekonk River, and the Mystic River as places of natural importance, historical interest, and personal significance.

952. CLF's members enjoy the experience of sharing the recreational and aesthetic values of the Blackstone River, the Seekonk River, and the Mystic River with family and friends.

953. The Facilities' discharges of pollutants into Cranberry Pond and the Blackstone and Mystic Rivers have degraded the health of the rivers and contributed to their impairments in a

way that diminishes the use and enjoyment of the Blackstone and Mystic Rivers by CLF's members.

954. CLF's members are concerned with the health impacts of heavy metal pollution from direct contact with waters downstream from the Facilities.

955. CLF's members worry about the potential health effects of being exposed to heavy metals and other pollutants in the Blackstone, Seekonk, and Mystic Rivers while boating.

956. CLF's members worry about the negative impact of heavy metals and other pollutants on their ability to enjoy observing wildlife on the Blackstone, Seekonk, and Mystic Rivers.

957. CLF's members must avoid swimming and allowing their pets to swim in the segments of the Blackstone, Seekonk, and Mystic Rivers downstream from the Facilities due to their concerns about coming into direct contact with industrial pollutants, like heavy metals, in the water.

958. CLF's members worry about the negative impact of heavy metals and other pollutants on their ability to enjoy observing wildlife on the Blackstone, Seekonk, and Mystic Rivers.

959. The presence of odor, unnatural color, scum, foam, and diminished water clarity adversely affect the aesthetic enjoyment of the Blackstone, Seekonk, and Mystic Rivers by CLF's members.

CLAIMS FOR RELIEF

Count I: Failure to Take Corrective Actions and/or AIMs Following Triggering Events

960. Paragraphs 1 through 959 are incorporated by reference as if fully set forth herein.

961. The MSGPs require Defendants to take corrective action or additional implementation measures (AIMs) when the following triggering events occur: 1) the average of four quarterly sampling results exceeds the applicable benchmark value or when an exceedance of the annual

average is mathematically certain; 2) control measures do not adequately minimize discharges to meet applicable water quality standards; 3) a visual assessment shows evidence of stormwater pollution in the discharge; or 4) a facility inspection reveals that discharges are not adequately controlled.

962. Following a triggering event, Defendants are required to 1) review and revise the Stormwater Pollution Prevention Plan to minimize pollutant discharges; 2) immediately take "all reasonable steps to minimize or prevent the discharge of pollutants until [it] can implement a permanent solution;" and 3) if necessary, take subsequent actions before the next storm event if possible and within 14 calendar days from the time of discovery.

963. The average of four quarterly samplings results exceeded the applicable benchmark values or an exceedance of the annual average was mathematically certain 146 times at the Attleboro Facility, 50 times at the Everett Facility, and 46 times at the Worcester Facility.

964. Upon information and belief, the control measures at the Facilities did not and do not currently adequately minimize discharges to meet applicable water quality standards.

965. Quarterly visual assessments of discharge at the Facilities documented evidence of stormwater pollution 19 times at the Attleboro Facility, eight times at the Everett Facility, and five times at the Worcester Facility.

966. Facility inspections revealed that discharges were not adequately controlled at least three times at the Attleboro Facility, twice at the Everett Facility, and four times at the Worcester Facility.

967. Schnitzer did not take corrective action or AIMs as required by the MSGPs following the triggering events listed in paragraphs 963-966 above.

968. Upon information and belief, following the triggering events listed in paragraphs 963-966

above, Schnitzer did not review and revise the Stormwater Pollution Prevention Plans for the Facilities.

969. Upon information and belief, following the triggering events listed in paragraphs 963-966 above, Schnitzer did not immediately take all reasonable steps to minimize or prevent the discharge of pollutants until it could implement a permanent solution.

970. Upon information and belief, following the triggering events listed in paragraphs 963-966 above, Schnitzer did not take subsequent actions as necessary before the next storm event if possible and within 14 calendar days from the time of discovery.

971. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

972. Each day that Defendants have violated or continue to violate the corrective action and/or AIM requirements is a separate and distinct violation of the MSGPs and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Count II: Failure to Use Control Measures to Minimize Pollutant Discharges

973. Paragraphs 1 through 959 are incorporated by reference as if fully set forth herein.

974. The MSGPs require that Schnitzer select, design, install, and implement control measures "to minimize pollutant discharges."

975. Schnitzer has failed and continues to fail to select, design, install, and implement control measures to minimize pollutant discharges.

976. Upon information and belief, Schnitzer has failed to comply with the pollutant control measures required in Section 2.1 of the MSGPs, including but not limited to provisions related to minimizing exposure, good housekeeping measures, maintenance of control measures, leaks and

spills, control of sediment discharge, and dust generation.

977. Schnitzer has discharged pollutants in excess of the benchmark values in the MSGPs at least 133 times from the Attleboro Facility, 57 times from the Everett Facility, and 43 times from the Worcester Facility.

978. Each day that Defendants have violated or continue to violate the MSGPs' requirement to use control measures to minimize pollutant discharges is a separate and distinct violation of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and 40 C.F.R. Part 451.

Count III: Unlawful Discharges Causing Violation of Water Quality Standards

979. Paragraphs 1 through 959 are incorporated by reference as if fully set forth herein.

980. The MSGPs require that Defendants control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states."

981. The Everett and Worcester Facilities discharge into Massachusetts waterbodies, and the Attleboro Facility discharges into both Rhode Island and Massachusetts waterbodies.

982. Schnitzer's discharges from the Attleboro, Everett, and Worcester Facilities are required to comply with Massachusetts state water quality standards.

983. Schnitzer's discharges from the Attleboro Facility are also required to comply with Rhode Island state water quality standards.

984. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(a), pertaining to solids, nuisances, aesthetic criteria, and undesirable or nuisance species.

985. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(b), pertaining to bottom deposits, fish and shellfish propagation, and benthic communities.

986. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(e), pertaining to toxic concentrations or combinations of pollutants.

987. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.04(1), pertaining to the protection of existing uses.

988. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(3)(b)(5), (6), and (8) pertaining to water quality criteria for Class B waters, including for solids, aesthetic criteria, and benthic biota.

989. The Facilities have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(3)(b)(7), pertaining to water quality criteria for Class B waters relating to oil, grease, and petrochemicals.

990. The Facilities have caused or contributed to violations of Rhode Island state water quality standards contained in 250-RICR-150-05-1.10.B.1, pertaining to fish, wildlife, and human health.

991. The Facilities have caused or contributed to violations of Rhode Island state water quality standards contained in 250-RICR-150-05-1.10.B.2, pertaining to deposits, floating material, aesthetic criteria, and nuisance species.

992. The Facilities have caused or contributed to violations of Rhode Island state water quality standards contained in 250-RICR-150-05-1.10.D, pertaining to Class-specific criteria for Class B1 waters.

993. The Facilities have caused or contributed to violations of Rhode Island state water quality standards contained in 250-RICR-150-05-1.10.E, pertaining to Class-specific criteria for Class SB1 waters.

994. Every state surface water quality standard violation constitutes a separate and distinct violation of the MSGPs and the Clean Water Act.

995. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the MSGPs' prohibition against causing the State water quality standards violations, including violations of each of the above-enumerated State water quality standards, unless and until enjoined from doing so.

996. Each day, and for each pollutant parameter and each State water quality standard that Defendants have violated or continue to violate, constitutes a separate and distinct violation of the MSGPs and of Section 301(a) of the Clean Water Act, 33 U.S.C. §§ 1311(a).

Count IV: Failure to Comply with Monitoring and Reporting Requirements

997. Paragraphs 1 through 959 are incorporated by reference as if fully set forth herein.

998. The MSGPs require Schnitzer to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, COD, and TSS.

999. In the event that adverse weather conditions prevent the collection of a required quarterly stormwater sample, the MSGPs require Schnitzer "to take a substitute sample during the next qualifying storm event."

1000. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Attleboro Facility for cadmium, fecal coliform, enterococci, lead, mercury, dissolved oxygen, and polychlorinated biphenyls ("PCBs").

1001. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Everett Facility for aluminum, arsenic, cadmium, chromium, copper, fecal coliform, foaming agents, iron, lead, nickel, nitrogen, odor, oil/petroleum, dissolved oxygen, PCBs, and zinc.

1002. Schnitzer is required to conduct impaired waters monitoring for its discharges from the

Worcester Facility for E. coli, lead, dissolved oxygen, phosphorus, TSS, and turbidity.

1003. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Attleboro Facility at least 7 times since the fourth quarter of 2016.

1004. Schnitzer has failed to conduct required annual impaired waters monitoring at the Attleboro Facility at least 43 times since the fourth quarter of 2016.

1005. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Everett Facility at least once since the fourth quarter of 2016.

1006. Schnitzer has failed to conduct required annual impaired waters monitoring at the Everett Facility at least 36 times since the fourth quarter of 2016.

1007. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Worcester Facility at least 19 times since the fourth quarter of 2016.

1008. Schnitzer has failed to conduct required annual impaired waters monitoring at the Worcester Facility at least 24 times since the fourth quarter of 2016.

1009. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

1010. Each day that Defendants have violated or continue to violate the monitoring and reporting requirements of the MSGPs is a separate and distinct violation of the Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

a. Issue a declaratory judgment, pursuant to 28 U.S.C. § 2201, that Defendants have violated and remain in violation of the Permit, Section 301(a) of the Clean Water Act, 33

U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, III, IV, and V of this Complaint;

b. Enjoin Defendants from violating the requirements of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), applicable Clean Water Act regulations, and state water quality standards;

c. Impose civil penalties on Defendants as provided under Sections 505(a) and 309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 40 C.F.R. § 19.4;

d. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and

e. Grant such other relief as this Court may deem appropriate.

Dated: February 22, 2022

/s/______________________
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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

CONSERVATION LAW FOUNDATION, INC. Plaintiff, v. SCHNITZER STEEL INDUSTRIES, INC.; PROLERIZED NEW ENGLAND, LLC; JOINT VENTURE OPERATIONS, INC.; PROLERIDE TRANSPORT SYSTEMS, INC.; and MAINE METAL RECYCLING, INC., Defendants	Case No. **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES**

INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA,"), 33 U.S.C. § 1365(a), to address Clean Water Act violations at three scrap metal facilities: (1) Schnitzer Northeast Poplar Avenue Facility, located at 14 Poplar Avenue in Concord, New Hampshire 03301 (the "Concord-Poplar Facility"); (2) Schnitzer Northeast Sandquist Street Facility, located at 25 Sandquist Street in Concord, New Hampshire 03301 (the "Concord-Sandquist Facility"); and (3) Schnitzer Northeast Allard Drive Facility, located at 200 Allard Drive in Manchester, New Hampshire 03103 (the "Manchester Facility") (collectively, the "Facilities").

2. The Facilities are owned and operated by Schnitzer Steel Industries, Inc. and/or its subsidiaries Prolerized New England, LLC doing business as Schnitzer Northeast; Joint Venture Operations, Inc.; Proleride Transport Systems, Inc.; Maine Metal Recycling, Inc., their agents, and directors (collectively, "Schnitzer" or "Defendants"). Schnitzer is discharging pollutants

including heavy metals from these three facilities into receiving waters that include the Merrimack River. Schnitzer's discharges have been subject to the 2015 and 2021 Multi-Sector General Permits for Stormwater Discharges Associated with Industrial Activity (the "2015 MSGP" and the "2021 MSGP," collectively, the "MSGPs"). Schnitzer has discharged, and continues to discharge, stormwater associated with its industrial activities into waters of the United States in violation of the MSGPs by: (1) failing to take required corrective actions; (2) failing to follow required procedures for minimizing pollutant discharges; (3) contributing to the receiving waters' failure to meet water quality standards and their impairments; and (4) failing to comply with monitoring and reporting requirements.

3. Conservation Law Foundation ("CLF") seeks declaratory judgment, injunctive relief, and other relief with respect to the Facilities' violations of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

JURISDICTION AND VENUE

4. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

5. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

6. On December 20, 2021, Plaintiff notified Schnitzer and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the corresponding regulations located at 40 C.F.R. § 135.2. A true and accurate copy of Plaintiff's

Notice Letter ("Notice Letter") is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

7. Each Defendant received the Notice Letter. A copy of each return receipt is attached as Exhibit 2.

8. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency ("EPA"), the Acting Regional Administrator of EPA Region 1, the Citizen Suit Coordinator, and the New Hampshire Department of Environmental Services ("NH DES").

9. Each of the addressees identified in the preceding paragraph received the Notice Letter. A copy of each return receipt is attached as Exhibit 3.

10. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither EPA nor the State of New Hampshire has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

11. The Clean Water Act violations alleged in the Notice Letter are of a continuing nature, ongoing, or reasonably likely to re-occur. The Defendants remain in violation of the Clean Water Act.

12. Venue is proper in the United States District Court for the District of New Hampshire pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

PARTIES

Plaintiff

13. Plaintiff, Conservation Law Foundation ("CLF"), is a nonprofit, member-supported, regional environmental advocacy organization dedicated to protecting New England's environment.

14. CLF has a long history of working to protect the health of New England's water resources, including addressing sources of industrial stormwater pollution.

15. CLF has over 6,300 members, including over 750 members in New Hampshire. CLF's members use and enjoy the waters of New Hampshire, including the Merrimack River, for drinking water and for recreational and aesthetic purposes, including but not limited to boating, swimming, fishing, and observing wildlife. CLF's members use and enjoy the South End Marsh Wetland Complex for recreational and aesthetic purposes, including birdwatching.

16. CLF's members include individuals who live and spend time near the Merrimack River and the South End Marsh Wetland Complex. CLF's members have used and enjoyed the Merrimack River and the South End Marsh Wetland Complex downstream from Defendants' facilities for recreational purposes, including swimming, rowing, kayaking, birdwatching, and observing wildlife; as well as for aesthetic purposes.

17. CLF's members include individuals who live in the Merrimack River Watershed and currently source their drinking water from the Merrimack River.

18. CLF's members include individuals who have been and continue to be directly and adversely affected by the degradation of water quality in the Merrimack River and the South End Marsh Wetland Complex.

19. CLF's members are harmed by stormwater discharge of aluminum, copper, iron, lead, zinc, total suspended solids, and other pollutants to the Merrimack River and the South End Marsh Wetland Complex from Defendants' facilities. Schnitzer's stormwater discharge impairs the recreational and aesthetic uses of the Merrimack River and the South End Marsh Wetland Complex by harming fish, birds, and other wildlife, contributing to unpleasant scum, foam, and/or odor, increasing toxic pollution, and reducing the enjoyment of CLF's members.

Defendants

20. Defendant Schnitzer Steel Industries, Inc. ("Schnitzer Steel") is a corporation incorporated under the laws of Oregon.

21. Defendant Schnitzer Steel is the parent company of Prolerized New England, LLC doing business as Schnitzer Northeast ("Prolerized"); Joint Venture Operations, Inc. ("Joint Venture"); Proleride Transport Systems, Inc. ("Proleride"); and Maine Metal Recycling, Inc. ("Maine Metal").

22. Defendant Schnitzer Steel has control over its subsidiaries Prolerized, Joint Venture, Proleride, and Maine Metal.

23. Defendant Schnitzer Steel is liable for the Clean Water Act violations of Prolerized, Joint Venture, Proleride, and Maine Metal.

24. Prolerized is a corporation incorporated under the laws of Delaware.

25. Joint Venture is a corporation incorporated under the laws of Delaware.

26. Proleride is a corporation incorporated under the laws of Delaware.

27. Maine Metal is a corporation incorporated under the laws of Maine.

28. Schnitzer Steel, its subsidiary Prolerized, and Prolerized's managers (Joint Venture, Proleride, and Maine Metal) own and/or operate the Facilities and have owned and/or operated them since at least 2016.

29. Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal are responsible for ensuring that the Facilities operate in compliance with the Clean Water Act.

30. Defendants Schnitzer Steel Industries, Inc.; Prolerized New England, LLC; Joint Venture Operations, Inc.; Proleride Transport Systems, Inc.; and Maine Metal Recycling, Inc. are all persons as defined by Section 502(5) of the Clean Water Act, 33 U.S.C. 1362(5).

STATUTORY AND REGULATORY BACKGROUND

The Clean Water Act and the MSGP

31. The objective of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a) (1972).

32. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System ("NPDES") permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

33. Under the Clean Water Act's implementing regulations, the "discharge of a pollutant" is defined as "[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).

34. A "pollutant" is any "solid waste," "chemical wastes, biological materials," "wrecked or discarded equipment, rock, sand," and "industrial . . . waste" discharged into water. 33 U.S.C. § 1362(6).

35. The Clean Water Act defines navigable waters as "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7). "Waters of the United States" are defined by EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 122.2.

36. "Point source" is defined broadly to include, "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

37. Section 402 of the CWA requires that NPDES permits be issued for stormwater discharges associated with industrial activities. 33 U.S.C. §§ 1342(a)(1), 1342(p)(2), 1342(p)(3)(A), 1342(p)(4), 1342(p)(6).

38. In establishing the regulations at 40 C.F.R. § 122.26, EPA cited abundant data showing

the harmful effects of stormwater runoff on rivers, streams, and coastal areas across the nation. In particular, EPA found that runoff from industrial facilities contained elevated pollution levels. 55 Fed. Reg. 47990, 47991 (Nov. 16, 1990).

39. In September 1995, EPA issued a NPDES Storm Water Multi-Sector General Permit for Industrial Activities. EPA re-issued the MSGP on October 30, 2000, 65 Fed. Reg. 64746; on September 29, 2008, 73 Fed. Reg. 56572; on June 4, 2015 (the "2015 MSGP"), 80 Fed. Reg. 34403; and on September 29, 2021 (the "2021 MSGP"), 86 Fed. Reg. 10269.

40. The MSGP is issued by EPA pursuant to Sections 402(a) and 402(p) of the CWA and regulates stormwater discharges from industrial facilities. 33 U.S.C. §§ 1342(a), 1342(p).

41. In order to discharge stormwater lawfully, industrial dischargers must obtain coverage under the MSGP and comply with its terms.

42. Industrial dischargers must develop and implement a Stormwater Pollution Prevention Plan ("SWPPP") that identifies sources of pollutants associated with industrial discharges from the facility and identifies effective best management practices to control pollutants in stormwater discharges in a manner that achieves the substantive requirements of the permit.

43. The MSGPs incorporate state water quality standards for all affected states. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

44. The MSGPs require permittees to control stormwater discharges and to modify their control measures "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP §§ 2.1 at 14, 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

<u>New Hampshire's Surface Water Quality Regulations</u>

45. New Hampshire's state surface water quality standards address the chemical, physical, and biological integrity of surface waters; the protection and propagation of fish, shellfish, and

wildlife; and recreation. N.H. CODE ADMIN. R. ANN. Env-Wq §§ 1703.01(b), (c); 1703.19 (2022).

46. New Hampshire's state surface water quality standards address substances that settle as harmful deposits; float as foam, debris, or scum; produce unnatural and unsuitable odor, color, taste, or turbidity; or interfere with recreation. *Id.* at § 1703.03(c)(1).

47. New Hampshire state water quality standards contain specific provisions pertaining to dissolved oxygen. *Id.* at § 1703.07.

48. New Hampshire state water quality standards require that Class B waters "shall contain no benthic deposits that have a detrimental impact on the benthic community, unless naturally occurring." *Id.* § 1703.08(b).

49. New Hampshire state water quality standards require that Class B waters "shall contain no oil or grease in such concentrations that would impair any existing or designated uses." *Id.* § 1703.09(b).

50. New Hampshire state water quality standards do not allow Class B waters to contain color in such concentrations that would impair any existing or designated uses, unless naturally occurring. *Id.* § 1703.10(b).

51. New Hampshire state water quality standards require that Class B waters "shall contain no slicks, odors, or surface floating solids that would impair any existing or designated use, unless naturally occurring." § 1703.12(b).

52. New Hampshire state water quality standards require that "all surface waters shall be free from toxic substances or chemical constituents in concentrations or combinations that:

(1) Injure or are inimical to plants, animals, humans or aquatic life; or

(2) Persist in the environment or accumulate in aquatic organisms to levels that result in harmful concentrations in:

a. Edible portions of fish, shellfish, other aquatic life, or

b. Wildlife that might consume aquatic life.

Id. § 1703.21(a).

Citizen Enforcement Suits Under the Clean Water Act

53. The Clean Water Act authorizes citizen enforcement actions against any "person" who is alleged to be in violation of an "effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation." 33 U.S.C. § 1365(a)(1).

54. An "effluent limitation" is "any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance." *See id.* 1362(11).

55. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(f).

56. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

FACTUAL BACKGROUND

The Facilities' MSGPs

57. The Facilities discharge stormwater associated with industrial activity.

58. Schnitzer's activities at the Facilities include activities which are classified by the MSGPs as subsector N1: Scrap Recycling and Waste Recycling Facilities. 2015 MSGP § 8.N.6 at 129; 2021 MSGP § 8.N.6 at 163.

59. Schnitzer's activities at the Facilities include the receiving, processing, and distribution of non-source separated, nonliquid recyclable wastes, including ferrous and nonferrous metals, per § 8.N.3.1 of the MSGPs. 2015 MSGP at 125; 2021 MSGP at 158.

60. Schnitzer's activities at the Concord-Poplar Facility include activities which are classified by the MSGPs as sector P: Land Transportation and Warehousing. 2015 MSGP § 8.P.1 at 135; 2021 MSGP § 8.P.1 at 169.

61. Schnitzer was required to comply with the requirements of the 2015 MSGP from at least January 1, 2016 until July 1, 2021.

62. Schnitzer submitted its Notices of Intent for Stormwater Discharges Associated with Industrial Activity Under the [2021] NPDES Multi-Sector General Permit for the Facilities on May 28, 2021.

63. Schnitzer is required to comply with the requirements of the 2021 MSGP and has been required to comply with the requirements of the 2021 MSGP since July 1, 2021.

Schnitzer's Pollutant Control Requirements Under the MSGP

64. The MSGPs require Schnitzer to "select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges [and] that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, . . . and meet the water quality-based effluent limitations in Part 2.2." 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

65. The MSGPs require Schnitzer to "minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings." 2015

MSGP § 2.1.2.1 at 15; 2021 MSGP § 2.1.2.1 at 20.

66. The MSGPs require Schnitzer to "keep clean all exposed areas that are potential sources of pollutants" and "perform good housekeeping measures in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.2 at 15-16; 2021 MSGP 2.1.2.2 at 20-21.

67. The MSGPs require Schnitzer to "[s]weep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water." *Id.*

68. The MSGPs require Schnitzer to "[m]inimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged." 2015 MSGP § 2.1.2.2 at 16; 2021 MSGP 2.1.2.2 at 21.

69. The MSGPs require Schnitzer to "maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.3 at 16-17; 2021 MSGP 2.1.2.3 at 21-22.

70. The MSGPs require Schnitzer to "perform[] inspections and preventative maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in discharges of pollutants via stormwater." *Id.*

71. The MSGPs require Schnitzer to "clean[] catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth . . . and keep[] the debris surface at least six inches below the lowest outlet pipe." *Id.*

72. The MSGPs require that if Schnitzer "find[s] that [its] control measures need routine maintenance, [it] must conduct the necessary maintenance immediately in order to minimize pollutant discharges." *Id.* If Schnitzer "find[s] that [its] control measures need to be repaired or

replaced, [it] must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented." *Id.*

73. The MSGPs require Schnitzer to "minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. [It] must conduct spill prevention and response measures," including measures listed in § 2.1.2.4 of the MSGPs. 2015 MSGP § 2.1.2.4 at 17; 2021 MSGP 2.1.2.4 at 22-23.

74. The MSGPs require Schnitzer to minimize erosion and discharge of sediment. 2015 MSGP § 2.1.2.5 at 17-18; 2021 MSGP 2.1.2.5 at 23.

75. The MSGPs require Schnitzer to "divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in [its] discharges." 2015 MSGP § 2.1.2.6 at 18; 2021 MSGP 2.1.2.6 at 23.

76. The MSGPs require Schnitzer to "evaluate for the presence of non-stormwater discharges. . . If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately." 2015 MSGP § 2.1.2.9 at 19; 2021 § 2.1.2.9 at 24.

77. The MSGPs require Schnitzer to "minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater." 2015 MSGP § 2.1.2.10 at 19; 2021 MSGP 2.1.2.10 at 24.

78. Schnitzer is required to conduct routine facility inspections "of areas of the facility covered by the requirements in the [MSGPs]" at least quarterly. 2015 MSGP § 3.1 at 22-24; 2021 MSGP § 3.1 at 27-29.

79. The MSGPs require that "[d]uring an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly." *Id.*

Schnitzer's Sector-Specific Pollutant Control Requirements Under the MSGPs

80. The MSGPs require Schnitzer to minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures. 2015 MSGP § 8.N.3.1.1 at 125; 2021 MSGP § 8.N.3.1.1 at 158.

81. The MSGPs require Schnitzer to minimize contact of stormwater and/or stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures. 2015 MSGP § 8.N.3.1.2 at 126; 2021 MSGP § 8.N.3.1.2 at 159.

82. The MSGPs require Schnitzer to minimize contact of stormwater and/or surface runoff with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. 2015 MSGP § 8.N.3.1.3 at 126; 2021 MSGP § 8.N.3.1.3 at 159.

83. The MSGPs require Schnitzer to minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with stormwater and/or surface runoff through implementation of control measures. 2015 MSGP § 8.N.3.1.4 at 126; 2021 MSGP § 8.N.3.1.4 at 159.

84. The MSGPs require Schnitzer to minimize the contact of stormwater and/or surface runoff with scrap processing equipment and accumulated particulate matter and residual fluids.

2015 MSGP § 8.N.3.1.5 at 126; 2021 MSGP § 8.N.3.1.5 at 159.

85. The MSGPs require Schnitzer to implement control measures to "minimize discharges of pollutants in stormwater from scrap and recyclable waste processing areas." *Id*.

86. The MSGPs require Schnitzer to "minimize the discharge of pollutants in stormwater from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures." 2015 MSGP § 8.N.3.1.6 at 127; 2021 MSGP § 8.N.3.1.6 at 160.

87. The MSGPs require Schnitzer to minimize contamination of stormwater and/or stormwater runoff from fueling areas through implementation of control measures at the Concord-Poplar Facility. 2015 MSGP § 8.P.3.1.2 at 135; 2021 MSGP § 8.P.3.1.2 at 169.

88. The MSGPs require Schnitzer to "[m]aintain all material storage vessels. . . to prevent contamination of stormwater" and "minimize discharges of pollutants in stormwater from material storage areas" by "implement[ing] control measures" at the Concord-Poplar Facility. 2015 MSGP § 8.P.3.1.3 at 135; 2021 MSGP § 8.P.3.1.3 at 169.

Schnitzer's Monitoring and Reporting Requirements Under the MSGPs

89. The MSGPs require Schnitzer "to collect and analyze stormwater samples" during "a storm event that results in an actual discharge from [the] site" "at least once in each of the following 3-month intervals: January 1—March 31; April 1—June 30; July 1—September 30; October 1—December 31." 2015 MSGP § 6, 6.1.3, 6.1.7 at 39-40; 2021 MSGP § 4, 4.1.3, 4.1.7 at 31-33.

90. Schnitzer is required to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, chemical oxygen demand ("COD"), and total suspended solids ("TSS"). 2015 MSGP § 6.2 at 40-41, § 8.N.6 at 129-130; 2021 MSGP § 4.2 at 33-35, § 8.N.7 at 163-164.

91. "When adverse weather conditions [such as flooding, high winds, electrical storms, or

extended frozen conditions] prevent the collection of stormwater discharge samples according to the relevant [benchmark or impaired waters] monitoring schedule, [Schnitzer] must take a substitute sample during the next qualifying storm event." 2015 MSGP § 6.1.5 at 39-40; 2021 MSGP § 4.1.5 at 33.

92. Once each quarter for the entire MSGP term, Schnitzer must collect a stormwater sample from each outfall and conduct a visual assessment of each of these samples. 2015 MSGP § 3.2.1 at 24; 2021 MSGP § 3.2.1 at 29. Schnitzer "must visually inspect or observe the sample for the following water quality characteristics: color; odor; clarity (diminished); floating solids; settled solids; suspended solids; foam; oil sheen; and other obvious indicators of stormwater pollution." *Id.*; 2021 MSGP § 3.2.2.4 at 29-30.

93. "When adverse weather conditions prevent the collection of stormwater discharge sample(s) during the quarter [for visual assessment], Schnitzer must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with [Schnitzer's] SWPPP records." 2015 MSGP § 3.2.3 at 25; 2021 MSGP § 3.2.4.1 at 30.

94. The Facilities are "considered to discharge to an impaired water if the first water of the U.S. to which [it] discharges is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard . . ." 2015 MSGP § 6.2.4 at 45; 2021 MSGP § 4.2.5 at 42.

95. The 2015 MSGP requires Schnitzer to "monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists . . . once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA-approved or established TMDL [Total Maximum Daily Load]." The MSGPs identify such

monitoring as "impaired waters monitoring." 2015 MSGP § 6.2.4.1 at 45.

96. The 2021 MSGP requires Schnitzer to conduct impaired waters monitoring "annually in the first year of permit coverages and again in the fourth year of permit coverage. . . unless [it] detect[s] a pollutant causing an impairment, in which case annual monitoring must continue." 2021 MSGP § 4.2.5.1 at 42.

97. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Concord-Poplar and Concord-Sandquist Facilities for pH, aluminum, dissolved oxygen, and/or mercury.

98. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Manchester Facility for aluminum, pH, phosphorus, mercury, and/or E. coli.

99. Schnitzer is required to report its monitoring data to EPA using EPA's electronic NetDMR tool. 2015 MSGP § 6.1.9 at 40; 2021 MSGP § 4.1.9 at 33.

Schnitzer's Required Corrective Action and Additional Implementation Measures Under the MSGPs

100. The MSGPs require Schnitzer to take corrective action or Additional Implementation Measures ("AIMs") when the following triggering events occur: 1) "the average of four quarterly sampling results exceeds an applicable benchmark" or, if less than four benchmark samples have been taken, "an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level)," 2015 MSGP at 27; 2021 MSGP at 39; 2) Schnitzer's control measures are not stringent enough for the discharge and/or the receiving water of the United States to meet applicable water quality standards or the non-numeric effluent limits in the MSGPs, 2015 MSGP at 27; 2021 MSGP at 45; 3) a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam), *id.*; or 4) a required control measure was never installed, was

installed incorrectly, or not in accordance with the MSGPs, or is not being properly operated or maintained, *id*.

101. The MSGPs include sector-specific benchmarks for Sector N facilities like Schnitzer. 2015 MSGP § 8.N at 125-130; 2021 MSGP § 8.N at 158-164.

102. The benchmark values in the 2015 MSGP applicable to Schnitzer and not dependent on water hardness are: 0.75 milligrams per liter for aluminum; 1.0 milligrams per liter for iron; 120 milligrams per liter for COD; and 100 milligrams per liter for TSS. 2015 MSGP at 129-130.

103. The benchmark values in the 2021 MSGP applicable to Schnitzer and not dependent on water hardness are: 1.1 milligrams per liter for aluminum; 5.19 micrograms per liter for copper; 120 milligrams per liter for COD; 100 milligrams per liter for TSS. 2021 MSGP at 163-4.

104. The hardness of the receiving water for the Facilities is 12.5 milligrams per liter.

105. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Facilities are: 3.8 micrograms per liter for copper; 0.014 milligrams per liter for lead; and 0.04 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

106. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Facilities are: 14 micrograms per liter for lead; and 37 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.[1]

107. Following a triggering event, Schnitzer is required to: 1) review and revise its SWPPP so that the MSGPs' effluent limits are met and pollutant discharges are minimized; 2) immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational; and 3) if necessary, "complete the corrective actions. . . before the next storm event if possible, and within 14 calendar days from

[1] The benchmark value units of measurement for certain pollutant criteria change from milligrams per liter in the 2015 MSGP to micrograms per liter in the 2021 MSGP.

the time of discovery of the corrective action condition." 2015 MSGP §§ 4.1 at 27, 4.3.1 at 28, 4.3.2 at 28; 2021 MSGP §§ 5.1.1 § 45, 5.1.3.1 at 46, 5.1.3.2 at 46.

Schnitzer's State Water Quality Standards Requirements

108. Under the MSGPs, Schnitzer is required to control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

109. Schnitzer's discharge must not cause or contribute to an exceedance of applicable water quality standards in any affected state. 2015 MSGP § 2.2.1 at 20.

110. The MSGPs require that if at any time Schnitzer becomes aware that its discharge does not meet applicable water quality standards or its stormwater discharge will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard, Schnitzer must take corrective action(s) and document the corrective actions. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

111. If Schnitzer finds that its control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water standards or any of the other non-numeric effluent limits in the MSGP, Schnitzer must modify these control measures per the corrective action requirements. 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

<u>The Facilities and Their Operations and Discharges</u>

112. Defendants Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal have operated, and continue to operate, a scrap metal facility at 14 Poplar Avenue in Concord, New Hampshire (the "Concord-Poplar Facility").

113. Defendants Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal have operated, and continue to operate, a scrap metal facility at 25 Sandquist Street in Concord, New Hampshire (the "Concord-Sandquist Facility").

114. Defendants Schnitzer Steel, Prolerized, Joint Venture, Proleride, and Maine Metal have operated, and continue to operate, a scrap metal facility at 200 Allard Drive in Manchester, New Hampshire (the "Manchester Facility").

115. Schnitzer collects and/or processes raw scrap metal, including salvaged vehicles, rail cars, household scrap and appliances, industrial machinery, manufacturing scrap, and construction and demolition scrap at the Facilities.

116. Schnitzer receives unprocessed scrap metal at the Facilities, which it stores in uncovered piles on-site that are exposed to precipitation and snowmelt.

117. Schnitzer's processing activities include crushing, torching, shearing, shredding, separating, sorting, and/or baling of scrap metal.

118. Most of Schnitzer's scrap processing operations are conducted outdoors.

119. Processed metal is stored at the Facilities in uncovered bales that are exposed to precipitation and snowmelt.

120. Scrap metal at the Concord-Poplar Facility is compressed and then loaded onto rail cars.

121. Upon information and belief, as Schnitzer loads railcars with processed scrap metal at the Concord-Poplar Facility, dust is generated which directly enters the South End Marsh Wetlands Complex and is discharged from the Concord-Poplar Facility in stormwater.

122. The Facilities store petroleum hydrocarbons onsite, including bulk fuel storage in aboveground storage tanks that are exposed to precipitation and snowmelt.

123. Upon information and belief, the Facilities' handling and/or storage of oil, grease, petroleum hydrocarbons, and/or fuel have resulted in spills, leaks, and/or slicks at the Facilities.

124. Upon information and belief, spills, leaks, and/or slicks of oil, grease, petroleum hydrocarbons, and/or fuel at the Facilities have been exposed to precipitation and snowmelt.

125. Processed and unprocessed scrap metal, end-of-life vehicles, machinery, equipment, oil, fuel, and chemical storage tanks, batteries, and vehicles are exposed to precipitation and snowmelt at the Facilities.

126. Precipitation and snowmelt at the Facilities become contaminated with heavy metals, dust and solids, organic contaminants including fuel and oil, trash, and other pollutants associated with the Facilities' operations.

127. The sources of pollutants associated with industrial operations at the Facilities include: unprocessed scrap metal including end-of-life vehicles, appliances, machinery, and other scrap; bales of processed scrap metal; machines and equipment left outdoors; and vehicles driving on and off the Facilities.

128. Pollutants associated with industrial operations at the Facilities include, but are not limited to: heavy metals, suspended solids, debris, solvents, dust, low density waste (floatables), oil, fuel, trash, and other pollutants associated with the Facilities' operations.

129. During every measurable precipitation event and every instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Facilities, generating stormwater runoff.

130. EPA considers precipitation above 0.1 inches during a 24-hour period a measurable precipitation event. 40 C.F.R. § 122.26(c)(i)(E)(6).

131. Upon information and belief, a measurable precipitation event is sufficient to generate runoff from the Facility.

132. Stormwater runoff from the Facilities is collected, channeled, and conveyed via site grading, slopes, site infrastructure, the operation of gravity, and other conveyances into waters of the United States.

133. Schnitzer has discharged and continues to discharge stormwater associated with industrial activities from the Facilities into waters of the United States.

134. The Concord-Poplar Facility has a SWPPP that was most recently updated in May 2021. Upon information and belief, the Concord-Poplar Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

135. The Concord-Sandquist Facility has a SWPPP that was most recently updated in May 2021. Upon information and belief, the Concord-Sandquist Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

136. The Manchester Facility has a SWPPP that was most recently updated in May 2021. Upon information and belief, the Manchester Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

137. Schnitzer's operations cause the discharge of pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from the Facilities.

138. At the Concord-Poplar Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from three outfalls.

139. The Concord-Poplar Facility discharges stormwater from Outfall 001 to the City of Concord municipal separate storm sewer system. The City of Concord sewer system then discharges into the Merrimack River.

140. The Concord-Poplar Facility discharges stormwater from three catch basins through Outfall 002 to a wetland complex adjacent to the South End Marsh.

141. The Concord-Poplar Facility discharges stormwater from Outfall 003 to the wetland complex adjacent to the South End Marsh.

142. At the Concord-Sandquist Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to the Merrimack River via an underground conduit.

143. At the Manchester Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to the City of Manchester Municipal Separate Storm Sewer System. The City of Manchester sewer system discharges to the Merrimack River 450 feet east of the Manchester Facility.

The Waterbodies Affected by the Facilities' Discharges

144. The Concord-Poplar and Concord-Sandquist Facilities discharge pollutants to the Merrimack River at waterbody segment NHIMP700060302-07.

145. Waterbody segment NHIMP700060302-07 was listed as impaired on the 2018 and 2016 303(d) lists for aquatic life integrity from pH.

146. Waterbody segment NHIMP700060302-07 is impaired for fish consumption from mercury and for potential drinking water supply from E. coli.

147. The Manchester Facility discharges pollutants to the Merrimack River at waterbody segment NHRIV700060803-14-02.

148. Waterbody segment NHRIV700060803-14-02 was listed as impaired on the 2016 and 2018 303(d) lists for aquatic life integrity from aluminum and pH.

149. Waterbody segment NHRIV700060803-14-02 is impaired for aquatic life from total phosphorus, for fish consumption from mercury, and for primary contact recreation from E. coli.

150. In 2010, NH DES prepared a New Hampshire Statewide Total Maximum Daily Load

("TMDL") for Bacteria Impaired Waters addressing the E. coli impairments for waterbody segments NHIMP700060302-07 and NHRIV700060803-14-02.

151. In 2007, NH DES along with the Connecticut Department of Environmental Protection, the Maine Department of Environmental Protection, the Massachusetts Department of Environmental Protection, the New York State Department of Environmental Conservation, the Rhode Island Department of Environmental Management, the Vermont Department of Environmental Conservation, and the New England Interstate Water Pollution Control Commission prepared a Northeast Regional Mercury Total Maximum Daily Load addressing mercury impairments in the lower Merrimack River in New Hampshire.

152. The Merrimack River is a Class B waterbody.

153. The Merrimack River is a navigable water within the meaning of the Clean Water Act.

154. The Merrimack River's designated uses include aquatic life, fish consumption, potential drinking water supply, and primary and secondary contact recreation.

155. The Merrimack River is a source of drinking water for around 600,000 people residing in New Hampshire and Massachusetts.

156. The Merrimack River is a popular resource for residents and visitors who enjoy swimming, fishing, boating, kayaking, canoeing, hiking, observing wildlife, and a variety of other aesthetic, and primary and secondary contact recreation uses on and near the River.

157. The Concord-Poplar Facility discharges pollutants to South End Marsh, the wetland complex adjacent to it, and/or the small unnamed waterbody bordering South End Marsh to the south which is identified by the EPA watershed boundary dataset hydrological unit code 010700060302 (collectively, the "South End Marsh Wetland Complex").

158. The South End Marsh Wetland Complex is part of the Merrimack River watershed and

floodplain.

159. The waterbody identified by EPA unit code 010700060302, which comprises a part of the South End Marsh Wetland Complex, is listed as having the following pollutants potentially related to impairment: aluminum, chemical oxygen demand, copper, lead, oxygen, zinc, and pH.

160. The waterbodies which comprise the South End Marsh Wetland Complex are navigable waters within the meaning of the Clean Water Act.

161. The waterbodies which comprise the South End Marsh Wetland Complex are Class B waterbodies.

DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT

Effluent and Water Quality Standards Violations

162. The Facilities have failed, and continue to fail, to use control measures to minimize pollutant discharges.

163. The Facilities have discharged, and continue to discharge, pollutants (including but not limited to discharges of aluminum, copper, iron, lead, zinc, organic materials measured as COD, solids, foam, oil and grease, and other odiferous and discolored pollutants) that have contributed to, and will continue to contribute to, significant degradation of the Merrimack River and the South End Marsh Wetland Complex, including the violation of state water quality standards.

164. The discharge of pollutants from the Facilities has resulted in unnatural and objectionable odor, color, taste, and/or turbidity in the receiving waters downstream from the Facilities.

165. The discharge of pollutants from the Facilities has resulted in floating, suspended, and settleable solids; scum; benthic deposits; oil and grease; and/or harmful concentrations or combinations of chemical constituents in the receiving waters downstream from the Facilities.

166. The discharge of pollutants – including aluminum, COD, copper, lead, zinc, and pH – from the Concord-Poplar Facility has contributed to the impairment of the South End Marsh

Wetland Complex.

167. The discharge of pollutants from the Manchester Facility has contributed to the impairments of the Merrimack River at waterbody segment NHRIV700060803-14-02 for aquatic life from aluminum.

168. Upon information and belief, CLF expects that discovery will reveal additional discharges of pollutants causing or contributing to violations of the New Hampshire state water quality standards.

169. Upon information and belief, CLF expects that discovery will reveal additional violations of the MSGPs.

Pollutant: Aluminum

170. The Facilities' discharges of aluminum contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

171. Aluminum is toxic to fish and many aquatic animals. It bioaccumulates in certain types of plants and in some fish and invertebrate species.

172. Skin exposure to aluminum may cause rashes. When ingested, aluminum may cause health problems in humans such as bone disease, brain disease, and Alzheimer's disease.

173. The Facilities' quarterly discharge monitoring reports show that they have discharged aluminum every quarter for which monitoring was conducted since the fourth quarter of 2016.

174. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of aluminum.

175. The Concord-Poplar Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP

benchmark value for aluminum of 1,100 micrograms per liter 15 times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
176.	Aluminum	3/31/2017	002	0.75 mg/L	19 mg/L	2,533%
177.	Aluminum	3/31/2017	003	0.75 mg/L	1.3 mg/L	173%
178.	Aluminum	6/30/2017	002	0.75 mg/L	2.3 mg/L	307%
179.	Aluminum	6/30/2017	003	0.75 mg/L	3 mg/L	400%
180.	Aluminum	12/31/2017	002	0.75 mg/L	1.1 mg/L	147%
181.	Aluminum	3/31/2018	002	0.75 mg/L	3 mg/L	400%
182.	Aluminum	3/31/2018	003	0.75 mg/L	0.84 mg/L	112%
183.	Aluminum	6/30/2018	002	0.75 mg/L	3.8 mg/L	507%
184.	Aluminum	6/30/2018	003	0.75 mg/L	4.2 mg/L	560%
185.	Aluminum	9/30/2018	002	0.75 mg/L	1.5 mg/L	200%
186.	Aluminum	9/30/2019	002	0.75 mg/L	3.2 mg/L	427%
187.	Aluminum	9/30/2020	002	0.75 mg/L	9.9 mg/L	1,320%
188.	Aluminum	12/31/2020	002	0.75 mg/L	1 mg/L	133%
189.	Aluminum	3/31/2021	002	0.75 mg/L	1.6 mg/L	213%
190.	Aluminum	9/30/2021	002	1,100 µg/L	3,800 µg/L	345%

191. The Concord-Sandquist Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter nine times between the fourth quarter of 2017 and the fourth quarter of 2020, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
192.	Aluminum	12/31/2017	001	0.75 mg/L	1.3 mg/L	173%
193.	Aluminum	3/31/2018	001	0.75 mg/L	2.4 mg/L	320%
194.	Aluminum	6/30/2018	001	0.75 mg/L	1.4 mg/L	187%
195.	Aluminum	9/30/2018	001	0.75 mg/L	5 mg/L	667%
196.	Aluminum	3/31/2019	001	0.75 mg/L	0.81 mg/L	108%
197.	Aluminum	6/30/2019	001	0.75 mg/L	0.95 mg/L	127%
198.	Aluminum	12/31/2019	001	0.75 mg/L	5 mg/L	667%
199.	Aluminum	9/30/2020	001	0.75 mg/L	9.6 mg/L	1,280%
200.	Aluminum	12/31/2020	001	0.75 mg/L	6.2 mg/L	827%

201. The Manchester Facility discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP

benchmark value for aluminum of 1,100 micrograms per liter nine times between the second quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
202.	Aluminum	6/30/2017	001	0.75 mg/L	0.85 mg/L	113%
203.	Aluminum	12/31/2017	001	0.75 mg/L	1.3 mg/L	173%
204.	Aluminum	3/31/2018	001	0.75 mg/L	1.8 mg/L	240%
205.	Aluminum	3/31/2019	001	0.75 mg/L	4.3 mg/L	573%
206.	Aluminum	6/30/2019	001	0.75 mg/L	2 mg/L	267%
207.	Aluminum	9/30/2020	001	0.75 mg/L	0.79 mg/L	105%
208.	Aluminum	12/31/2020	001	0.75 mg/L	12 mg/L	1,600%
209.	Aluminum	3/31/2021	001	0.75 mg/L	6.6 mg/L	880%
210.	Aluminum	9/30/2021	001	1,100 µg/L	1,500 µg/L	136%

211. Schnitzer's four-quarter average aluminum concentrations at the Concord-Poplar Facility have exceeded the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter 15 times since the fourth quarter of 2016.

212. Schnitzer's discharges of aluminum from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements 15 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average[2]
213.	Aluminum	3/31/2017	002	0.75 mg/L	11.4 mg/L
214.	Aluminum	3/31/2017	003	0.75 mg/L	1.05 mg/L
215.	Aluminum	6/30/2017	002	0.75 mg/L	6.03 mg/L
216.	Aluminum	6/30/2017	003	0.75 mg/L	1.54 mg/L
217.	Aluminum	12/31/2017	002	0.75 mg/L	5.95 mg/L
218.	Aluminum	3/31/2018	002	0.75 mg/L	6.35 mg/L
219.	Aluminum	3/31/2018	003	0.75 mg/L	1.43 mg/L
220.	Aluminum	6/30/2018	002	0.75 mg/L	2.55 mg/L
221.	Aluminum	6/30/2018	003	0.75 mg/L	2.33 mg/L

[2] Either the four-quarter annual average or the measured value where an exceedance is mathematically certain (i.e., the sum of a quarterly sample results to date is already more than four times the benchmark threshold).

222.	Aluminum	9/30/2018	002	0.75 mg/L	2.35 mg/L
223.	Aluminum	6/30/2019	002	0.75 mg/L	2.13 mg/L
224.	Aluminum	9/30/2019	002	0.75 mg/L	2.18 mg/L
225.	Aluminum	9/30/2020	002	0.75 mg/L	3.70 mg/L
226.	Aluminum	12/31/2020	002	0.75 mg/L	3.58 mg/L
227.	Aluminum	3/31/2021	002	0.75 mg/L	3.93 mg/L

228. Schnitzer's four-quarter average aluminum concentrations at the Concord-Sandquist Facility have exceeded the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter ten times since the fourth quarter of 2016.

229. Schnitzer's discharges of aluminum from the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements ten times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
230.	Aluminum	3/31/2018	001	0.75 mg/L	0.978 mg/L
231.	Aluminum	6/30/2018	001	0.75 mg/L	1.3 mg/L
232.	Aluminum	9/30/2018	001	0.75 mg/L	2.52 mg/L
233.	Aluminum	3/31/2019	001	0.75 mg/L	2.40 mg/L
234.	Aluminum	6/30/2019	001	0.75 mg/L	2.04 mg/L
235.	Aluminum	9/30/2019	001	0.75 mg/L	1.78 mg/L
236.	Aluminum	12/31/2019	001	0.75 mg/L	1.78 mg/L
237.	Aluminum	9/30/2020	001	0.75 mg/L	3.98 mg/L
238.	Aluminum	12/31/2020	001	0.75 mg/L	5.29 mg/L
239.	Aluminum	3/31/2021	001	0.75 mg/L	5.20 mg/L

240. Schnitzer's four-quarter average aluminum concentrations at the Manchester Facility have exceeded the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter 12 times since the fourth quarter of 2016.

241. Schnitzer's discharges of aluminum from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements 12 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
242.	Aluminum	3/31/2017	001	0.75 mg/L	2.57 mg/L
243.	Aluminum	6/30/2017	001	0.75 mg/L	2.62 mg/L
244.	Aluminum	12/31/2017	001	0.75 mg/L	1.47 mg/L
245.	Aluminum	3/31/2018	001	0.75 mg/L	1.15 mg/L
246.	Aluminum	6/30/2018	001	0.75 mg/L	1.15 mg/L
247.	Aluminum	9/30/2018	001	0.75 mg/L	1.05 mg/L
248.	Aluminum	3/31/2019	001	0.75 mg/L	1.80 mg/L
249.	Aluminum	6/30/2019	001	0.75 mg/L	1.85 mg/L
250.	Aluminum	9/30/2019	001	0.75 mg/L	1.8 mg/L
251.	Aluminum	9/30/2020	001	0.75 mg/L	1.88 mg/L
252.	Aluminum	12/31/2020	001	0.75 mg/L	3.80 mg/L
253.	Aluminum	3/31/2021	001	0.75 mg/L	4.95 mg/L

Pollutant: Copper

254. The Facilities' discharges of copper contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

255. Copper is toxic to aquatic animals and it bioconcentrates in mollusks.

256. The ingestion of copper can be dangerous for humans. Consuming too much copper may cause liver and kidney damage, increased risk of heart disease, nausea, vomiting, abdominal pain, diarrhea, and even death.

257. Stormwater runoff is a major source of elevated copper levels in river water.

258. The Facilities' quarterly discharge monitoring reports show that they have discharged copper every quarter for which monitoring was conducted since the fourth quarter of 2016.

259. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of copper.

260. The Concord-Poplar Facility has discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 3.8 micrograms per liter and/or the 2021 MSGP

benchmark value for copper of 5.19 micrograms per liter 19 times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
261.	Copper	3/31/2017	001	3.8 µg/L	26 µg/L	684%
262.	Copper	3/31/2017	002	3.8 µg/L	660 µg/L	1,7368%
263.	Copper	6/30/2017	001	3.8 µg/L	27 µg/L	711%
264.	Copper	6/30/2017	002	3.8 µg/L	120 µg/L	3,158%
265.	Copper	6/30/2017	003	3.8 µg/L	130 µg/L	3,421%
266.	Copper	3/31/2018	001	3.8 µg/L	7 µg/L	184%
267.	Copper	3/31/2018	002	3.8 µg/L	48 µg/L	1,263%
268.	Copper	3/31/2018	003	3.8 µg/L	17 µg/L	447%
269.	Copper	6/30/2018	001	3.8 µg/L	7.9 µg/L	208%
270.	Copper	6/30/2018	002	3.8 µg/L	86 µg/L	2,263%
271.	Copper	6/30/2018	003	3.8 µg/L	260 µg/L	6,842%
272.	Copper	9/30/2018	002	3.8 µg/L	440 µg/L	1,1579%
273.	Copper	9/30/2019	001	3.8 µg/L	92 µg/L	2,421%
274.	Copper	9/30/2019	002	3.8 µg/L	77 µg/L	2,026%
275.	Copper	12/31/2020	002	3.8 µg/L	27 µg/L	711%
276.	Copper	3/31/2021	001	3.8 µg/L	30 µg/L	789%
277.	Copper	3/31/2021	002	3.8 µg/L	48 µg/L	1,263%
278.	Copper	9/30/2021	001	5.19 µg/L	22 µg/L	424%
279.	Copper	9/30/2021	002	5.19 µg/L	100 µg/L	1,927%

280. The Concord-Sandquist Facility has discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 3.8 micrograms per liter eight times between the second quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
281.	Copper	6/30/2017	001	3.8 µg/L	26 µg/L	684%
282.	Copper	3/31/2018	001	3.8 µg/L	290 µg/L	7,632%
283.	Copper	6/30/2018	001	3.8 µg/L	290 µg/L	7,632%
284.	Copper	9/30/2018	001	3.8 µg/L	410 µg/L	10,789%
285.	Copper	9/30/2019	001	3.8 µg/L	80 µg/L	2,105%
286.	Copper	9/30/2020	001	3.8 µg/L	1,700 µg/L	44,737%
287.	Copper	12/31/2020	001	3.8 µg/L	810 µg/L	21,316%
288.	Copper	3/31/2021	001	3.8 µg/L	270 µg/L	7,105%

289. The Manchester Facility discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 3.8 micrograms per liter and/or the 2021 MSGP benchmark value for copper of 5.19 micrograms per liter eight times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
290.	Copper	3/31/2017	001	3.8 µg/L	28 µg/L	737%
291.	Copper	6/30/2017	001	3.8 µg/L	58 µg/L	1,526%
292.	Copper	6/30/2018	001	3.8 µg/L	87 µg/L	2,289%
293.	Copper	9/30/2018	001	3.8 µg/L	45 µg/L	1,184%
294.	Copper	9/30/2019	001	3.8 µg/L	48 µg/L	1,263%
295.	Copper	12/31/2020	001	3.8 µg/L	730 µg/L	19,211%
296.	Copper	3/31/2021	001	3.8 µg/L	370 µg/L	9,737%
297.	Copper	9/30/2021	001	5.19 µg/L	130 µg/L	2,505%

298. Schnitzer's four-quarter average copper concentrations at the Concord-Poplar Facility have exceeded the 2015 MSGP benchmark value of 3.8 and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter 27 times since the fourth quarter of 2016.

299. Schnitzer's discharges of copper from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements 27 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
300.	Copper	3/31/2017	001	3.8 µg/L	6.52 µg/L
301.	Copper	3/31/2017	002	3.8 µg/L	165 µg/L
302.	Copper	6/30/2017	001	3.8 µg/L	13.3 µg/L
303.	Copper	6/30/2017	002	3.8 µg/L	195 µg/L
304.	Copper	6/30/2017	003	3.8 µg/L	32.5 µg/L
305.	Copper	12/31/2017	001	3.8 µg/L	13.3 µg/L
306.	Copper	12/31/2017	002	3.8 µg/L	195. µg/L
307.	Copper	3/31/2018	001	3.8 µg/L	15.0 µg/L
308.	Copper	3/31/2018	002	3.8 µg/L	207. µg/L
309.	Copper	3/31/2018	003	3.8 µg/L	36.8 µg/L
310.	Copper	6/30/2018	001	3.8 µg/L	10.5 µg/L

311.	Copper	6/30/2018	002	3.8 µg/L	63.5 µg/L
312.	Copper	6/30/2018	003	3.8 µg/L	102. µg/L
313.	Copper	9/30/2018	001	3.8 µg/L	4.63 µg/L
314.	Copper	9/30/2018	002	3.8 µg/L	144. µg/L
315.	Copper	3/31/2019	001	3.8 µg/L	4.63 µg/L
316.	Copper	6/30/2019	002	3.8 µg/L	144. µg/L
317.	Copper	9/30/2019	001	3.8 µg/L	23.9 µg/L
318.	Copper	9/30/2019	002	3.8 µg/L	151. µg/L
319.	Copper	12/31/2019	001	3.8 µg/L	23.0 µg/L
320.	Copper	9/30/2020	001	3.8 µg/L	23.0 µg/L
321.	Copper	9/30/2020	002	3.8 µg/L	129. µg/L
322.	Copper	12/31/2020	002	3.8 µg/L	26.2 µg/L
323.	Copper	3/31/2021	001	3.8 µg/L	30.5 µg/L
324.	Copper	3/31/2021	002	3.8 µg/L	38.2 µg/L
325.	Copper	9/30/2021	001	5.19 µg/L	22 µg/L
326.	Copper	9/30/2021	002	5.19 µg/L	100 µg/L

327. Schnitzer's four-quarter average copper concentrations at the Concord-Sandquist Facility have exceeded the 2015 MSGP benchmark value for copper of 3.8 micrograms per liter 13 times since the fourth quarter of 2016.

328. Schnitzer's discharges of copper from the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
329.	Copper	3/31/2017	001	3.8 µg/L	13.1 µg/L
330.	Copper	6/30/2017	001	3.8 µg/L	6.605 µg/L
331.	Copper	12/31/2017	001	3.8 µg/L	6.62 µg/L
332.	Copper	3/31/2018	001	3.8 µg/L	79.1 µg/L
333.	Copper	6/30/2018	001	3.8 µg/L	152 µg/L
334.	Copper	9/30/2018	001	3.8 µg/L	248 µg/L
335.	Copper	3/31/2019	001	3.8 µg/L	248 µg/L
336.	Copper	6/30/2019	001	3.8 µg/L	175 µg/L
337.	Copper	9/30/2019	001	3.8 µg/L	123 µg/L
338.	Copper	12/31/2019	001	3.8 µg/L	20.1 µg/L
339.	Copper	9/30/2020	001	3.8 µg/L	445 µg/L
340.	Copper	12/31/2020	001	3.8 µg/L	648 µg/L
341.	Copper	3/31/2021	001	3.8 µg/L	695 µg/L

342. Schnitzer's four-quarter average copper concentrations at the Manchester Facility have exceeded the 2015 MSGP's benchmark value of 3.8 and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter 13 times since the fourth quarter of 2016.

343. Schnitzer's discharges of copper from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
344.	Copper	3/31/2017	001	0.0038 mg/L	0.00715 mg/L
345.	Copper	6/30/2017	001	0.0038 mg/L	0.0216 mg/L
346.	Copper	12/31/2017	001	3.8 µg/L	21.6 µg/L
347.	Copper	3/31/2018	001	3.8 µg/L	21.5 µg/L
348.	Copper	6/30/2018	001	3.8 µg/L	36.3 µg/L
349.	Copper	9/30/2018	001	3.8 µg/L	33.0 µg/L
350.	Copper	3/31/2019	001	3.8 µg/L	33.1 µg/L
351.	Copper	6/30/2019	001	3.8 µg/L	33.1 µg/L
352.	Copper	9/30/2019	001	3.8 µg/L	23.3 µg/L
353.	Copper	9/30/2020	001	3.8 µg/L	12.2 µg/L
354.	Copper	12/31/2020	001	3.8 µg/L	195 µg/L
355.	Copper	3/31/2021	001	3.8 µg/L	287 µg/L
356.	Copper	9/30/2021	001	5.19 µg/L	130 µg/L

Pollutant: Iron

357. The Facilities' discharges of iron contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

358. Iron harms aquatic environments by causing turbidity and suspended solids. Iron solids in the water smother invertebrates, microbes, and eggs; impair the respiration of aquatic animals; and decrease reproduction rates.

359. Iron harms humans both as a substance that is toxic in high amounts and as a nuisance.

Iron in drinking water impairs taste, clogs pipes, and causes stains.

360. The Facilities' quarterly discharge monitoring reports show that they have discharged iron every quarter for which monitoring was conducted since the fourth quarter of 2016.

361. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of iron.

362. The Concord-Poplar Facility has discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter 24 times between the first quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
363.	Iron	3/31/2017	001	1 mg/L	3.1 mg/L	310%
364.	Iron	3/31/2017	002	1 mg/L	37 mg/L	3,700%
365.	Iron	3/31/2017	003	1 mg/L	2.5 mg/L	250%
366.	Iron	6/30/2017	001	1 mg/L	2 mg/L	200%
367.	Iron	6/30/2017	002	1 mg/L	2 mg/L	200%
368.	Iron	6/30/2017	003	1 mg/L	2 mg/L	200%
369.	Iron	12/31/2017	001	1 mg/L	6.3 mg/L	630%
370.	Iron	12/31/2017	002	1 mg/L	1.9 mg/L	190%
371.	Iron	3/31/2018	001	1 mg/L	1.8 mg/L	180%
372.	Iron	3/31/2018	002	1 mg/L	5.4 mg/L	540%
373.	Iron	3/31/2018	003	1 mg/L	1.4 mg/L	140%
374.	Iron	6/30/2018	001	1 mg/L	15 mg/L	1,500%
375.	Iron	6/30/2018	002	1 mg/L	6.4 mg/L	640%
376.	Iron	6/30/2018	003	1 mg/L	11 mg/L	1,100%
377.	Iron	9/30/2018	001	1 mg/L	27 mg/L	2,700%
378.	Iron	9/30/2018	002	1 mg/L	4.9 mg/L	490%
379.	Iron	3/31/2019	001	1 mg/L	2.2 mg/L	220%
380.	Iron	6/30/2019	001	1 mg/L	4.6 mg/L	460%
381.	Iron	6/30/2019	002	1 mg/L	6.7 mg/L	670%
382.	Iron	9/30/2019	002	1 mg/L	5.6 mg/L	560%
383.	Iron	12/31/2019	001	1 mg/L	2.6 mg/L	260%
384.	Iron	9/30/2020	002	1 mg/L	46 mg/L	4,600%
385.	Iron	12/31/2020	002	1 mg/L	1.5 mg/L	150%
386.	Iron	3/31/2021	002	1 mg/L	3 mg/L	300%

387. The Concord-Sandquist Facility has discharged concentrations of iron higher than the

2015 MSGP benchmark value for iron of 1 milligram per liter 13 times between the first quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
388.	Iron	3/31/2017	001	1 mg/L	7.5 mg/L	750%
389.	Iron	6/30/2017	001	1 mg/L	3.6 mg/L	360%
390.	Iron	12/31/2017	001	1 mg/L	14 mg/L	1,400%
391.	Iron	3/31/2018	001	1 mg/L	5.8 mg/L	580%
392.	Iron	6/30/2018	001	1 mg/L	15 mg/L	1,500%
393.	Iron	9/30/2018	001	1 mg/L	18 mg/L	1,800%
394.	Iron	3/31/2019	001	1 mg/L	8.1 mg/L	810%
395.	Iron	6/30/2019	001	1 mg/L	12 mg/L	1,200%
396.	Iron	9/30/2019	001	1 mg/L	10 mg/L	1,000%
397.	Iron	12/31/2019	001	1 mg/L	11 mg/L	1,100%
398.	Iron	9/30/2020	001	1 mg/L	19 mg/L	1,900%
399.	Iron	12/31/2020	001	1 mg/L	11 mg/L	1,100%
400.	Iron	3/31/2021	001	1 mg/L	1.6 mg/L	160%

401. The Manchester Facility discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter 12 times between the first quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
402.	Iron	3/31/2017	001	1 mg/L	2.6 mg/L	260%
403.	Iron	6/30/2017	001	1 mg/L	3.5 mg/L	350%
404.	Iron	12/31/2017	001	1 mg/L	4.1 mg/L	410%
405.	Iron	3/31/2018	001	1 mg/L	4.6 mg/L	460%
406.	Iron	6/30/2018	001	1 mg/L	2.6 mg/L	260%
407.	Iron	9/30/2018	001	1 mg/L	2.7 mg/L	270%
408.	Iron	3/31/2019	001	1 mg/L	13 mg/L	1,300%
409.	Iron	6/30/2019	001	1 mg/L	7.2 mg/L	720%
410.	Iron	9/30/2019	001	1 mg/L	3.5 mg/L	350%
411.	Iron	9/30/2020	001	1 mg/L	4.2 mg/L	420%
412.	Iron	12/31/2020	001	1 mg/L	56 mg/L	5,600%
413.	Iron	3/31/2021	001	1 mg/L	20 mg/L	2,000%

414. Schnitzer's four-quarter average iron concentrations at the Concord-Poplar Facility have

exceeded the 2015 MSGP benchmark value of 1 milligram per liter 27 times since the fourth quarter of 2016.

415. Schnitzer's discharges of iron from the Concord-Poplar Facility have triggered the 2015 MSGP corrective action and/or AIM requirements 27 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
416.	Iron	3/31/2017	001	1 mg/L	3.85 mg/L
417.	Iron	3/31/2017	002	1 mg/L	21.6 mg/L
418.	Iron	3/31/2017	003	1 mg/L	2.4 mg/L
419.	Iron	6/30/2017	001	1 mg/L	3.35 mg/L
420.	Iron	6/30/2017	002	1 mg/L	10.8 mg/L
421.	Iron	6/30/2017	003	1 mg/L	2.3 mg/L
422.	Iron	12/31/2017	001	1 mg/L	4.33 mg/L
423.	Iron	12/31/2017	002	1 mg/L	10.7 mg/L
424.	Iron	3/31/2018	001	1 mg/L	3.3 mg/L
425.	Iron	3/31/2018	002	1 mg/L	11.6 mg/L
426.	Iron	3/31/2018	003	1 mg/L	1.8 mg/L
427.	Iron	6/30/2018	001	1 mg/L	6.28 mg/L
428.	Iron	6/30/2018	002	1 mg/L	3.93 mg/L
429.	Iron	6/30/2018	003	1 mg/L	4.22 mg/L
430.	Iron	9/30/2018	001	1 mg/L	12.5 mg/L
431.	Iron	9/30/2018	002	1 mg/L	4.65 mg/L
432.	Iron	3/31/2019	001	1 mg/L	11.5 mg/L
433.	Iron	6/30/2019	001	1 mg/L	12.2 mg/L
434.	Iron	6/30/2019	002	1 mg/L	5.85 mg/L
435.	Iron	9/30/2019	001	1 mg/L	8.66 mg/L
436.	Iron	9/30/2019	002	1 mg/L	5.9 mg/L
437.	Iron	12/31/2019	001	1 mg/L	2.56 mg/L
438.	Iron	9/30/2020	001	1 mg/L	2.12 mg/L
439.	Iron	9/30/2020	002	1 mg/L	15.8 mg/L
440.	Iron	12/31/2020	002	1 mg/L	14.9 mg/L
441.	Iron	3/31/2021	001	1 mg/L	1.04 mg/L
442.	Iron	3/31/2021	002	1 mg/L	14.0 mg/L

443. Schnitzer's four-quarter average iron concentrations at the Concord-Sandquist Facility have exceeded the 2015 MSGP' benchmark value of 1 milligram per liter 13 times since the fourth quarter of 2016.

444. Schnitzer's discharges of iron from the Concord-Sandquist Facility have triggered the 2015 MSGP corrective action and/or AIM requirements 13 times since the fourth quarter of 2016.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
445.	Iron	3/31/2017	001	1 mg/L	6.78 mg/L
446.	Iron	6/30/2017	001	1 mg/L	7.12 mg/L
447.	Iron	12/31/2017	001	1 mg/L	9.28 mg/L
448.	Iron	3/31/2018	001	1 mg/L	7.73 mg/L
449.	Iron	6/30/2018	001	1 mg/L	9.60 mg/L
450.	Iron	9/30/2018	001	1 mg/L	13.2 mg/L
451.	Iron	3/31/2019	001	1 mg/L	11.7 mg/L
452.	Iron	6/30/2019	001	1 mg/L	13.3 mg/L
453.	Iron	9/30/2019	001	1 mg/L	12.0 mg/L
454.	Iron	12/31/2019	001	1 mg/L	10.3 mg/L
455.	Iron	9/30/2020	001	1 mg/L	13. mg/L
456.	Iron	12/31/2020	001	1 mg/L	12.8 mg/L
457.	Iron	3/31/2021	001	1 mg/L	10.7 mg/L

458. Schnitzer's four-quarter average iron concentrations at the Manchester Facility have exceeded the 2015 MSGP benchmark value of 1 milligram per liter 12 times since the fourth quarter of 2016.

459. Schnitzer's discharges of iron from the Manchester Facility have triggered the 2015 MSGP corrective action and/or AIM requirements 12 times since the fourth quarter of 2016.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
460.	Iron	3/31/2017	001	1 mg/L	9.3 mg/L
461.	Iron	6/30/2017	001	1 mg/L	9.53 mg/L
462.	Iron	12/31/2017	001	1 mg/L	5.30 mg/L
463.	Iron	3/31/2018	001	1 mg/L	3.7 mg/L
464.	Iron	6/30/2018	001	1 mg/L	3.7 mg/L
465.	Iron	9/30/2018	001	1 mg/L	3.5 mg/L
466.	Iron	3/31/2019	001	1 mg/L	5.72 mg/L
467.	Iron	6/30/2019	001	1 mg/L	6.38 mg/L
468.	Iron	9/30/2019	001	1 mg/L	6.6 mg/L

469.	Iron	9/30/2020	001	1 mg/L	6.97 mg/L
470.	Iron	12/31/2020	001	1 mg/L	17.7 mg/L
471.	Iron	3/31/2021	001	1 mg/L	20.9 mg/L

Pollutant: Lead

472. The Facilities' discharges of lead contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

473. Lead is toxic to humans and animals (including all aquatic organisms), even in very small amounts.

474. Low levels of lead can impair the brain, kidney, heart, blood, lungs, bones, immune system, and reproductive systems. Lead exposure can cause development issues, including decreased cognitive function and decreased birthweight and size. Lead is linked to increased risk of heart disease and cancer.

475. The Facilities' quarterly discharge monitoring reports show that they have discharged lead every quarter for which monitoring was conducted since the fourth quarter of 2016.

476. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of lead.

477. The Concord-Poplar Facility has discharged concentrations of lead higher than the MSGPs' benchmark values for lead of 0.014 milligrams per liter 16 times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
478.	Lead	3/31/2017	001	0.014 mg/L	0.036 mg/L	257%
479.	Lead	3/31/2017	002	0.014 mg/L	0.39 mg/L	2,786%
480.	Lead	3/31/2017	003	0.014 mg/L	0.066 mg/L	471%
481.	Lead	6/30/2017	001	0.014 mg/L	0.043 mg/L	307%

482.	Lead	6/30/2017	002	0.014 mg/L	0.07 mg/L	500%
483.	Lead	6/30/2017	003	0.014 mg/L	0.082 mg/L	586%
484.	Lead	3/31/2018	002	0.014 mg/L	0.03 mg/L	214%
485.	Lead	6/30/2018	002	0.014 mg/L	0.058 mg/L	414%
486.	Lead	6/30/2018	003	0.014 mg/L	0.17 mg/L	1,214%
487.	Lead	9/30/2018	002	0.014 mg/L	0.051 mg/L	364%
488.	Lead	9/30/2019	002	0.014 mg/L	0.039 mg/L	279%
489.	Lead	9/30/2020	002	0.014 mg/L	1.3 mg/L	9,286%
490.	Lead	12/31/2020	002	0.014 mg/L	0.019 mg/L	136%
491.	Lead	3/31/2021	002	0.014 mg/L	0.02 mg/L	143%
492.	Lead	9/30/2021	001	14 µg/L	24 µg/L	171%
493.	Lead	9/30/2021	002	14 µg/L	59 µg/L	421%

494. The Concord-Sandquist Facility has discharged concentrations of lead higher than the MSGPs' benchmark value for lead of 0.014 milligrams per liter 12 times between the second quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
495.	Lead	6/30/2017	001	0.014 mg/L	0.062 mg/L	443%
496.	Lead	12/31/2017	001	0.014 mg/L	0.077 mg/L	550%
497.	Lead	3/31/2018	001	0.014 mg/L	0.13 mg/L	929%
498.	Lead	6/30/2018	001	0.014 mg/L	0.088 mg/L	629%
499.	Lead	9/30/2018	001	0.014 mg/L	0.3 mg/L	2143%
500.	Lead	3/31/2019	001	0.014 mg/L	0.058 mg/L	414%
501.	Lead	6/30/2019	001	0.014 mg/L	0.073 mg/L	521%
502.	Lead	9/30/2019	001	0.014 mg/L	0.055 mg/L	393%
503.	Lead	12/31/2019	001	0.014 mg/L	0.13 mg/L	929%
504.	Lead	9/30/2020	001	0.014 mg/L	0.68 mg/L	4857%
505.	Lead	12/31/2020	001	0.014 mg/L	0.49 mg/L	3500%
506.	Lead	3/31/2021	001	0.014 mg/L	0.039 mg/L	279%

507. The Manchester Facility discharged concentrations of lead higher than the MSGPs' benchmark value for lead of 0.014 milligrams per liter 13 times between the first quarter of 2017 and the third quarter of 2021.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
508.	Lead	3/31/2017	001	0.014 mg/L	0.023 mg/L	164%

509.	Lead	6/30/2017	001	0.014 mg/L	0.062 mg/L	443%
510.	Lead	12/31/2017	001	0.014 mg/L	0.058 mg/L	414%
511.	Lead	3/31/2018	001	0.014 mg/L	0.032 mg/L	229%
512.	Lead	6/30/2018	001	0.014 mg/L	0.031 mg/L	221%
513.	Lead	9/30/2018	001	0.014 mg/L	0.027 mg/L	193%
514.	Lead	3/31/2019	001	0.014 mg/L	0.13 mg/L	929%
515.	Lead	6/30/2019	001	0.014 mg/L	0.14 mg/L	1,000%
516.	Lead	9/30/2019	001	0.014 mg/L	0.027 mg/L	193%
517.	Lead	9/30/2020	001	0.014 mg/L	0.045 mg/L	321%
518.	Lead	12/31/2020	001	0.014 mg/L	0.48 mg/L	3,429%
519.	Lead	3/31/2021	001	0.014 mg/L	0.26 mg/L	1,857%
520.	Lead	9/30/2021	001	14 µg/L	68 µg/L	486%

521. Schnitzer's four-quarter average lead concentrations at the Concord-Poplar Facility have exceeded the MSGPs' benchmark value of 0.014 milligrams per liter 19 times since the fourth quarter of 2016.

522. Schnitzer's discharges of lead from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements 19 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
523.	Lead	3/31/2017	001	0.014 mg/L	0.0495 mg/L
524.	Lead	3/31/2017	002	0.014 mg/L	0.321 mg/L
525.	Lead	3/31/2017	003	0.014 mg/L	0.0593 mg/L
526.	Lead	6/30/2017	001	0.014 mg/L	0.0582 mg/L
527.	Lead	6/30/2017	002	0.014 mg/L	0.141 mg/L
528.	Lead	6/30/2017	003	0.014 mg/L	0.065 mg/L
529.	Lead	12/31/2017	001	0.014 mg/L	0.043 mg/L
530.	Lead	12/31/2017	002	0.014 mg/L	0.128 mg/L
531.	Lead	3/31/2018	001	0.014 mg/L	0.021 mg/L
532.	Lead	3/31/2018	002	0.014 mg/L	0.123 mg/L
533.	Lead	3/31/2018	003	0.014 mg/L	0.0475 mg/L
534.	Lead	6/30/2018	002	0.014 mg/L	0.0398 mg/L
535.	Lead	6/30/2018	003	0.014 mg/L	0.0825 mg/L
536.	Lead	9/30/2018	002	0.014 mg/L	0.035 mg/L
537.	Lead	6/30/2019	002	0.014 mg/L	0.0351 mg/L
538.	Lead	9/30/2019	002	0.014 mg/L	0.0374 mg/L
539.	Lead	9/30/2020	002	0.014 mg/L	0.348 mg/L

540.	Lead	12/31/2020	002	0.014 mg/L	0.34 mg/L
541.	Lead	3/31/2021	002	0.014 mg/L	0.344 mg/L

542. Schnitzer's four-quarter average lead concentrations at the Concord-Sandquist Facility have exceeded the MSGPs' benchmark value of 0.014 milligrams per liter 14 times since the fourth quarter of 2016.

543. Schnitzer's discharges of lead from the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements 14 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
544.	Lead	3/31/2017	001	0.014 mg/L	0.0433 mg/L
545.	Lead	6/30/2017	001	0.014 mg/L	0.0543 mg/L
546.	Lead	12/31/2017	001	0.014 mg/L	0.0617 mg/L
547.	Lead	3/31/2018	001	0.014 mg/L	0.0693 mg/L
548.	Lead	6/30/2018	001	0.014 mg/L	0.0892 mg/L
549.	Lead	9/30/2018	001	0.014 mg/L	0.149 mg/L
550.	Lead	3/31/2019	001	0.014 mg/L	0.144 mg/L
551.	Lead	6/30/2019	001	0.014 mg/L	0.13 mg/L
552.	Lead	9/30/2019	001	0.014 mg/L	0.121 mg/L
553.	Lead	12/31/2019	001	0.014 mg/L	0.079 mg/L
554.	Lead	9/30/2020	001	0.014 mg/L	0.235 mg/L
555.	Lead	12/31/2020	001	0.014 mg/L	0.339 mg/L
556.	Lead	3/31/2021	001	0.014 mg/L	0.335 mg/L

557. Schnitzer's four-quarter average lead concentrations at the Manchester Facility have exceeded the MSGPs' benchmark value of 0.014 milligrams per liter 13 times since the fourth quarter of 2016.

558. Schnitzer's discharges of lead from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
559.	Lead	3/31/2017	001	0.014 mg/L	0.119 mg/L
560.	Lead	6/30/2017	001	0.014 mg/L	0.129 mg/L
561.	Lead	12/31/2017	001	0.014 mg/L	0.0808 mg/L
562.	Lead	3/31/2018	001	0.014 mg/L	0.0437 mg/L
563.	Lead	6/30/2018	001	0.014 mg/L	0.0457 mg/L
564.	Lead	9/30/2018	001	0.014 mg/L	0.037 mg/L
565.	Lead	3/31/2019	001	0.014 mg/L	0.055 mg/L
566.	Lead	6/30/2019	001	0.014 mg/L	0.082 mg/L
567.	Lead	9/30/2019	001	0.014 mg/L	0.0810 mg/L
568.	Lead	9/30/2020	001	0.014 mg/L	0.0855 mg/L
569.	Lead	12/31/2020	001	0.014 mg/L	0.173 mg/L
570.	Lead	3/31/2021	001	0.014 mg/L	0.203 mg/L
571.	Lead	9/30/2021	001	14 µg/L	68 µg/L

Pollutant: Zinc

572. The Facilities' discharges of zinc contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

573. When ingested, zinc may cause health problems in humans, including brain damage, infertility and developmental issues, pancreatic damage, anemia, nausea, vomiting, and stomach cramps.

574. Zinc is toxic to humans and aquatic organisms in high amounts, and it reacts with chemicals like cadmium to intensify their toxicity. Zinc bioaccumulates in aquatic animals.

575. The Facilities' quarterly discharge monitoring reports show that they have discharged zinc every quarter for which monitoring was conducted since the fourth quarter of 2016.

576. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of zinc.

577. The Concord-Poplar Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.04 milligrams per liter and/or the 2021 MSGP benchmark

value for zinc of 37 micrograms per liter 24 times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
578.	Zinc	3/31/2017	001	0.04 mg/L	0.16 mg/L	400%
579.	Zinc	3/31/2017	002	0.04 mg/L	1.5 mg/L	3,750%
580.	Zinc	3/31/2017	003	0.04 mg/L	0.14 mg/L	350%
581.	Zinc	6/30/2017	001	0.04 mg/L	0.2 mg/L	500%
582.	Zinc	6/30/2017	002	0.04 mg/L	0.25 mg/L	625%
583.	Zinc	6/30/2017	003	0.04 mg/L	0.3 mg/L	750%
584.	Zinc	12/31/2017	002	0.04 mg/L	0.14 mg/L	350%
585.	Zinc	3/31/2018	001	0.04 mg/L	0.07 mg/L	175%
586.	Zinc	3/31/2018	002	0.04 mg/L	0.16 mg/L	400%
587.	Zinc	3/31/2018	003	0.04 mg/L	0.047 mg/L	118%
588.	Zinc	6/30/2018	001	0.04 mg/L	0.041 mg/L	103%
589.	Zinc	6/30/2018	002	0.04 mg/L	0.19 mg/L	475%
590.	Zinc	6/30/2018	003	0.04 mg/L	0.48 mg/L	1,200%
591.	Zinc	9/30/2018	002	0.04 mg/L	0.16 mg/L	400%
592.	Zinc	3/31/2019	001	0.04 mg/L	0.08 mg/L	200%
593.	Zinc	6/30/2019	001	0.04 mg/L	0.062 mg/L	155%
594.	Zinc	9/30/2019	002	0.04 mg/L	0.31 mg/L	775%
595.	Zinc	12/31/2019	001	0.04 mg/L	0.051 mg/L	128%
596.	Zinc	9/30/2020	002	0.04 mg/L	3.1 mg/L	7,750%
597.	Zinc	12/31/2020	002	0.04 mg/L	0.07 mg/L	175%
598.	Zinc	3/31/2021	001	0.04 mg/L	0.12 mg/L	300%
599.	Zinc	3/31/2021	002	0.04 mg/L	0.098 mg/L	245%
600.	Zinc	9/30/2021	001	37 µg/L	90 µg/L	243%
601.	Zinc	9/30/2021	002	37 µg/L	260 µg/L	703%

602. The Concord-Sandquist Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.04 milligrams per liter 13 times between the first quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
603.	Zinc	3/31/2017	001	0.04 mg/L	0.12 mg/L	300%
604.	Zinc	6/30/2017	001	0.04 mg/L	0.14 mg/L	350%
605.	Zinc	12/31/2017	001	0.04 mg/L	0.35 mg/L	875%
606.	Zinc	3/31/2018	001	0.04 mg/L	0.41 mg/L	1,025%

607.	Zinc	6/30/2018	001	0.04 mg/L	0.37 mg/L	925%
608.	Zinc	9/30/2018	001	0.04 mg/L	0.94 mg/L	2,350%
609.	Zinc	3/31/2019	001	0.04 mg/L	0.31 mg/L	775%
610.	Zinc	6/30/2019	001	0.04 mg/L	0.44 mg/L	1,100%
611.	Zinc	9/30/2019	001	0.04 mg/L	0.16 mg/L	400%
612.	Zinc	12/31/2019	001	0.04 mg/L	0.54 mg/L	1,350%
613.	Zinc	9/30/2020	001	0.04 mg/L	1.5 mg/L	3,750%
614.	Zinc	12/31/2020	001	0.04 mg/L	0.84 mg/L	2,100%
615.	Zinc	3/31/2021	001	0.04 mg/L	0.11 mg/L	275%

616. The Manchester Facility discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.04 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 37 micrograms per liter 13 times between the first quarter of 2017 and the third quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
617.	Zinc	3/31/2017	001	0.04 mg/L	0.4 mg/L	1,000%
618.	Zinc	6/30/2017	001	0.04 mg/L	0.87 mg/L	2,175%
619.	Zinc	12/31/2017	001	0.04 mg/L	0.47 mg/L	1,175%
620.	Zinc	3/31/2018	001	0.04 mg/L	0.33 mg/L	825%
621.	Zinc	6/30/2018	001	0.04 mg/L	0.69 mg/L	1,725%
622.	Zinc	9/30/2018	001	0.04 mg/L	0.25 mg/L	625%
623.	Zinc	3/31/2019	001	0.04 mg/L	0.61 mg/L	1,525%
624.	Zinc	6/30/2019	001	0.04 mg/L	0.88 mg/L	2,200%
625.	Zinc	9/30/2019	001	0.04 mg/L	0.18 mg/L	450%
626.	Zinc	9/30/2020	001	0.04 mg/L	0.57 mg/L	1,425%
627.	Zinc	12/31/2020	001	0.04 mg/L	4.6 mg/L	11,500%
628.	Zinc	3/31/2021	001	0.04 mg/L	1.7 mg/L	4,250%
629.	Zinc	9/30/2021	001	37 µg/L	750 µg/L	2,027%

630. Schnitzer's four-quarter average zinc concentrations at the Concord-Poplar Facility have exceeded the 2015 MSGP's benchmark value of 0.04 and/or the 2021 MSGP benchmark value of 0.037 milligrams per liter 27 times since the fourth quarter of 2016.

631. Schnitzer's discharges of zinc from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements 27 times since the fourth quarter of 2016, as

detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
632.	Zinc	3/31/2017	001	0.04 mg/L	0.169 mg/L
633.	Zinc	3/31/2017	002	0.04 mg/L	1.24 mg/L
634.	Zinc	3/31/2017	003	0.04 mg/L	0.17 mg/L
635.	Zinc	6/30/2017	001	0.04 mg/L	0.210 mg/L
636.	Zinc	6/30/2017	002	0.04 mg/L	0.527 mg/L
637.	Zinc	6/30/2017	003	0.04 mg/L	0.203 mg/L
638.	Zinc	12/31/2017	001	0.04 mg/L	0.163 mg/L
639.	Zinc	12/31/2017	002	0.04 mg/L	0.557 mg/L
640.	Zinc	3/31/2018	001	0.04 mg/L	0.111 mg/L
641.	Zinc	3/31/2018	002	0.04 mg/L	0.513 mg/L
642.	Zinc	3/31/2018	003	0.04 mg/L	0.149 mg/L
643.	Zinc	6/30/2018	001	0.04 mg/L	0.081 mg/L
644.	Zinc	6/30/2018	002	0.04 mg/L	0.185 mg/L
645.	Zinc	6/30/2018	003	0.04 mg/L	0.242 mg/L
646.	Zinc	9/30/2018	002	0.04 mg/L	0.163 mg/L
647.	Zinc	3/31/2019	001	0.04 mg/L	0.0528 mg/L
648.	Zinc	6/30/2019	001	0.04 mg/L	0.0508 mg/L
649.	Zinc	6/30/2019	002	0.04 mg/L	0.130 mg/L
650.	Zinc	9/30/2019	001	0.04 mg/L	0.047 mg/L
651.	Zinc	9/30/2019	002	0.04 mg/L	0.168 mg/L
652.	Zinc	12/31/2019	001	0.04 mg/L	0.0548 mg/L
653.	Zinc	9/30/2020	001	0.04 mg/L	0.0432 mg/L
654.	Zinc	9/30/2020	002	0.04 mg/L	0.895 mg/L
655.	Zinc	12/31/2020	002	0.04 mg/L	0.873 mg/L
656.	Zinc	3/31/2021	001	0.04 mg/L	0.0577 mg/L
657.	Zinc	3/31/2021	002	0.04 mg/L	0.894 mg/L
658.	Zinc	9/30/2021	002	37 µg/L	882 µg/L

659. Schnitzer’s four-quarter average zinc concentrations at the Concord-Sandquist Facility have exceeded the 2015 MSGP benchmark value for zinc of 0.04 milligrams per liter 13 times since the fourth quarter of 2016.

660. Schnitzer’s discharges of zinc from the Concord-Sandquist Facility have triggered the MSGPs’ corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
661.	Zinc	3/31/2017	001	0.04 mg/L	0.265 mg/L
662.	Zinc	6/30/2017	001	0.04 mg/L	0.26 mg/L
663.	Zinc	12/31/2017	001	0.04 mg/L	0.277 mg/L
664.	Zinc	3/31/2018	001	0.04 mg/L	0.255 mg/L
665.	Zinc	6/30/2018	001	0.04 mg/L	0.318 mg/L
666.	Zinc	9/30/2018	001	0.04 mg/L	0.517 mg/L
667.	Zinc	3/31/2019	001	0.04 mg/L	0.507 mg/L
668.	Zinc	6/30/2019	001	0.04 mg/L	0.515 mg/L
669.	Zinc	9/30/2019	001	0.04 mg/L	0.462 mg/L
670.	Zinc	12/31/2019	001	0.04 mg/L	0.363 mg/L
671.	Zinc	9/30/2020	001	0.04 mg/L	0.66 mg/L
672.	Zinc	12/31/2020	001	0.04 mg/L	0.76 mg/L
673.	Zinc	3/31/2021	001	0.04 mg/L	0.747 mg/L

674. Schnitzer's four-quarter average zinc concentrations at the Manchester Facility have exceeded the 2015 MSGP benchmark value for zinc of 0.04 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 37 micrograms per liter 13 times since the fourth quarter of 2016.

675. Schnitzer's discharges of zinc from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
676.	Zinc	3/31/2017	001	0.04 mg/L	0.745 mg/L
677.	Zinc	6/30/2017	001	0.04 mg/L	0.925 mg/L
678.	Zinc	12/31/2017	001	0.04 mg/L	0.667 mg/L
679.	Zinc	3/31/2018	001	0.04 mg/L	0.517 mg/L
680.	Zinc	6/30/2018	001	0.04 mg/L	0.59 mg/L
681.	Zinc	9/30/2018	001	0.04 mg/L	0.435 mg/L
682.	Zinc	3/31/2019	001	0.04 mg/L	0.47 mg/L
683.	Zinc	6/30/2019	001	0.04 mg/L	0.607 mg/L
684.	Zinc	9/30/2019	001	0.04 mg/L	0.48 mg/L
685.	Zinc	9/30/2020	001	0.04 mg/L	0.56 mg/L
686.	Zinc	12/31/2020	001	0.04 mg/L	1.56 mg/L

687.	Zinc	3/31/2021	001	0.04 mg/L	1.76 mg/L
688.	Zinc	9/30/2021	001	37 µg/L	750 µg/L

Pollutant: Chemical Oxygen Demand ("COD")

689. The Facilities' discharges of COD contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

690. COD is an indicator for the presence of organic pollution. Organic pollution contributes to low dissolved oxygen levels and eutrophication, which can result in harmful algal and cyanobacteria blooms, a proliferation of nuisance and invasive species, discolored water, harmful benthic deposits, and scum.

691. The Facilities' quarterly discharge monitoring reports show that they have discharged COD every quarter for which monitoring was conducted since the fourth quarter of 2016.

692. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of COD.

693. The Concord-Poplar Facility has discharged concentrations of COD higher than the 2015 MSGP benchmark value for COD of 120 milligrams per liter six times between the first quarter of 2017 and the third quarter of 2020, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
694.	COD	3/31/2017	002	120 mg/L	470 mg/L	392%
695.	COD	6/30/2017	002	120 mg/L	160 mg/L	133%
696.	COD	6/30/2017	003	120 mg/L	130 mg/L	108%
697.	COD	6/30/2018	002	120 mg/L	160 mg/L	133%
698.	COD	9/30/2019	002	120 mg/L	210 mg/L	175%
699.	COD	9/30/2020	002	120 mg/L	180 mg/L	150%

700. The Concord-Sandquist Facility has discharged concentrations of COD higher than the

2015 MSGP benchmark value for COD of 120 milligrams per liter 12 times between the first quarter of 2017 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
701.	COD	3/31/2017	001	120 mg/L	530 mg/L	442%
702.	COD	12/31/2017	001	120 mg/L	240 mg/L	200%
703.	COD	3/31/2018	001	120 mg/L	170 mg/L	142%
704.	COD	6/30/2018	001	120 mg/L	1,100 mg/L	917%
705.	COD	9/30/2018	001	120 mg/L	320 mg/L	267%
706.	COD	3/31/2019	001	120 mg/L	410 mg/L	342%
707.	COD	6/30/2019	001	120 mg/L	220 mg/L	183%
708.	COD	9/30/2019	001	120 mg/L	140 mg/L	117%
709.	COD	12/31/2019	001	120 mg/L	290 mg/L	242%
710.	COD	9/30/2020	001	120 mg/L	370 mg/L	308%
711.	COD	12/31/2020	001	120 mg/L	200 mg/L	167%
712.	COD	3/31/2021	001	120 mg/L	370 mg/L	308%

713. The Manchester Facility discharged concentrations of COD higher than the MSGPs' benchmark value for zinc of 120 milligrams per liter ten times between the first quarter of 2018 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
714.	COD	3/31/2018	001	120 mg/L	180 mg/L	150%
715.	COD	6/30/2018	001	120 mg/L	150 mg/L	125%
716.	COD	9/30/2018	001	120 mg/L	160 mg/L	133%
717.	COD	3/31/2019	001	120 mg/L	350 mg/L	292%
718.	COD	6/30/2019	001	120 mg/L	330 mg/L	275%
719.	COD	9/30/2019	001	120 mg/L	150 mg/L	125%
720.	COD	9/30/2020	001	120 mg/L	190 mg/L	158%
721.	COD	12/31/2020	001	120 mg/L	630 mg/L	525%
722.	COD	3/31/2021	001	120 mg/L	340 mg/L	283%
723.	COD	9/30/2021	001	120 mg/L	160 mg/L	133%

724. Schnitzer's four-quarter average COD concentrations at the Concord-Poplar Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter eight times since the first

quarter of 2017.

725. Schnitzer's discharges of COD from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
726.	COD	3/31/2017	002	120 mg/L	270 mg/L
727.	COD	6/30/2017	002	120 mg/L	202 mg/L
728.	COD	12/31/2017	002	120 mg/L	200 mg/L
729.	COD	3/31/2018	002	120 mg/L	176 mg/L
730.	COD	9/30/2019	002	120 mg/L	135 mg/L
731.	COD	9/30/2020	002	120 mg/L	140 mg/L
732.	COD	12/31/2020	002	120 mg/L	124 mg/L
733.	COD	3/31/2021	002	120 mg/L	122 mg/L

734. Schnitzer's four-quarter average COD concentrations at the Concord-Sandquist Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter 13 times since the fourth quarter of 2016.

735. Schnitzer's discharges of COD from the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements 13 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
736.	COD	3/31/2017	001	120 mg/L	254 mg/L
737.	COD	6/30/2017	001	120 mg/L	262 mg/L
738.	COD	12/31/2017	001	120 mg/L	268 mg/L
739.	COD	3/31/2018	001	120 mg/L	260 mg/L
740.	COD	6/30/2018	001	120 mg/L	402 mg/L
741.	COD	9/30/2018	001	120 mg/L	458 mg/L
742.	COD	3/31/2019	001	120 mg/L	500 mg/L
743.	COD	6/30/2019	001	120 mg/L	512 mg/L
744.	COD	9/30/2019	001	120 mg/L	272 mg/L
745.	COD	12/31/2019	001	120 mg/L	265 mg/L
746.	COD	9/30/2020	001	120 mg/L	255 mg/L

747.	COD	12/31/2020	001	120 mg/L	250 mg/L
748.	COD	3/31/2021	001	120 mg/L	308 mg/L

749. Schnitzer's four-quarter average COD concentrations at the Manchester Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter 11 times since the fourth quarter of 2016.

750. Schnitzer's discharges of COD from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements 11 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
751.	COD	3/31/2017	001	120 mg/L	198 mg/L
752.	COD	6/30/2017	001	120 mg/L	178 mg/L
753.	COD	12/31/2017	001	120 mg/L	148 mg/L
754.	COD	6/30/2018	001	120 mg/L	138 mg/L
755.	COD	9/30/2018	001	120 mg/L	152 mg/L
756.	COD	3/31/2019	001	120 mg/L	210 mg/L
757.	COD	6/30/2019	001	120 mg/L	248 mg/L
758.	COD	9/30/2019	001	120 mg/L	248 mg/L
759.	COD	9/30/2020	001	120 mg/L	255 mg/L
760.	COD	12/31/2020	001	120 mg/L	325 mg/L
761.	COD	3/31/2021	001	120 mg/L	328 mg/L

Pollutant: Total Suspended Solids ("TSS")

762. The Facilities' discharges of TSS contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

763. Elevated levels of TSS increase water turbidity and reduce the light available to desirable aquatic plants. TSS that settle out as bottom deposits can alter or destroy habitat for fish and other bottom-dwelling organisms.

764. The Facilities' quarterly discharge monitoring reports show that they have discharged

TSS every quarter for which monitoring was conducted since the fourth quarter of 2016.

765. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of TSS.

766. The Concord-Poplar Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter eight times between the first quarter of 2017 and the third quarter of 2019, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
767.	TSS	3/31/2017	002	100 mg/L	730 mg/L	730%
768.	TSS	3/31/2017	003	100 mg/L	150 mg/L	150%
769.	TSS	6/30/2017	001	100 mg/L	250 mg/L	250%
770.	TSS	6/30/2017	002	100 mg/L	240 mg/L	240%
771.	TSS	6/30/2017	003	100 mg/L	400 mg/L	400%
772.	TSS	6/30/2018	002	100 mg/L	190 mg/L	190%
773.	TSS	6/30/2018	003	100 mg/L	180 mg/L	180%
774.	TSS	9/30/2020	002	100 mg/L	220 mg/L	220%

775. The Concord-Sandquist Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter four times between the third quarter of 2018 and the fourth quarter of 2020, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
776.	TSS	9/30/2018	001	100 mg/L	150 mg/L	150%
777.	TSS	12/31/2019	001	100 mg/L	130 mg/L	130%
778.	TSS	9/30/2020	001	100 mg/L	320 mg/L	320%
779.	TSS	12/31/2020	001	100 mg/L	180 mg/L	180%

780. The Manchester Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter three times between the first quarter of 2019 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
781.	TSS	3/31/2019	001	100 mg/L	170 mg/L	170%
782.	TSS	12/31/2020	001	100 mg/L	720 mg/L	720%
783.	TSS	3/31/2021	001	100 mg/L	300 mg/L	300%

784. Schnitzer's four-quarter average TSS concentrations at the Concord-Poplar Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter eight times since the fourth quarter of 2016.

785. Schnitzer's discharges of TSS from the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
786.	TSS	3/31/2017	002	100 mg/L	398. mg/L
787.	TSS	6/30/2017	002	100 mg/L	262 mg/L
788.	TSS	6/30/2017	003	100 mg/L	171 mg/L
789.	TSS	12/31/2017	002	100 mg/L	257 mg/L
790.	TSS	3/31/2018	002	100 mg/L	271 mg/L
791.	TSS	3/31/2018	003	100 mg/L	156 mg/L
792.	TSS	6/30/2018	002	100 mg/L	136 mg/L
793.	TSS	6/30/2018	003	100 mg/L	187 mg/L

794. Schnitzer's four-quarter average TSS concentrations at the Concord-Sandquist Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter three times since the fourth quarter of 2016.

795. Schnitzer's discharges of TSS from the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements three times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
796.	TSS	9/30/2020	001	100 mg/L	125 mg/L

797.	TSS	12/31/2020	001	100 mg/L	164 mg/L
798.	TSS	3/31/2021	001	100 mg/L	162 mg/L

799. Schnitzer's four-quarter average TSS concentrations at the Manchester Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter four times since the fourth quarter of 2016.

800. Schnitzer's discharges of TSS from the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements four times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
801.	TSS	3/31/2017	001	100 mg/L	149 mg/L
802.	TSS	6/30/2017	001	100 mg/L	155 mg/L
803.	TSS	12/31/2020	001	100 mg/L	228 mg/L
804.	TSS	3/31/2021	001	100 mg/L	284 mg/L

Pollutant: Effluent that Contains Evidence of Stormwater Pollution

805. The Facilities' discharges of effluent that contains evidence of stormwater pollution contribute to the degradation of the Merrimack River and the South End Marsh Wetland Complex and to the violation of state water quality standards for New Hampshire.

806. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of visible and malodorous pollutants.

807. Schnitzer has observed evidence of stormwater pollution in the effluent of the Concord-Poplar Facility at least five times since the fourth quarter of 2016.

808. Schnitzer's observations of evidence of stormwater pollution at the Concord-Poplar Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Monitoring Period	Description of Issue
809.	2016	"trace amounts of floating solids, a light brown color, and a diminished clarity in the samples collected. One sample had a slight sulfur odor."
810.	2017	"Stormwater runoff clarity ranged from clear to diminished. . . Two sampling events identified trace suspended solids."
811.	2018	"varying degrees of color, odor, clarity, and solid matter."
812.	2019	"varying degrees of color, odor, clarity, and solid matter."
813.	2020	"varying degrees of color, odor, clarity, and solid matter."

814. Schnitzer has observed evidence of stormwater pollution in the effluent of the Concord-Sandquist Facility at least four times since 2017.

815. Schnitzer's observations of evidence of stormwater pollution at the Concord-Sandquist Facility have triggered the MSGPs' corrective action and/or AIM requirements four times since 2017, as detailed in the below table.

Par. No.	Monitoring Period	Description of Issue
816.	2017	"Stormwater runoff was typically clear or light brown in color, clear to slightly cloudy in clarity"
817.	2018	"varying degrees of color, odor, clarity, and solid matter."
818.	2019	"varying degrees of color, odor, clarity, and solid matter."
819.	2020	"varying degrees of color, odor, clarity, and solid matter."

820. Schnitzer has observed evidence of stormwater pollution in the effluent of the Manchester Facility at least five times since 2016.

821. Schnitzer's observations of evidence of stormwater pollution at the Manchester Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since 2016, as detailed in the below table.

Par. No.	Monitoring Period	Description of Issue
822.	2016	"diminished clarity, sulfur odor, some settled solids, and a grey color."
823.	2017	"typically clear or light brown in color, clear to slightly cloudy in clarity. . . Two sampling events identified little settled solids"
824.	2018	"varying degrees of color, odor, clarity, and solid matter."
825.	2019	"varying degrees of color, odor, clarity, and solid matter."

826.	2020	"varying degrees of color, odor, clarity, and solid matter."

Facility Inspections

827. Upon information and belief, facility inspections at the Concord-Poplar Facility revealed instances where discharges were not adequately controlled.

828. Upon information and belief, facility inspections at the Concord-Sandquist Facility revealed instances where discharges were not adequately controlled.

829. Upon information and belief, facility inspections at the Manchester Facility revealed instances where discharges were not adequately controlled.

830. Schnitzer's facility inspections which have revealed instances where discharges were not adequately controlled have triggered the MSGPs' corrective action and/or AIM requirements.

Monitoring and Reporting

831. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Concord-Poplar Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Type of Monitoring and Reporting Requirement**
832.	Aluminum	12/31/2016	001	Benchmark
833.	Aluminum	12/31/2016	002	Benchmark
834.	Aluminum	12/31/2016	003	Benchmark
835.	Chemical Oxygen Demand	12/31/2016	001	Benchmark
836.	Chemical Oxygen Demand	12/31/2016	002	Benchmark
837.	Chemical Oxygen Demand	12/31/2016	003	Benchmark
838.	Copper	12/31/2016	001	Benchmark
839.	Copper	12/31/2016	002	Benchmark
840.	Copper	12/31/2016	003	Benchmark
841.	Iron	12/31/2016	001	Benchmark
842.	Iron	12/31/2016	002	Benchmark
843.	Iron	12/31/2016	003	Benchmark
844.	Lead	12/31/2016	001	Benchmark
845.	Lead	12/31/2016	002	Benchmark
846.	Lead	12/31/2016	003	Benchmark

847.	Total Suspended Solids	12/31/2016	001	Benchmark
848.	Total Suspended Solids	12/31/2016	002	Benchmark
849.	Total Suspended Solids	12/31/2016	003	Benchmark
850.	Zinc	12/31/2016	001	Benchmark
851.	Zinc	12/31/2016	002	Benchmark
852.	Zinc	12/31/2016	003	Benchmark
853.	Aluminum	9/30/2017	001	Benchmark
854.	Aluminum	9/30/2017	002	Benchmark
855.	Aluminum	9/30/2017	003	Benchmark
856.	Aluminum	9/30/2017	001	Impaired waters
857.	Chemical Oxygen Demand	9/30/2017	001	Benchmark
858.	Chemical Oxygen Demand	9/30/2017	002	Benchmark
859.	Chemical Oxygen Demand	9/30/2017	003	Benchmark
860.	Copper	9/30/2017	001	Benchmark
861.	Copper	9/30/2017	002	Benchmark
862.	Copper	9/30/2017	003	Benchmark
863.	Dissolved oxygen	9/30/2017	001	Impaired waters
864.	Iron	9/30/2017	001	Benchmark
865.	Iron	9/30/2017	002	Benchmark
866.	Iron	9/30/2017	003	Benchmark
867.	Lead	9/30/2017	001	Benchmark
868.	Lead	9/30/2017	002	Benchmark
869.	Lead	9/30/2017	003	Benchmark
870.	pH	9/30/2017	001	Impaired waters
871.	Total Suspended Solids	9/30/2017	001	Benchmark
872.	Total Suspended Solids	9/30/2017	002	Benchmark
873.	Total Suspended Solids	9/30/2017	003	Benchmark
874.	Zinc	9/30/2017	001	Benchmark
875.	Zinc	9/30/2017	002	Benchmark
876.	Zinc	9/30/2017	003	Benchmark
877.	Aluminum	12/31/2017	003	Benchmark
878.	Chemical Oxygen Demand	12/31/2017	003	Benchmark
879.	Copper	12/31/2017	003	Benchmark
880.	Iron	12/31/2017	003	Benchmark
881.	Lead	12/31/2017	003	Benchmark
882.	Total Suspended Solids	12/31/2017	003	Benchmark
883.	Zinc	12/31/2017	003	Benchmark
884.	Aluminum	9/30/2018	003	Benchmark
885.	Chemical Oxygen Demand	9/30/2018	003	Benchmark
886.	Copper	9/30/2018	003	Benchmark
887.	Dissolved oxygen	9/30/2018	001	Impaired waters
888.	Iron	9/30/2018	003	Benchmark
889.	Lead	9/30/2018	003	Benchmark
890.	Total Suspended Solids	9/30/2018	003	Benchmark
891.	Zinc	9/30/2018	003	Benchmark

892.	Aluminum	12/31/2018	001	Benchmark
893.	Aluminum	12/31/2018	002	Benchmark
894.	Aluminum	12/31/2018	003	Benchmark
895.	Chemical Oxygen Demand	12/31/2018	001	Benchmark
896.	Chemical Oxygen Demand	12/31/2018	002	Benchmark
897.	Chemical Oxygen Demand	12/31/2018	003	Benchmark
898.	Copper	12/31/2018	001	Benchmark
899.	Copper	12/31/2018	002	Benchmark
900.	Copper	12/31/2018	003	Benchmark
901.	Iron	12/31/2018	001	Benchmark
902.	Iron	12/31/2018	002	Benchmark
903.	Iron	12/31/2018	003	Benchmark
904.	Lead	12/31/2018	001	Benchmark
905.	Lead	12/31/2018	002	Benchmark
906.	Lead	12/31/2018	003	Benchmark
907.	Total Suspended Solids	12/31/2018	001	Benchmark
908.	Total Suspended Solids	12/31/2018	002	Benchmark
909.	Total Suspended Solids	12/31/2018	003	Benchmark
910.	Zinc	12/31/2018	001	Benchmark
911.	Zinc	12/31/2018	002	Benchmark
912.	Zinc	12/31/2018	003	Benchmark
913.	Aluminum	3/31/2019	002	Benchmark
914.	Aluminum	3/31/2019	003	Benchmark
915.	Chemical Oxygen Demand	3/31/2019	002	Benchmark
916.	Chemical Oxygen Demand	3/31/2019	003	Benchmark
917.	Copper	3/31/2019	002	Benchmark
918.	Copper	3/31/2019	003	Benchmark
919.	Iron	3/31/2019	002	Benchmark
920.	Iron	3/31/2019	003	Benchmark
921.	Lead	3/31/2019	002	Benchmark
922.	Lead	3/31/2019	003	Benchmark
923.	Total Suspended Solids	3/31/2019	002	Benchmark
924.	Total Suspended Solids	3/31/2019	003	Benchmark
925.	Zinc	3/31/2019	002	Benchmark
926.	Zinc	3/31/2019	003	Benchmark
927.	Aluminum	6/30/2019	003	Benchmark
928.	Chemical Oxygen Demand	6/30/2019	003	Benchmark
929.	Copper	6/30/2019	003	Benchmark
930.	Iron	6/30/2019	003	Benchmark
931.	Lead	6/30/2019	003	Benchmark
932.	Total Suspended Solids	6/30/2019	003	Benchmark
933.	Zinc	6/30/2019	003	Benchmark
934.	Aluminum	9/30/2019	003	Benchmark
935.	Chemical Oxygen Demand	9/30/2019	003	Benchmark
936.	Copper	9/30/2019	003	Benchmark

937.	Iron	9/30/2019	003	Benchmark
938.	Lead	9/30/2019	003	Benchmark
939.	Total Suspended Solids	9/30/2019	003	Benchmark
940.	Zinc	9/30/2019	003	Benchmark
941.	Aluminum	12/31/2019	002	Benchmark
942.	Aluminum	12/31/2019	003	Benchmark
943.	Chemical Oxygen Demand	12/31/2019	002	Benchmark
944.	Chemical Oxygen Demand	12/31/2019	003	Benchmark
945.	Copper	12/31/2019	002	Benchmark
946.	Copper	12/31/2019	003	Benchmark
947.	Iron	12/31/2019	002	Benchmark
948.	Iron	12/31/2019	003	Benchmark
949.	Lead	12/31/2019	002	Benchmark
950.	Lead	12/31/2019	003	Benchmark
951.	Total Suspended Solids	12/31/2019	002	Benchmark
952.	Total Suspended Solids	12/31/2019	003	Benchmark
953.	Zinc	12/31/2019	002	Benchmark
954.	Zinc	12/31/2019	003	Benchmark
955.	Aluminum	3/31/2020	001	Benchmark
956.	Aluminum	3/31/2020	002	Benchmark
957.	Aluminum	3/31/2020	003	Benchmark
958.	Chemical Oxygen Demand	3/31/2020	001	Benchmark
959.	Chemical Oxygen Demand	3/31/2020	002	Benchmark
960.	Chemical Oxygen Demand	3/31/2020	003	Benchmark
961.	Copper	3/31/2020	001	Benchmark
962.	Copper	3/31/2020	002	Benchmark
963.	Copper	3/31/2020	003	Benchmark
964.	Iron	3/31/2020	001	Benchmark
965.	Iron	3/31/2020	002	Benchmark
966.	Iron	3/31/2020	003	Benchmark
967.	Lead	3/31/2020	001	Benchmark
968.	Lead	3/31/2020	002	Benchmark
969.	Lead	3/31/2020	003	Benchmark
970.	Total Suspended Solids	3/31/2020	001	Benchmark
971.	Total Suspended Solids	3/31/2020	002	Benchmark
972.	Total Suspended Solids	3/31/2020	003	Benchmark
973.	Zinc	3/31/2020	001	Benchmark
974.	Zinc	3/31/2020	002	Benchmark
975.	Zinc	3/31/2020	003	Benchmark
976.	Aluminum	6/30/2020	001	Benchmark
977.	Aluminum	6/30/2020	002	Benchmark
978.	Aluminum	6/30/2020	003	Benchmark
979.	Chemical Oxygen Demand	6/30/2020	001	Benchmark
980.	Chemical Oxygen Demand	6/30/2020	002	Benchmark
981.	Chemical Oxygen Demand	6/30/2020	003	Benchmark

982.	Copper	6/30/2020	001	Benchmark
983.	Copper	6/30/2020	002	Benchmark
984.	Copper	6/30/2020	003	Benchmark
985.	Iron	6/30/2020	001	Benchmark
986.	Iron	6/30/2020	002	Benchmark
987.	Iron	6/30/2020	003	Benchmark
988.	Lead	6/30/2020	001	Benchmark
989.	Lead	6/30/2020	002	Benchmark
990.	Lead	6/30/2020	003	Benchmark
991.	Total Suspended Solids	6/30/2020	001	Benchmark
992.	Total Suspended Solids	6/30/2020	002	Benchmark
993.	Total Suspended Solids	6/30/2020	003	Benchmark
994.	Zinc	6/30/2020	001	Benchmark
995.	Zinc	6/30/2020	002	Benchmark
996.	Zinc	6/30/2020	003	Benchmark
997.	Aluminum	9/30/2020	003	Benchmark
998.	Chemical Oxygen Demand	9/30/2020	003	Benchmark
999.	Copper	9/30/2020	003	Benchmark
1000.	Iron	9/30/2020	003	Benchmark
1001.	Lead	9/30/2020	003	Benchmark
1002.	Total Suspended Solids	9/30/2020	003	Benchmark
1003.	Zinc	9/30/2020	003	Benchmark
1004.	Aluminum	12/31/2020	001	Benchmark
1005.	Aluminum	12/31/2020	003	Benchmark
1006.	Chemical Oxygen Demand	12/31/2020	001	Benchmark
1007.	Chemical Oxygen Demand	12/31/2020	003	Benchmark
1008.	Copper	12/31/2020	001	Benchmark
1009.	Copper	12/31/2020	003	Benchmark
1010.	Iron	12/31/2020	001	Benchmark
1011.	Iron	12/31/2020	003	Benchmark
1012.	Lead	12/31/2020	001	Benchmark
1013.	Lead	12/31/2020	003	Benchmark
1014.	Total Suspended Solids	12/31/2020	001	Benchmark
1015.	Total Suspended Solids	12/31/2020	003	Benchmark
1016.	Zinc	12/31/2020	001	Benchmark
1017.	Zinc	12/31/2020	003	Benchmark
1018.	Aluminum	3/31/2021	003	Benchmark
1019.	Chemical Oxygen Demand	3/31/2021	003	Benchmark
1020.	Copper	3/31/2021	003	Benchmark
1021.	Iron	3/31/2021	003	Benchmark
1022.	Lead	3/31/2021	003	Benchmark
1023.	Total Suspended Solids	3/31/2021	003	Benchmark
1024.	Zinc	3/31/2021	003	Benchmark
1025.	Aluminum	9/30/2021	003	Benchmark
1026.	Aluminum	9/30/2021	001	Impaired waters

1027.	Chemical Oxygen Demand	9/30/2021	003	Benchmark
1028.	Copper	9/30/2021	003	Benchmark
1029.	Dissolved oxygen	9/30/2021	001	Impaired waters
1030.	Lead	9/30/2021	003	Benchmark
1031.	Total Suspended Solids	9/30/2021	003	Benchmark
1032.	Zinc	9/30/2021	003	Benchmark

1033. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Concord-Sandquist Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
1034.	Aluminum	12/31/2016	001	Benchmark
1035.	Chemical Oxygen Demand	12/31/2016	001	Benchmark
1036.	Copper	12/31/2016	001	Benchmark
1037.	Iron	12/31/2016	001	Benchmark
1038.	Lead	12/31/2016	001	Benchmark
1039.	Total Suspended Solids	12/31/2016	001	Benchmark
1040.	Zinc	12/31/2016	001	Benchmark
1041.	Aluminum	9/30/2017	001	Benchmark
1042.	Aluminum	9/30/2017	001	Impaired waters
1043.	Chemical Oxygen Demand	9/30/2017	001	Benchmark
1044.	Copper	9/30/2017	001	Benchmark
1045.	Dissolved oxygen	9/30/2017	001	Impaired waters
1046.	Iron	9/30/2017	001	Benchmark
1047.	Lead	9/30/2017	001	Benchmark
1048.	pH	9/30/2017	001	Impaired waters
1049.	Total Suspended Solids	9/30/2017	001	Benchmark
1050.	Zinc	9/30/2017	001	Benchmark
1051.	Aluminum	12/31/2018	001	Benchmark
1052.	Chemical Oxygen Demand	12/31/2018	001	Benchmark
1053.	Copper	12/31/2018	001	Benchmark
1054.	Iron	12/31/2018	001	Benchmark
1055.	Lead	12/31/2018	001	Benchmark
1056.	Total Suspended Solids	12/31/2018	001	Benchmark
1057.	Zinc	12/31/2018	001	Benchmark
1058.	Dissolved oxygen	9/30/2019	001	Impaired waters
1059.	Aluminum	3/31/2020	001	Benchmark
1060.	Chemical Oxygen Demand	3/31/2020	001	Benchmark
1061.	Copper	3/31/2020	001	Benchmark
1062.	Iron	3/31/2020	001	Benchmark
1063.	Lead	3/31/2020	001	Benchmark

1064.	Total Suspended Solids	3/31/2020	001	Benchmark
1065.	Zinc	3/31/2020	001	Benchmark
1066.	Aluminum	6/30/2020	001	Benchmark
1067.	Chemical Oxygen Demand	6/30/2020	001	Benchmark
1068.	Copper	6/30/2020	001	Benchmark
1069.	Iron	6/30/2020	001	Benchmark
1070.	Lead	6/30/2020	001	Benchmark
1071.	Total Suspended Solids	6/30/2020	001	Benchmark
1072.	Zinc	6/30/2020	001	Benchmark
1073.	Aluminum	12/31/2021	001	Impaired waters
1074.	Dissolved oxygen	12/31/2021	001	Impaired waters
1075.	pH	12/31/2021	001	Impaired waters

1076. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Manchester Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
1077.	Aluminum	12/31/2016	001	Benchmark
1078.	Chemical Oxygen Demand	12/31/2016	001	Benchmark
1079.	Copper	12/31/2016	001	Benchmark
1080.	Iron	12/31/2016	001	Benchmark
1081.	Lead	12/31/2016	001	Benchmark
1082.	Total Suspended Solids	12/31/2016	001	Benchmark
1083.	Zinc	12/31/2016	001	Benchmark
1084.	Aluminum	9/30/2017	001	Benchmark
1085.	Chemical Oxygen Demand	9/30/2017	001	Benchmark
1086.	Copper	9/30/2017	001	Benchmark
1087.	Iron	9/30/2017	001	Benchmark
1088.	Lead	9/30/2017	001	Benchmark
1089.	Total Suspended Solids	9/30/2017	001	Benchmark
1090.	Zinc	9/30/2017	001	Benchmark
1091.	Aluminum	12/31/2018	001	Benchmark
1092.	Chemical Oxygen Demand	12/31/2018	001	Benchmark
1093.	Copper	12/31/2018	001	Benchmark
1094.	Iron	12/31/2018	001	Benchmark
1095.	Lead	12/31/2018	001	Benchmark
1096.	Total Suspended Solids	12/31/2018	001	Benchmark
1097.	Zinc	12/31/2018	001	Benchmark

1098.	Aluminum	12/31/2019	001	Benchmark
1099.	Chemical Oxygen Demand	12/31/2019	001	Benchmark
1100.	Copper	12/31/2019	001	Benchmark
1101.	Iron	12/31/2019	001	Benchmark
1102.	Lead	12/31/2019	001	Benchmark
1103.	Total Suspended Solids	12/31/2019	001	Benchmark
1104.	Zinc	12/31/2019	001	Benchmark
1105.	Aluminum	3/31/2020	001	Benchmark
1106.	Chemical Oxygen Demand	3/31/2020	001	Benchmark
1107.	Copper	3/31/2020	001	Benchmark
1108.	Iron	3/31/2020	001	Benchmark
1109.	Lead	3/31/2020	001	Benchmark
1110.	Total Suspended Solids	3/31/2020	001	Benchmark
1111.	Zinc	3/31/2020	001	Benchmark
1112.	Aluminum	6/30/2020	001	Benchmark
1113.	Chemical Oxygen Demand	6/30/2020	001	Benchmark
1114.	Copper	6/30/2020	001	Benchmark
1115.	Iron	6/30/2020	001	Benchmark
1116.	Lead	6/30/2020	001	Benchmark
1117.	Total Suspended Solids	6/30/2020	001	Benchmark
1118.	Zinc	6/30/2020	001	Benchmark
1119.	Dissolved oxygen	9/30/2020	001	Impaired waters
1120.	pH	9/30/2020	001	Impaired waters
1121.	Aluminum	12/31/2021	001	Impaired waters
1122.	Dissolved oxygen	12/31/2021	001	Impaired waters
1123.	pH	12/31/2021	001	Impaired waters

1124. Where Schnitzer failed to conduct required quarterly benchmark monitoring due to adverse weather conditions, Schnitzer failed to take a substitute sample during the next qualifying storm event as required by the MSGPs.

THE FACILITIES' HARMS TO CLF'S MEMBERS

1125. CLF's members use the Merrimack River for drinking water, swimming, boating, fishing, aesthetic enjoyment, and observing wildlife.

1126. CLF's members use the South End Marsh Wetland Complex for birdwatching, aesthetic enjoyment, and observing wildlife.

1127. CLF's members cherish the Merrimack River and the South End Marsh Wetland Complex as places of natural importance, historical interest, and/or personal significance.

1128. CLF's members enjoy the experience of sharing the recreational and aesthetic values of the Merrimack River and the South End Marsh Wetland Complex with family and friends.

1129. The Facilities' discharges of pollutants into the Merrimack River and the South End Marsh Wetland Complex have degraded the health of the waterbodies and contributed to their impairments in a way that diminishes the use and enjoyment of the waterbodies by CLF's members.

1130. CLF's members are concerned about the health impacts of heavy metal pollution from drinking water sourced downstream from the Facilities.

1131. CLF's members are concerned about the health impacts of heavy metal pollution from direct contact with waters downstream from the Facilities.

1132. CLF's members worry about the potential health effects of being exposed to heavy metals and other pollutants in the Merrimack River while boating and fishing.

1133. CLF's members worry about the negative impact of heavy metals and other pollutants on their ability to enjoy observing wildlife on the Merrimack River and at the South End Marsh Wetland Complex.

1134. The presence of odor, unnatural color, scum, foam, and diminished water clarity adversely affect the aesthetic enjoyment of the Merrimack River and the South End Marsh Wetland Complex by CLF's members.

CLAIMS FOR RELIEF

Count I: Failure to Take Corrective Actions and/or AIMs Following Triggering Events

1135. Paragraphs 1 through 1134 are incorporated by reference as if fully set forth herein.

1136. The MSGPs require Defendants to take corrective action or additional implementation measures when the following triggering events occur: 1) the average of four quarterly sampling results exceeds the applicable benchmark value or when an exceedance of the four-quarter average is mathematically certain; 2) control measures do not adequately minimize discharges to meet applicable water quality standards; 3) a visual assessment shows evidence of stormwater pollution in the discharge; or 4) a facility inspection reveals that discharges are not adequately controlled.

1137. Following a triggering event, Defendants are required to 1) review and revise the Stormwater Pollution Prevention Plan to minimize pollutant discharges; 2) immediately take "all reasonable steps to minimize or prevent the discharge of pollutants until [it] can implement a permanent solution;" and 3) if necessary, take subsequent actions before the next storm event if possible and within 14 calendar days from the time of discovery.

1138. The average of four quarterly samplings results exceeded the applicable benchmark values or an exceedance of the four-quarter average was mathematically certain 131 times at the Concord-Poplar Facility, 78 times at the Concord-Sandquist Facility, and 78 times at the Manchester Facility.

1139. Upon information and belief, the control measures at the Facilities did not and do not currently adequately minimize discharges to meet applicable water quality standards.

1140. Quarterly visual assessments of discharge at the Facilities documented evidence of stormwater pollution five times at the Concord-Poplar Facility, four times at the Concord-Sandquist Facility, and five times at the Manchester Facility.

1141. Upon information and belief, facility inspections revealed that discharges were not adequately controlled at the Facilities.

1142. Schnitzer did not take corrective action or AIMs as required by the MSGPs following the triggering events listed in paragraphs 1138-1141 above.

1143. Upon information and belief, following the triggering events listed in paragraphs 1138-1141 above, Schnitzer did not review and revise the Stormwater Pollution Prevention Plans for the Facilities.

1144. Upon information and belief, following the triggering events listed in paragraphs 1138-1141 above, Schnitzer did not immediately take all reasonable steps to minimize or prevent the discharge of pollutants until it could implement a permanent solution.

1145. Upon information and belief, following the triggering events listed in 1138-1141 above, Schnitzer did not take subsequent actions as necessary before the next storm event if possible and within 14 calendar days from the time of discovery.

1146. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

1147. Each day that Defendants have violated or continue to violate the corrective action and/or AIM requirement is a separate and distinct violation of the MSGPs and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Count II: Failure to Use Control Measures to Minimize Pollutant Discharges

1148. Paragraphs 1 through 1134 are incorporated by reference as if fully set forth herein.

1149. The MSGPs require that Schnitzer select, design, install, and implement control measures "to minimize pollutant discharges."

1150. Schnitzer has failed and continues to fail to select, design, install, and implement control measures to minimize pollutant discharges.

1151. Upon information and belief, Schnitzer has failed to comply with the pollutant control measures required in Section 2.1 of the MSGPs, including but not limited to provisions related to minimizing exposure, good housekeeping measures, maintenance of control measures, leaks and spills, control of sediment discharge, and dust generation.

1152. Schnitzer has discharged pollutants in excess of the benchmark values in the MSGPs at least 112 times from the Concord-Poplar Facility, 71 times from the Concord-Sandquist Facility, and 68 times from the Manchester Facility.

1153. Each day that Defendants have violated or continue to violate the MSGPs' requirement to use control measures to minimize pollutant discharges is a separate and distinct violation of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and 40 C.F.R. Part 451.

Count III: Unlawful Discharges Causing or Contributing to Violation of Water Quality Standards

1154. Paragraphs 1 through 1134 are incorporated by reference as if fully set forth herein.

1155. The MSGPs require that Defendants control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states."

1156. The Facilities discharge into New Hampshire waterbodies.

1157. Schnitzer's discharges from the Facilities are required to comply with New Hampshire state water quality standards.

1158. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq § 1703.01(b), (c), pertaining to the integrity of surface waters; fish, shellfish, and wildlife; and recreation.

1159. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq § 1703.19, pertaining to biological and aquatic community integrity.

1160. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq § 1703.03(c)(1), pertaining to substances that settle; float; produce odor, taste, or turbidity; or interfere with recreation.

1161. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq §1703.07, pertaining to dissolved oxygen.

1162. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq §1703.08(b), pertaining to benthic deposits in Class B waters.

1163. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq § 1703.09(b) pertaining to oil or grease in Class B waters.

1164. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq §1703.10(b), pertaining to color in Class B waters.

1165. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq § 1703.12(b), pertaining to slicks, odors, or floating solids.

1166. The Facilities have caused or contributed to violations of New Hampshire state water quality standards contained in N.H. Code Admin. R. Env-Wq §1703.21(a), pertaining to toxic substances or chemical constituents.

1167. Every state surface water quality standard violation constitutes a separate and distinct violation of the MSGPs and the Clean Water Act.

1168. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the MSGPs' prohibition against causing or contributing to the state water quality standards violations, including violations of each of the above-enumerated state water quality standards, unless and until enjoined from doing so.

1169. Each day, and for each pollutant parameter and each state water quality standard that Defendants have violated or continue to violate, constitutes a separate and distinct violation of the MSGPs and of Section 301(a) of the Clean Water Act, 33 U.S.C. §§ 1311(a).

Count IV: Failure to Comply with Monitoring and Reporting Requirements

1170. Paragraphs 1 through 1134 are incorporated by reference as if fully set forth herein.

1171. The MSGPs require Schnitzer to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, COD, and TSS.

1172. In the event that adverse weather conditions prevent the collection of a required quarterly stormwater sample, the MSGPs require Schnitzer "to take a substitute sample during the next qualifying storm event."

1173. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Concord-Poplar and Concord-Sandquist Facilities for pH and mercury.

1174. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Manchester Facility for aluminum, pH, phosphorus, mercury, and E. coli.

1175. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Concord-Poplar Facility at least 195 times since the fourth quarter of 2016.

1176. Schnitzer has failed to conduct required annual impaired waters monitoring at the Concord-Poplar Facility at least six times since the fourth quarter of 2016.

1177. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Concord-

Sandquist Facility at least 35 times since the fourth quarter of 2016.

1178. Schnitzer has failed to conduct required annual impaired waters monitoring at the Concord-Sandquist Facility seven times since the fourth quarter of 2016.

1179. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Manchester Facility at least 42 times since the fourth quarter of 2016.

1180. Schnitzer has failed to conduct required annual impaired waters monitoring at the Manchester Facility at least five times since the fourth quarter of 2016.

1181. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

1182. Each day that Defendants have violated or continue to violate the monitoring and reporting requirements of the MSGPs is a separate and distinct violation of the Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

a. Issue a declaratory judgment, pursuant to 28 U.S.C. § 2201, that Defendants have violated and remain in violation of the Permit, Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, III, and IV of this Complaint;

b. Enjoin Defendants from violating the requirements of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), applicable Clean Water Act regulations, and state water quality standards;

c. Impose civil penalties on Defendants as provided under Sections 505(a) and

309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 40 C.F.R. § 19.4;

d. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and

e. Grant such other relief as this Court may deem appropriate.

Dated: February 22, 2022

/s/______________________________
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

CONSERVATION LAW FOUNDATION, INC. Plaintiff, v. SCHNITZER STEEL INDUSTRIES, INC. and SCHNITZER PUERTO RICO, INC., Defendants	)	Case No. **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES**

INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA,"), 33 U.S.C. § 1365(a), to address Clean Water Act violations at four scrap metal facilities: (1) Schnitzer Puerto Rico, Inc. – Bayamón, located at Road #2 KM 7.7, Corujo Industrial Park in Bayamón, Puerto Rico 00960 (the "Bayamón Facility"); (2) Schnitzer Puerto Rico, Inc. – Caguas, located at Road PR-1 KM 30.0 INT., in Caguas, Puerto Rico 00726 (the "Caguas Facility"); (3) Schnitzer Puerto Rico, Inc. – Canovanas, located at Lot 61, Road PR-188, San Isidro Industrial Park in Canovanas, Puerto Rico 00729 (the "Canovanas Facility"); and (4) Schnitzer Puerto Rico, Inc. – Ponce, located at Port of Ponce Processed Material Staging Area, located at Road PR-123 Final in Ponce, Puerto Rico 00731 (the "Ponce Facility") (collectively, the "Facilities").

2. The Facilities are owned and operated by Schnitzer Steel Industries, Inc. ("Schnitzer Steel") and/or its subsidiary Schnitzer Puerto Rico, Inc. ("Schnitzer Puerto Rico"), and their agents and directors (collectively, "Schnitzer" or "Defendants"). Schnitzer is discharging

pollutants including heavy metals from these four facilities into receiving waters that include the Río Hondo, the Río Bairoa, an unnamed creek adjacent to the Río Grande de Loiza Estuary (the "Unnamed Creek"), and the Caribbean Sea. Schnitzer's discharges have been subject to the 2015 and 2021 Multi-Sector General Permits for Stormwater Discharges Associated with Industrial Activity (the "2015 MSGP" and the "2021 MSGP," collectively, the "MSGPs"). Schnitzer has discharged, and continues to discharge, stormwater associated with its industrial activities into waters of the United States in violation of the MSGPs by: (1) failing to take required corrective actions; (2) failing to follow required procedures for minimizing pollutant discharges; (3) contributing to the receiving waters' failure to meet water quality standards and their impairments; and (4) failing to comply with monitoring and reporting requirements.

3. Conservation Law Foundation ("CLF") seeks declaratory judgment, injunctive relief, and other relief with respect to the Facilities' violations of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

JURISDICTION AND VENUE

4. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

5. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

6. On December 20, 2021, Plaintiff notified Schnitzer and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the

corresponding regulations located at 40 C.F.R. § 135.2. A true and accurate copy of Plaintiff's Notice Letter ("Notice Letter") is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

7. Each Defendant received the Notice Letter. A copy of each return receipt is attached as Exhibit 2.

8. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency ("EPA"), the Acting Regional Administrator of EPA Region 1, the Citizen Suit Coordinator, and the Puerto Rico Department of Natural and Environmental Resources.

9. Each of the addressees identified in the preceding paragraph received the Notice Letter. A copy of each return receipt is attached as Exhibit 3.

10. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither EPA nor the Commonwealth of Puerto Rico has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

11. The Clean Water Act violations alleged in the Notice Letter are of a continuing nature, ongoing, or reasonably likely to re-occur. The Defendants remain in violation of the Clean Water Act.

12. Venue is proper in the United States District Court for the District of Puerto Rico pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

PARTIES

Plaintiff

13. Plaintiff, Conservation Law Foundation ("CLF"), is a nonprofit, member-supported, regional environmental advocacy organization.

14. CLF has a long history of protecting water quality and addressing sources of industrial stormwater pollution.

15. CLF has over 6,300 members. CLF's members use and enjoy the rivers and waters of Puerto Rico for drinking water and recreational and aesthetic purposes.

16. CLF's members include individuals who live and spend time near the Caribbean Sea and other waters downstream from Defendants' Facilities. CLF's members have used and enjoyed the waters downstream from Defendants' Facilities for drinking water and recreational and aesthetic purposes.

17. CLF's members include individuals who have been and continue to be directly and adversely affected by the degradation of water quality downstream from Defendants' Facilities.

18. CLF's members are harmed by stormwater discharges of aluminum, copper, iron, lead, zinc, total suspended solids, and other pollutants to the waters downstream from Defendants' facilities. Schnitzer's stormwater discharges impair the recreational and aesthetic uses of these waters by harming fish and other aquatic life, contributing to unpleasant scum, foam, and/or odor, increasing toxic pollution, and reducing the enjoyment of CLF's members.

19. Schnitzer's stormwater discharges from the Caguas Facility impair the use of Lago Loiza for drinking water, negatively affecting the health of CLF's members.

Defendants

20. Defendant Schnitzer Steel Industries, Inc. ("Schnitzer Steel") is a corporation incorporated under the laws of Oregon.

21. Defendant Schnitzer Steel is the parent company of Schnitzer Puerto Rico, Inc. ("Schnitzer Puerto Rico").

22. Defendant Schnitzer Steel has control over its subsidiary Schnitzer Puerto Rico.

23. Defendant Schnitzer Steel is liable for the Clean Water Act violations of Schnitzer Puerto Rico.

24. Schnitzer Puerto Rico is a corporation incorporated under the laws of Puerto Rico.

25. Schnitzer Steel and its subsidiary Schnitzer Puerto Rico own and/or operate the Bayamón Facility and have owned and/or operated it since at least 2016.

26. Schnitzer Steel and its subsidiary Schnitzer Puerto Rico own and/or operate the Caguas Facility and have owned and/or operated it since at least 2016.

27. Schnitzer Steel and its subsidiary Schnitzer Puerto Rico own and/or operate the Canovanas Facility and have owned and/or operated it since at least 2016.

28. Schnitzer Steel and its subsidiary Schnitzer Puerto Rico own and/or operate the Ponce Facility and have owned and/or operated it since at least 2016.

29. Schnitzer Steel and Schnitzer Puerto Rico are responsible for ensuring that the Facilities operate in compliance with the Clean Water Act.

30. Defendants Schnitzer Steel Industries, Inc. and Schnitzer Puerto Rico, Inc. are persons as defined by Section 502(5) of the Clean Water Act, 33 U.S.C. 1362(5).

STATUTORY AND REGULATORY BACKGROUND

The Clean Water Act and the MSGP

31. The objective of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a) (1972).

32. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System ("NPDES") permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

33. Under the Clean Water Act's implementing regulations, the "discharge of a pollutant" is

defined as "[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).

34. A "pollutant" is any "solid waste," "chemical wastes, biological materials," "wrecked or discarded equipment, rock, sand," and "industrial . . . waste" discharged into water. 33 U.S.C. § 1362(6).

35. The Clean Water Act defines navigable waters as "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7). "Waters of the United States" are defined by EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 122.2.

36. "Point source" is defined broadly to include, "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

37. Section 402 of the CWA requires that NPDES permits be issued for stormwater discharges associated with industrial activities. 33 U.S.C. §§ 1342(a)(1), 1342(p)(2), 1342(p)(3)(A), 1342(p)(4), 1342(p)(6).

38. In establishing the regulations at 40 C.F.R. § 122.26, EPA cited abundant data showing the harmful effects of stormwater runoff on rivers, streams, and coastal areas across the nation. In particular, EPA found that runoff from industrial facilities contained elevated pollution levels. 55 Fed. Reg. 47990, 47991 (Nov. 16, 1990).

39. In September 1995, EPA issued a NPDES Storm Water Multi-Sector General Permit for Industrial Activities. EPA re-issued the MSGP on October 30, 2000, 65 Fed. Reg. 64746; on September 29, 2008, 73 Fed. Reg. 56572; on June 4, 2015 (the "2015 MSGP"), 80 Fed. Reg. 34403; and on September 29, 2021 (the "2021 MSGP"), 86 Fed. Reg. 10269.

40. The MSGP is issued by EPA pursuant to Sections 402(a) and 402(p) of the CWA and

regulates stormwater discharges from industrial facilities. 33 U.S.C. §§ 1342(a), 1342(p).

41. In order to discharge stormwater lawfully, industrial dischargers must obtain coverage under the MSGP and comply with its terms.

42. Industrial dischargers must develop and implement a Stormwater Pollution Prevention Plan ("SWPPP") that identifies sources of pollutants associated with industrial discharges from the facility and identifies effective best management practices to control pollutants in stormwater discharges in a manner that achieves the substantive requirements of the permit.

43. The MSGPs incorporate state water quality standards for all affected states. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

44. The MSGPs require permittees to control stormwater discharges and to modify their control measures "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP §§ 2.1 at 14, 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

Puerto Rico's Surface Water Quality Regulations

45. Puerto Rico's water quality standards require that "[a]ll waters shall meet generally accepted aesthetic requirements." P.R. DEP'T OF NATURAL & ENV'T RES. REG. 9079 § 1303.1.

46. Puerto Rico's water quality standards require that "[t]he waters of Puerto shall not contain floating debris, scum or other floating material attributable to discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body." *Id.* at A.

47. Puerto Rico's water quality standards require that "[t]he waters of Puerto Rico shall be free from color, odor, taste or turbidity attributable to discharges in such a degree as to create a nuisance to the enjoyment of the existing or designated uses of the water body." *Id.* at B.

48. Puerto Rico's water quality standards require that suspended, colloidal, or settleable

"[s]olids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body." *Id.* at E.

49. Puerto Rico's water quality standards require that [t]he waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oils and greases." *Id.* at H.

50. Puerto Rico's water quality standards require that "[t]he waters of Puerto Rico shall not contain any substance at such concentration which, either alone or as result of synergistic effects with other substances is toxic or produces undesirable physiological responses in human, fish or other fauna or flora." *Id.* at J.

51. Puerto Rico's water quality standards require that for Class SB waters, "[c]olor [s]hall not be altered except by natural phenomena. . ." *Id.* §1303.2.B.2.e.

52. Puerto Rico's water quality standards require that for Class SB waters, taste or odor-producing substances "[s]hall not be present in amounts that will interfere with primary contact recreation, or will render any undesirable taste or odor to edible aquatic life." *Id.* § 1303.2.B.2.g.

53. The designated uses for Class SB waters include "primary and secondary contact recreation, and for propagation and maintenance of desirable species, including threatened or endangered species." *Id.* § 1303.2.B.1.

54. Puerto Rico's water quality standards require that for Class SD waters, taste or odor-producing substances "[s]hall not be present in amounts that will interfere with the use for potable water supply or will render any undesirable taste or odor to edible aquatic life." *Id.* § 1303.2.C.2.h.

55. The designated uses for Class SD waters include "as a raw source of public water supply, propagation and maintenance of desirable species, including threatened or endangered species, as

well as primary and secondary contact recreation." *Id.* at § 1303.2.C.1.

Citizen Enforcement Suits Under the Clean Water Act

56. The Clean Water Act authorizes citizen enforcement actions against any "person" who is alleged to be in violation of an "effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation." 33 U.S.C. § 1365(a)(1).

57. An "effluent limitation" is "any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance." *See id.* 1362(11).

58. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(f).

59. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

FACTUAL BACKGROUND

The Facilities' MSGPs

60. The Facilities discharge stormwater associated with industrial activity.

61. Schnitzer's activities at the Facilities include activities which are classified by the MSGPs as subsector N1: Scrap Recycling and Waste Recycling Facilities. 2015 MSGP § 8.N.6 at 129; 2021 MSGP § 8.N.6 at 163.

62. Schnitzer's activities at the Facilities include the receiving, processing, and distribution of non-source separated, nonliquid recyclable wastes, including ferrous and nonferrous metals,

per § 8.N.3.1 of the MSGPs. 2015 MSGP at 125; 2021 MSGP at 158.

63. Schnitzer was required to comply with the requirements of the 2015 MSGP from at least January 1, 2016 until July 1, 2021.

64. Schnitzer submitted its Notice of Intent for Stormwater Discharges Associated with Industrial Activity Under the [2021] NPDES Multi-Sector General Permit for the Facilities on May 28, 2021.

65. Schnitzer is currently required to comply with the requirements of the 2021 MSGP and has been required to comply with the requirements of the 2021 MSGP since July 1, 2021.

Schnitzer's Pollutant Control Requirements Under the MSGP

66. The MSGPs require Schnitzer to "select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges [and] that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, . . . and meet the water quality-based effluent limitations in Part 2.2." 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

67. The MSGPs require Schnitzer to "minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings." 2015 MSGP § 2.1.2.1 at 15; 2021 MSGP § 2.1.2.1 at 20.

68. The MSGPs require Schnitzer to "keep clean all exposed areas that are potential sources of pollutants" and "perform good housekeeping measures in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.2 at 15-16; 2021 MSGP 2.1.2.2 at 20-21.

69. The MSGPs require Schnitzer to "[s]weep or vacuum at regular intervals or, alternatively,

wash down the area and collect and/or treat, and properly dispose of the washdown water." *Id.*

70. The MSGPs require Schnitzer to "[m]inimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged." 2015 MSGP § 2.1.2.2 at 16; 2021 MSGP 2.1.2.2 at 21.

71. The MSGPs require Schnitzer to "maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges." 2015 MSGP § 2.1.2.3 at 16-17; 2021 MSGP 2.1.2.3 at 21-22.

72. The MSGPs require Schnitzer to "perform[] inspections and preventative maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in discharges of pollutants via stormwater." *Id.*

73. The MSGPs require Schnitzer to "clean[] catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth . . . and keep[] the debris surface at least six inches below the lowest outlet pipe." *Id.*

74. The MSGPs require that if Schnitzer "find[s] that [its] control measures need routine maintenance, [it] must conduct the necessary maintenance immediately in order to minimize pollutant discharges." *Id.* If Schnitzer "find[s] that [its] control measures need to be repaired or replaced, [it] must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented." *Id.*

75. The MSGPs require Schnitzer to "minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. [It] must conduct spill

prevention and response measures" including measures listed in § 2.1.2.4 of the MSGPs. 2015 MSGP § 2.1.2.4 at 17; 2021 MSGP 2.1.2.4 at 22-23.

76. The MSGPs require Schnitzer to minimize erosion and discharge of sediment. 2015 MSGP § 2.1.2.5 at 17-18; 2021 MSGP 2.1.2.5 at 23.

77. The MSGPs require Schnitzer to "divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in [its] discharges." 2015 MSGP § 2.1.2.6 at 18; 2021 MSGP 2.1.2.6 at 23.

78. The MSGPs require Schnitzer to "evaluate for the presence of non-stormwater discharges. . . If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately." 2015 MSGP § 2.1.2.9 at 19; 2021 § 2.1.2.9 at 24.

79. The MSGPs require Schnitzer to "minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater." 2015 MSGP § 2.1.2.10 at 19; 2021 MSGP 2.1.2.10 at 24.

80. Schnitzer is required to conduct routine facility inspections "of areas of the facility covered by the requirements in the [MSGPs]" at least quarterly. 2015 MSGP § 3.1 at 22-24; 2021 MSGP § 3.1 at 27-29.

81. The MSGPs require that "[d]uring an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly." *Id.*

Schnitzer's Sector-Specific Pollutant Control Requirements Under the MSGPs

82. The MSGPs require Schnitzer to minimize the chance of accepting materials that could

be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures. 2015 MSGP § 8.N.3.1.1 at 125; 2021 MSGP § 8.N.3.1.1 at 158.

83. The MSGPs require Schnitzer to minimize contact of stormwater and/or stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures. 2015 MSGP § 8.N.3.1.2 at 126; 2021 MSGP § 8.N.3.1.2 at 159.

84. The MSGPs require Schnitzer to minimize contact of stormwater and/or surface runoff with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. 2015 MSGP § 8.N.3.1.3 at 126; 2021 MSGP § 8.N.3.1.3 at 159.

85. The MSGPs require Schnitzer to minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with stormwater and/or surface runoff through implementation of control measures. 2015 MSGP § 8.N.3.1.4 at 126; 2021 MSGP § 8.N.3.1.4 at 159.

86. The MSGPs require Schnitzer to minimize the contact of stormwater and/or surface runoff with scrap processing equipment and minimize the contact of accumulated particulate matter and residual fluids with stormwater and/or runoff. 2015 MSGP § 8.N.3.1.5 at 126; 2021 MSGP § 8.N.3.1.5 at 159.

87. The MSGPs require Schnitzer to "minimize the discharge of pollutants in stormwater from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures." 2015 MSGP § 8.N.3.1.6 at 127; 2021 MSGP § 8.N.3.1.6 at 160.

Schnitzer's Monitoring and Reporting Requirements Under the MSGPs:

88. The MSGPs require Schnitzer "to collect and analyze stormwater samples" during "a storm event that results in an actual discharge from [the] site" "at least once in each of the following 3-month intervals: January 1—March 31; April 1—June 30; July 1—September 30; October 1—December 31." 2015 MSGP § 6, 6.1.3, 6.1.7 at 39-40; 2021 MSGP § 4, 4.1.3, 4.1.7 at 31-33.

89. Schnitzer is required to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, chemical oxygen demand ("COD"), and total suspended solids ("TSS"). 2015 MSGP § 6.2 at 40-41, § 8.N.6 at 129-130; 2021 MSGP § 4.2 at 33-35, § 8.N.7 at 163-164.

90. "When adverse weather conditions [such as flooding, high winds, electrical storms, or extended frozen conditions] prevent the collection of stormwater discharge samples according to the relevant [benchmark or impaired waters] monitoring schedule, [Schnitzer] must take a substitute sample during the next qualifying storm event." 2015 MSGP § 6.1.5 at 39-40; 2021 MSGP § 4.1.5 at 33.

91. Once each quarter for the entire MSGP term, Schnitzer must collect a stormwater sample from each outfall and conduct a visual assessment of each of these samples. 2015 MSGP § 3.2.1 at 24; 2021 MSGP § 3.2.1 at 29. Schnitzer "must visually inspect or observe the sample for the following water quality characteristics: color; odor; clarity (diminished); floating solids; settled solids; suspended solids; foam; oil sheen; and other obvious indicators of stormwater pollution." *Id.*; 2021 MSGP § 3.2.2.4 at 29-30.

92. "When adverse weather conditions prevent the collection of stormwater discharge sample(s) during the quarter [for visual assessment], Schnitzer must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment

for the quarter must be included with [Schnitzer's] SWPPP records." 2015 MSGP § 3.2.3 at 25; 2021 MSGP § 3.2.4.1 at 30.

93. The Facilities are "considered to discharge to an impaired water if the first water of the U.S. to which [it] discharges is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard . . ." 2015 MSGP § 6.2.4 at 45; 2021 MSGP § 4.2.5 at 42.

94. The 2015 MSGP requires Schnitzer to "monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists . . . once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA-approved or established TMDL [Total Maximum Daily Load]. The MSGPs identify such monitoring as "impaired waters monitoring." 2015 MSGP § 6.2.4.1 at 45.

95. The 2021 MSGP requires Schnitzer to conduct impaired waters monitoring "annually in the first year of permit coverages and again in the fourth year of permit coverage. . . unless [it] detect[s] a pollutant causing an impairment, in which case annual monitoring must continue." 2021 MSGP § 4.2.5.1 at 42.

96. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Bayamón Facility for arsenic, coliform, foaming agents, dissolved oxygen, selenium, turbidity, surfactants, and fecal coliform.

97. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Caguas Facility for hexavalent chromium, nitrogen, phosphorus, surfactants, enterococcus, and fecal coliform.

98. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Ponce Facility for enterococci, oil and grease, dissolved oxygen, temperature, turbidity, pH,

copper, and mercury.

99. Schnitzer is required to report its monitoring data to EPA using EPA's electronic NetDMR tool. 2015 MSGP § 6.1.9 at 40; 2021 MSGP § 4.1.9 at 33.

Schnitzer's Required Corrective Action and Additional Implementation Measures Under the MSGPs

100. The MSGPs require Schnitzer to take corrective action or Additional Implementation Measures ("AIMs") when the following triggering events occur: 1) "the average of four quarterly sampling results exceeds an applicable benchmark" or if less than four benchmark samples have been taken, "an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level)," 2015 MSGP at 27; 2021 MSGP at 39; 2) Schnitzer's control measures are not stringent enough for the discharge and/or the receiving water of the United States to meet applicable water quality standards or the non-numeric effluent limits in the MSGPs, 2015 MSGP at 27; 2021 MSGP at 45; 3) whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam), *id.*; or 4) a required control measure was never installed, was installed incorrectly, or not in accordance with the MSGPs, or is not being properly operated or maintained, *id.*.

101. The MSGPs include sector-specific benchmarks for Sector N facilities like Schnitzer. 2015 MSGP § 8.N at 125-130; 2021 MSGP § 8.N at 158-164.

102. The benchmark values in the 2015 MSGP applicable to Schnitzer and not dependent on water hardness are: 0.75 milligrams per liter for aluminum; 1.0 milligrams per liter for iron; 120 milligrams per liter for COD; and 100 milligrams per liter for TSS. 2015 MSGP at 129-130.

103. The benchmark values in the 2021 MSGP applicable to Schnitzer and not dependent on water hardness are: 1.1 milligrams per liter for aluminum; 5.19 micrograms per liter for copper

(freshwater receiving water) or 4.8 micrograms per liter for copper (saltwater receiving water); 120 milligrams per liter for COD; 100 micrograms per liter for TSS. 2021 MSGP at 163-4.

104. The hardness of the receiving water for the Bayamón Facility is at or above 250 milligrams per liter.

105. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Bayamón Facility are: 0.0332 milligrams per liter for copper; 0.262 milligrams per liter for lead; and 0.26 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

106. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Bayamón Facility are: 262 micrograms per liter for lead and 260 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.[1]

107. The hardness of the receiving water for the Caguas Facility is between 150 and 175.99 milligrams per liter.

108. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Caguas Facility are: 0.0221 milligrams per liter for copper; 0.151 milligrams per liter for lead; and 0.18 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

109. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Caguas Facility are: 152 micrograms per liter for lead and 181 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.

110. The hardness of the receiving water for the Canovanas Facility is between 50 and 74.99 milligrams per liter.

111. The water-hardness dependent benchmark values in the 2015 MSGP applicable to the Canovanas Facility are: 0.0090 milligrams per liter for copper; 0.045 milligrams per liter for

[1] The benchmark value units of measurement for certain pollutant criteria change from milligrams per liter in the 2015 MSGP to micrograms per liter in the 2021 MSGP.

lead; and 0.08 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

112. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Canovanas Facility are: 45 micrograms per liter for lead and 80 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.

113. The benchmark values for copper, lead, and zinc in the 2015 MSGP applicable to the Ponce Facility are: 0.0048 milligrams per liter for copper; 0.21 milligrams per liter for lead; and 0.09 milligrams per liter for zinc. 2015 MSGP § 8.N.6 at 129-130.

114. The water-hardness dependent benchmark values in the 2021 MSGP applicable to the Ponce Facility are: 210 micrograms per liter for lead; and 90 micrograms per liter for zinc. 2021 MSGP § 8.N.7 at 163-4.

115. Following a triggering event, Schnitzer is required to: 1) review and revise its SWPPP so that the MSGPs' effluent limits are met and pollutant discharges are minimized; 2) immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational; and 3) if necessary, "complete the corrective actions. . . before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition." 2015 MSGP §§ 4.1 at 27, 4.3.1 at 28, 4.3.2 at 28; 2021 MSGP §§ 5.1.1 § 45, 5.1.3.1 at 46, 5.1.3.2 at 46.

Schnitzer's State Water Quality Standards Requirements

116. Under the MSGPs, Schnitzer is required to control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states." 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

117. Schnitzer's discharge must not cause or contribute to an exceedance of applicable water quality standards in any affected state. 2015 MSGP § 2.2.1 at 20.

118. The MSGPs require that if at any time Schnitzer becomes aware that its discharge does not meet applicable water quality standards or its stormwater discharge will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard, Schnitzer must take corrective action(s) and document the corrective actions. 2015 MSGP § 2.2.1 at 20; 2021 MSGP § 2.2.1 at 25.

119. If Schnitzer finds that its control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water standards or any of the other non-numeric effluent limits in the MSGP, Schnitzer must modify these control measures per the corrective action requirements. 2015 MSGP § 2.1 at 14; 2021 MSGP § 2.1 at 18.

The Facilities and Their Operations and Discharges

120. Defendants Schnitzer Steel and Schnitzer Puerto Rico have operated, and continue to operate, a scrap metal facility at Road #2 KM 7.7, Corujo Industrial Park in Bayamón, Puerto Rico 00960 02703 (the "Bayamón Facility").

121. Defendants Schnitzer Steel and Schnitzer Puerto Rico have operated, and continue to operate, a scrap metal facility at Road PR-1 KM 30.0 INT., in Caguas, Puerto Rico 00726 (the "Caguas Facility").

122. Defendants Schnitzer Steel and Schnitzer Puerto Rico have operated, and continue to operate, a scrap metal facility at Lot 61, Road PR-188, San Isidro Industrial Park in Canovanas, Puerto Rico 00729 (the "Canovanas Facility").

123. Defendants Schnitzer Steel and Schnitzer Puerto Rico have operated, and continue to operate, a scrap metal facility at Port of Ponce Processed Material Staging Area, located at Road PR-123 Final in Ponce, Puerto Rico 00731 (the "Ponce Facility").

124. Schnitzer collects and/or processes raw scrap metal, including salvaged vehicles, rail cars, household scrap and appliances, industrial machinery, manufacturing scrap, and

construction and demolition scrap at the Facilities.

125. Schnitzer receives unprocessed scrap metal at the Facilities, which it stores in uncovered piles on-site that are exposed to precipitation and snowmelt.

126. Schnitzer's processing activities include crushing, torching, shearing, shredding, separating, sorting, and/or baling of scrap metal.

127. Most of Schnitzer's scrap processing operations are conducted outdoors.

128. Processed metal is stored at the Facilities in uncovered bales that are exposed to precipitation and snowmelt.

129. The Facilities store petroleum hydrocarbons onsite, including bulk fuel storage in aboveground storage tanks that are exposed to precipitation and snowmelt.

130. Upon information and belief, the Facilities' handling and/or storage of oil, grease, petroleum hydrocarbons, and/or fuel have resulted in spills, leaks, and/or slicks at the Facilities.

131. Upon information and belief, spills, leaks, and/or slicks of oil, grease, petroleum hydrocarbons, and/or fuel at the Facilities have been exposed to precipitation and snowmelt.

132. Schnitzer uses a crane to transfer processed and/or unprocessed scrap metal from a ship or truck to the Ponce Facility.

133. Upon information and belief, as Schnitzer loads and/or unloads scrap metal from a ship or truck via crane, dust is generated which directly enters the Caribbean Sea and is discharged from the Ponce Facility in stormwater.

134. Processed and unprocessed scrap metal, end-of-life vehicles, machinery, equipment, oil, fuel, and chemical storage tanks, batteries, and vehicles are exposed to precipitation and snowmelt at the Facilities.

135. Precipitation and snowmelt at the Facilities become contaminated with heavy metals, dust

and solids, organic contaminants including fuel and oil, trash, and other pollutants associated with the Facilities' operations.

136. The sources of pollutants associated with industrial operations at the Facilities include: unprocessed scrap metal including end-of-life vehicles, appliances, machinery, and other scrap; bales of processed scrap metal; machines and equipment left outdoors; and vehicles driving on and off the Facilities.

137. Pollutants associated with industrial operations at the Facilities include, but are not limited to: heavy metals, suspended solids, debris, solvents, dust, low density waste (floatables), oil, fuel, trash, and other pollutants associated with the Facilities' operations.

138. During every measurable precipitation event and every instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Facilities, generating stormwater runoff.

139. EPA considers precipitation above 0.1 inches during a 24-hour period a measurable precipitation event. 40 C.F.R. § 122.26(c)(i)(E)(6).

140. Upon information and belief, a measurable precipitation event is sufficient to generate runoff from the Facilities.

141. Stormwater runoff from the Facilities is collected, channeled, and conveyed via site grading, slopes, site infrastructure, the operation of gravity, and other conveyances into waters of the United States.

142. Schnitzer has discharged, and continues to discharge, stormwater associated with industrial activities from the Facilities into waters of the United States.

143. Upon information and belief, the Bayamón Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and

§ 5.1.1 of the 2021 MSGP, since at least December 2016.

144. Upon information and belief, the Caguas Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

145. Upon information and belief, the Canovanas Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

146. Upon information and belief, the Ponce Facility's SWPPP has not been modified in response to conditions requiring SWPPP review and revision, per § 4.1 of the 2015 MSGP and § 5.1.1 of the 2021 MSGP, since at least December 2016.

147. Schnitzer's operations cause the discharge of pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from the Facilities.

148. At the Bayamón Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from three outfalls: Outfalls 001, 002, and 003 to the Río Hondo.

149. At the Caguas Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to a tributary creek of the Río Bairoa.

150. At the Canovanas Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to an unnamed creek within the coastal watershed between the Río Sabana and the Río Grande de Loiza.

151. At the Ponce Facility, Schnitzer discharges pollutants – including but not limited to aluminum, copper, iron, lead, zinc, COD, and TSS – from Outfall 001 to the Caribbean Sea.

The Waterbodies Affected by the Facilities' Discharges

The Río Hondo

152. The Bayamón Facility discharges pollutants into the Río Hondo (waterbody segment PRER11A).

153. The Río Hondo was listed as impaired on the 2020 303(d) list for all designated uses, including aquatic life and primary and secondary contact recreation, from dissolved oxygen and surfactants.

154. The Río Hondo is impaired for primary and secondary contact recreation from fecal coliform.

155. In 2012, the Puerto Rico Environmental Quality Board prepared a Fecal Coliform Bacteria Total Maximum Daily Loads ("TMDL") for Assessment Units in the Government of Puerto Rico for waterbodies in Puerto Rico, including the Río Hondo.

156. The sources of impairment for the Río Hondo include urban runoff and storm sewers.

157. The Río Hondo is a Class SD waterbody.

158. The Río Hondo flows into the Ensenada de Boca Vieja Bay and the Atlantic Ocean five miles downstream from the Bayamón Facility.

159. The Río Hondo is a navigable water within the meaning of the Clean Water Act.

160. The Río Hondo is used for primary and secondary recreation and aesthetic purposes by residents and visitors, including swimming, natural waterslides and pools, and riverfront parks.

The Río Bairoa

161. The Caguas Facility discharges pollutants into the Río Bairoa (waterbody PRER14H).

162. The Río Bairoa is listed as impaired on the 2020 303(d) list for all designated uses, including aquatic life and primary and secondary contact recreation, from hexavalent chromium, nitrogen, phosphorus, surfactants, and enterococcus.

163. The Río Bairoa is impaired for primary and secondary contact recreation from fecal coliform.

164. The sources of impairment for the Río Bairoa include industrial point source discharge, urban runoff, and storm sewers.

165. The Río Bairoa is used for aesthetic and secondary recreational uses, as well as for wildlife observation.

166. The Río Bairoa is a tributary to the Río Grande de Loiza.

167. The Río Bairoa flows into the Río Grande de Loiza at waterbody segment PREL14A1 around 0.6 miles downstream from the Caguas Facility.

168. In 2017, EPA approved a Total Maximum Daily Loads ("TMDL") and Implementation Plan for Puerto Rico: Copper, Lead, and Mercury for waterbodies in Puerto Rico including the Río Grande de Loiza.

169. The Río Grande de Loiza has recreational, environmental, aesthetic, historical, and literary significance.

170. The Río Grande de Loiza joins Lago Loiza 4.5 miles downstream from the Caguas Facility.

171. The segment of the Río Grande de Loiza between Río Bairoa and Lago Loiza, as well as Lago Loiza itself, are identified together as waterbody PREL14A1.

172. Waterbody PREL14A1 is listed as impaired on the 2020 303(d) list for all designated uses, including aquatic life and primary and secondary contact recreation, from copper, dissolved oxygen, lead, pH, temperature, nitrogen, phosphorus, and turbidity.

173. The sources of impairment for waterbody PREL14A1 include urban runoff and storm sewers.

174. Lago Loiza is a water-supply reservoir and the main source of drinking water for the San Juan Metropolitan area.

175. Lago Loiza is an important water source as well as a popular resource for fishing, boating, birdwatching, hiking, observing wildlife, and a variety of aesthetic uses and secondary and primary contact recreational uses.

176. The Río Bairoa, the Río Grande de Loiza, and Lago Loiza are Class SD waterbodies.

177. The Río Bairoa, the Río Grande de Loiza, and Lago Loiza are navigable waters within the meaning of the Clean Water Act.

The Unnamed Creek

178. The Canovanas Facility discharges pollutants into an unnamed creek which flows within the coastal watershed between Río Sabana and Río Grande de Loiza (the "Unnamed Creek").

179. The Unnamed Creek joins the coastal waterbody classified by EPA as "Coastal Watersheds between Rio Sabana and Rio Grande de Loiza" and identified by the EPA hydrologic unit code 210100050309 (the "Coastal Watersheds") 0.8 miles downstream from the Canovanas Facility.

180. The Coastal Watersheds connects to the Río Grande de Loiza Estuary (waterbody PREE14A)

181. The Río Grande de Loiza Estuary is impaired for primary and secondary contact recreation from fecal coliform.

182. The sources of impairment for the Río Grande de Loiza Estuary include urban runoff and storm sewers.

183. The Unnamed Creek, the Coastal Watersheds, and the Río Grande de Loiza Estuary are Class SB waterbodies and waters of the United States.

184. The Unnamed Creek, the Coastal Watersheds, and the Río Grande de Loiza Estuary are navigable waters within the meaning of the Clean Water Act.

Caribbean Sea

185. The Ponce Facility discharges pollutants into the Caribbean Sea.

186. The Ponce Facility discharges pollutants into the embayment identified as "Punta Carenero to Punta Cuchara" and classified as waterbody PRSC36C.

187. Waterbody PRSC36C is listed on the 2020 303(d) list as impaired for aquatic life and primary and secondary contact recreation due to copper, dissolved oxygen, oil and grease, enterococci, mercury, and turbidity.

188. The sources of impairment for waterbody PRSC36C include urban runoff and storm sewers.

189. The Caribbean Sea and waterbody PRSC36C are Class SB waters.

190. The Caribbean Sea and waterbody PRSC36C are navigable waters within the meaning of the Clean Water Act.

191. The Caribbean Sea and waterbody PRSC36C are used for swimming, beach-going, watersports, wildlife observation, and other aesthetic and recreational uses.

DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT

Effluent and Water Quality Standards Violations

192. The Facilities have failed, and continue to fail, to use control measures to minimize pollutant discharges.

193. The Facilities have discharged, and continue to discharge, pollutants (including but not limited to discharges of aluminum, copper, iron, lead, zinc, organic materials measured as COD, solids, foam, oil and grease, and other odiferous and discolored pollutants) that have contributed to, and will continue to contribute to, degradation of the Río Hondo, the Río Bairoa, the Río

Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, including the violation of state water quality standards.

194. The discharge of pollutants from the Facilities has resulted in unnatural and objectionable odor, color, taste, and/or turbidity in the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea.

195. The discharge of pollutants from the Facilities has resulted in floating, suspended, and settleable solids; scum; benthic deposits; oil and grease; and/or harmful concentrations or combinations of chemical constituents in the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea.

196. The discharge of pollutants from the Bayamón Facility has contributed to the impairments of the Río Hondo (waterbody PRER11A) for aesthetic use, primary contact recreation, and secondary contact recreation from dissolved oxygen and surfactants.

197. The discharge of pollutants from the Caguas Facility has contributed to the impairments of the Río Bairoa (waterbody PRER14H) for aquatic life and primary and secondary contact recreation from surfactants.

198. The discharge of pollutants from the Caguas Facility has contributed to the impairments of the Río Grande de Loiza and Lago Loiza (waterbody segment PREL14A1) for aquatic life and primary and secondary contact recreation from copper, dissolved oxygen, lead, and turbidity.

199. The discharge of pollutants from the Ponce Facility has contributed to the impairments of the Caribbean Sea at waterbody PRSC36C for aquatic life and primary and secondary contact recreation due to copper, dissolved oxygen, oil and grease, and turbidity.

200. Upon information and belief, CLF expects that discovery will reveal additional

discharges of pollutants causing or contributing to violations of Puerto Rico water quality standards.

201. Upon information and belief, CLF expects that discovery will reveal additional violations of the MSGPs.

Pollutant: Aluminum

202. The Facilities' discharges of aluminum contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

203. Aluminum is toxic to fish and many aquatic animals. It bioaccumulates in certain types of plants and in some fish and invertebrate species.

204. Skin exposure to aluminum may cause rashes. When ingested, aluminum may cause health problems in humans such as bone disease, brain disease, and Alzheimer's disease.

205. The Facilities' quarterly discharge monitoring reports show that they have discharged aluminum every quarter for which monitoring was conducted since the fourth quarter of 2016.

206. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of aluminum.

207. The Bayamón Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value for aluminum of 1,100 micrograms per liter three times between the fourth quarter of 2019 and the third quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
208.	Aluminum	12/31/2019	001	0.75 mg/L	5.48 mg/L	731%

209.	Aluminum	12/31/2019	002	0.75 mg/L	4.76 mg/L	635%
210.	Aluminum	9/30/2021	001	1,100 µg/L	2,000 µg/L	182%

211. The Caguas Facility has discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value for aluminum of 1,100 micrograms per liter five times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
212.	Aluminum	12/31/2018	001	0.75 mg/L	3.58 mg/L	477%
213.	Aluminum	3/31/2019	001	0.75 mg/L	2.96 mg/L	395%
214.	Aluminum	12/31/2020	001	0.75 mg/L	0.945 mg/L	126%
215.	Aluminum	9/30/2021	001	1,100 µg/L	1,350 µg/L	123%
216.	Aluminum	12/31/2021	001	1,100 µg/L	1,340 µg/L	122%

217. The Canovanas Facility discharged concentrations of aluminum higher than the 2015 MSGP benchmark value for aluminum of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value for aluminum of 1,100 micrograms per liter four times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
218.	Aluminum	12/31/2018	001	0.75 mg/L	0.981 mg/L	131%
219.	Aluminum	9/30/2020	001	0.75 mg/L	2.17 mg/L	289%
220.	Aluminum	9/30/2021	001	1,100 µg/L	2,100 µg/L	191%
221.	Aluminum	12/31/2021	001	1,100 µg/L	2,400 µg/L	218%

222. Schnitzer’s four-quarter average aluminum concentrations at the Bayamón Facility have exceeded the 2015 MSGP benchmark value of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value of 1,100 micrograms per liter five times since the fourth quarter of 2016.

223. Schnitzer’s discharges of aluminum from the Bayamón Facility have triggered the MSGPs’ corrective action and/or AIM requirements five times since the fourth quarter of 2016,

as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average[2]
224.	Aluminum	12/31/2019	001	0.75 mg/L	5.48 mg/L
225.	Aluminum	12/31/2019	002	0.75 mg/L	4.76 mg/L
226.	Aluminum	12/31/2020	001	0.75 mg/L	2.79 mg/L
227.	Aluminum	3/31/2021	001	0.75 mg/L	2.06 mg/L
228.	Aluminum	3/31/2021	002	0.75 mg/L	2.42 mg/L

229. Schnitzer's four-quarter average aluminum concentrations at the Caguas Facility have exceeded the 2015 MSGP benchmark value of 0.75 milligrams per liter five times since the fourth quarter of 2016.

230. Schnitzer's discharges of aluminum from the Caguas Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
231.	Aluminum	12/31/2018	001	0.75 mg/L	3.58 mg/L
232.	Aluminum	3/31/2019	001	0.75 mg/L	3.27 mg/L
233.	Aluminum	9/30/2019	001	0.75 mg/L	2.37 mg/L
234.	Aluminum	12/31/2020	001	0.75 mg/L	2.02 mg/L
235.	Aluminum	3/31/2021	001	0.75 mg/L	1.21 mg/L

236. Schnitzer's four-quarter average aluminum concentrations at the Canovanas Facility have exceeded the 2015 MSGP benchmark value of 0.75 milligrams per liter and/or the 2021 MSGP benchmark value of 1,100 micrograms per liter three times since the fourth quarter of 2016.

237. Schnitzer's discharges of aluminum from the Canovanas Facility have triggered the MSGPs' corrective action and/or AIM requirements three times since the fourth quarter of 2016,

[2] Either the four-quarter annual average or the measured value where an exceedance is mathematically certain (i.e., the sum of a quarterly sample results to date is already more than four times the benchmark threshold).

as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
238.	Aluminum	9/30/2020	001	0.75 mg/L	1.06 mg/L
239.	Aluminum	3/31/2021	001	0.75 mg/L	0.847 mg/L
240.	Aluminum	12/31/2021	001	1,100 µg/L	4,500 µg/L

Pollutant: Copper

241. The Facilities' discharges of copper contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

242. Copper is toxic to aquatic animals and it bioconcentrates in mollusks.

243. The ingestion of copper can be dangerous for humans. Consuming too much copper may cause liver and kidney damage, increased risk of heart disease, nausea, vomiting, abdominal pain and diarrhea, and even death.

244. Stormwater runoff is a major source of elevated copper levels in river water.

245. The Facilities' quarterly discharge monitoring reports show that they have discharged copper every quarter for which monitoring was conducted since the fourth quarter of 2016.

246. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of copper.

247. The Bayamón Facility has discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 33.2 micrograms per liter and/or the 2021 MSGP benchmark value for copper of 5.19 micrograms per liter 13 times between the fourth quarter of 2019 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent

248.	Copper	12/31/2019	001	33.2 μg/L	149 μg/L	449%
249.	Copper	12/31/2019	002	33.2 μg/L	151 μg/L	455%
250.	Copper	12/31/2020	001	33.2 μg/L	73 μg/L	220%
251.	Copper	12/31/2020	003	33.2 μg/L	76 μg/L	229%
252.	Copper	3/31/2021	001	33.2 μg/L	91 μg/L	274%
253.	Copper	3/31/2021	002	33.2 μg/L	33.8 μg/L	102%
254.	Copper	3/31/2021	003	33.2 μg/L	53 μg/L	160%
255.	Copper	9/30/2021	001	5.19 μg/L	76 μg/L	1,464%
256.	Copper	9/30/2021	002	5.19 μg/L	33 μg/L	636%
257.	Copper	9/30/2021	003	5.19 μg/L	19 μg/L	366%
258.	Copper	12/31/2021	001	5.19 μg/L	29 μg/L	559%
259.	Copper	12/31/2021	002	5.19 μg/L	30 μg/L	578%
260.	Copper	12/31/2021	003	5.19 μg/L	28 μg/L	539%

261. The Caguas Facility has discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 22.1 micrograms per liter and/or the 2021 MSGP benchmark value for copper of 5.19 micrograms per liter six times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
262.	Copper	12/31/2018	001	22.1 μg/L	35 μg/L	158%
263.	Copper	3/31/2019	001	22.1 μg/L	71 μg/L	321%
264.	Copper	12/31/2020	001	22.1 μg/L	75 μg/L	339%
265.	Copper	3/31/2021	001	22.1 μg/L	34 μg/L	154%
266.	Copper	9/30/2021	001	5.19 μg/L	52 μg/L	1,002%
267.	Copper	12/31/2021	001	5.19 μg/L	71 μg/L	1,368%

268. The Canovanas Facility discharged concentrations of copper higher than the 2015 MSGP benchmark value for copper of 9 micrograms per liter and/or the 2021 MSGP benchmark value for copper of 5.19 micrograms per liter seven times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
269.	Copper	12/31/2018	001	9 μg/L	35 μg/L	389%
270.	Copper	3/31/2019	001	9 μg/L	22 μg/L	244%

271.	Copper	9/30/2019	001	9 µg/L	23 µg/L	256%
272.	Copper	9/30/2020	001	9 µg/L	66 µg/L	733%
273.	Copper	3/31/2021	001	9 µg/L	46 µg/L	511%
274.	Copper	9/30/2021	001	5.19 µg/L	51 µg/L	983%
275.	Copper	12/31/2021	001	5.19 µg/L	33 µg/L	636%

276. The Ponce Facility discharged concentrations of copper higher than the MSGPs' benchmark value for copper of 4.8 micrograms per liter nine times between the second quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
277.	Copper	3/31/2018	001	4.8 µg/L	5 µg/L	104%
278.	Copper	9/30/2018	001	4.8 µg/L	8 µg/L	167%
279.	Copper	3/31/2019	001	4.8 µg/L	6 µg/L	125%
280.	Copper	9/30/2019	001	4.8 µg/L	70 µg/L	1458%
281.	Copper	6/30/2020	001	4.8 µg/L	35 µg/L	729%
282.	Copper	9/30/2020	001	4.8 µg/L	21 µg/L	438%
283.	Copper	12/31/2020	001	4.8 µg/L	30 µg/L	625%
284.	Copper	9/30/2021	001	4.8 µg/L	37 µg/L	771%
285.	Copper	12/31/2021	001	4.8 µg/L	44 µg/L	917%

286. Schnitzer's four-quarter average copper concentrations at the Bayamón Facility have exceeded the 2015 MSGP benchmark value for copper of 33.2 micrograms per liter and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter 11 times since the fourth quarter of 2016.

287. Schnitzer's discharges of copper from the Bayamón Facility have triggered the MSGPs' corrective action and/or AIM requirements 11 times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
288.	Copper	12/31/2019	001	33.2 µg/L	149 µg/L
289.	Copper	12/31/2019	002	33.2 µg/L	151 µg/L
290.	Copper	12/31/2020	001	33.2 µg/L	111 µg/L

291.	Copper	3/31/2021	001	33.2 µg/L	104 µg/L
292.	Copper	3/31/2021	002	33.2 µg/L	92.4 µg/L
293.	Copper	3/31/2021	003	33.2 µg/L	49 µg/L
294.	Copper	9/30/2021	001	5.19 µg/L	76 µg/L
295.	Copper	9/30/2021	002	5.19 µg/L	33 µg/L
296.	Copper	12/31/2021	001	5.19 µg/L	29 µg/L
297.	Copper	12/31/2021	002	5.19 µg/L	30 µg/L
298.	Copper	12/31/2021	003	5.19 µg/L	28 µg/L

299. Schnitzer's four-quarter average copper concentrations at the Caguas Facility have exceeded the 2015 MSGP benchmark value for copper of 22.1 micrograms per liter and/or the 2021 MSGPs' benchmark value of 5.19 micrograms per liter six times since the fourth quarter of 2016.

300. Schnitzer's discharges of copper from the Caguas Facility have triggered the MSGPs' corrective action and/or AIM requirements six times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Date Corrective Action Triggered**	**Outfall**	**Benchmark Value**	**Annual Average**
301.	Copper	3/31/2019	001	22.1 µg/L	53 µg/L
302.	Copper	9/30/2019	001	22.1 µg/L	40.7 µg/L
303.	Copper	12/31/2020	001	22.1 µg/L	49.2 µg/L
304.	Copper	3/31/2021	001	22.1 µg/L	49 µg/L
305.	Copper	9/30/2021	001	5.19 µg/L	52 µg/L
306.	Copper	12/31/2021	001	5.19 µg/L	71 µg/L

307. Schnitzer's four-quarter average copper concentrations at the Canovanas Facility have exceeded the 2015 MSGP benchmark value for copper of 9 micrograms per liter and/or the 2021 MSGP benchmark value of 5.19 micrograms per liter six times since the fourth quarter of 2016.

308. Schnitzer's discharges of copper from the Canovanas Facility have triggered the MSGPs' corrective action and/or AIM requirements six times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
309.	Copper	3/31/2019	001	9 µg/L	28.5 µg/L
310.	Copper	9/30/2019	001	9 µg/L	26.7 µg/L
311.	Copper	9/30/2020	001	9 µg/L	36.5 µg/L
312.	Copper	3/31/2021	001	9 µg/L	39.2 µg/L
313.	Copper	9/30/2021	001	5.19 µg/L	51 µg/L
314.	Copper	12/31/2021	001	5.19 µg/L	33 µg/L

315. Schnitzer's four-quarter average copper concentrations at the Ponce Facility have exceeded the 2015 MSGP benchmark value of 4.8 micrograms per liter eight times since the fourth quarter of 2016.

316. Schnitzer's discharges of copper from the Ponce Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
317.	Copper	9/30/2019	001	4.8 µg/L	22.2 µg/L
318.	Copper	12/31/2019	001	4.8 µg/L	21 µg/L
319.	Copper	3/31/2020	001	4.8 µg/L	19.5 µg/L
320.	Copper	6/30/2020	001	4.8 µg/L	26.8 µg/L
321.	Copper	9/30/2020	001	4.8 µg/L	14.5 µg/L
322.	Copper	12/31/2020	001	4.8 µg/L	22 µg/L
323.	Copper	9/30/2021	001	4.8 µg/L	37 µg/L
324.	Copper	12/31/2021	001	4.8 µg/L	44 µg/L

Pollutant: Iron

325. The Facilities' discharges of iron contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

326. Iron harms aquatic environments by causing turbidity and suspended solids. Iron solids in the water smother invertebrates, microbes, and eggs; impair the respiration of aquatic animals;

and decrease reproduction rates.

327. Iron harms humans both as a substance that is toxic in high amounts and as a nuisance. Iron in drinking water impairs taste, clogs pipes, and causes stains.

328. The Facilities' quarterly discharge monitoring reports show that they have discharged iron every quarter for which monitoring was conducted since the fourth quarter of 2016.

329. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of iron.

330. The Bayamón Facility has discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter three times between the fourth quarter of 2019 and the fourth quarter of 2020, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
331.	Iron	12/31/2019	001	1 mg/L	1.21 mg/L	121%
332.	Iron	12/31/2019	002	1 mg/L	1.58 mg/L	158%
333.	Iron	12/31/2020	003	1 mg/L	3.11 mg/L	311%

334. The Caguas Facility has discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter four times between the fourth quarter of 2018 and the first quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
335.	Iron	12/31/2018	001	1 mg/L	6.16 mg/L	616%
336.	Iron	3/31/2019	001	1 mg/L	5.7 mg/L	570%
337.	Iron	12/31/2020	001	1 mg/L	1.29 mg/L	129%
338.	Iron	3/31/2021	001	1 mg/L	1.19 mg/L	119%

339. The Canovanas Facility discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter four times between the fourth quarter of 2018 and the third quarter of 2020, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
340.	Iron	12/31/2018	001	1 mg/L	1.43 mg/L	143%
341.	Iron	3/31/2019	001	1 mg/L	1.3 mg/L	130%
342.	Iron	9/30/2019	001	1 mg/L	1.4 mg/L	140%
343.	Iron	9/30/2020	001	1 mg/L	3.38 mg/L	338%

344. The Ponce Facility discharged concentrations of iron higher than the 2015 MSGP benchmark value for iron of 1 milligram per liter in the third quarter of 2019, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
345.	Iron	9/30/2019	001	1 mg/L	1.57 mg/L	157%

346. Schnitzer's four-quarter average iron concentrations at the Caguas Facility have exceeded the 2015 MSGP benchmark value of 1 milligram per liter five times since the fourth quarter of 2016.

347. Schnitzer's discharges of iron from the Caguas Facility have triggered the 2015 MSGP corrective action and/or AIM requirements five times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
348.	Iron	12/31/2018	001	1 mg/L	6.16 mg/L
349.	Iron	3/31/2019	001	1 mg/L	5.93 mg/L
350.	Iron	9/30/2019	001	1 mg/L	4.09 mg/L
351.	Iron	12/31/2020	001	1 mg/L	3.39 mg/L
352.	Iron	3/31/2021	001	1 mg/L	2.15 mg/L

353. Schnitzer's four-quarter average iron concentrations at the Canovanas Facility have exceeded the 2015 MSGP benchmark value of 1 milligram per liter three times since the fourth quarter of 2016.

354. Schnitzer's discharges of iron from the Canovanas Facility have triggered the 2015 MSGP corrective action and/or AIM requirements three times since the fourth quarter of 2016.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
355.	Iron	9/30/2019	001	1 mg/L	1.38 mg/L
356.	Iron	9/30/2020	001	1 mg/L	1.88 mg/L
357.	Iron	3/31/2021	001	1 mg/L	1.55 mg/L

Pollutant: Zinc

358. The Facilities' discharges of zinc contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

359. When ingested, zinc may cause health problems in humans, including brain damage, infertility and developmental issues, pancreatic damage, anemia, nausea, vomiting, and stomach cramps.

360. Zinc is toxic to humans and aquatic organisms in high amounts, and it reacts with chemicals like cadmium to intensify their toxicity. Zinc bioaccumulates in aquatic animals.

361. The Facilities' quarterly discharge monitoring reports show that they have discharged zinc every quarter for which monitoring was conducted since the fourth quarter of 2016.

362. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of zinc.

363. The Bayamón Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.26 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 260 micrograms per liter four times between the fourth quarter of 2019 and the third quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
364.	Zinc	12/31/2019	001	0.26 mg/L	1.78 mg/L	685%
365.	Zinc	12/31/2019	002	0.26 mg/L	1.4 mg/L	538%
366.	Zinc	3/31/2021	001	0.26 mg/L	0.603 mg/L	232%
367.	Zinc	9/30/2021	001	260 µg/L	977 µg/L	376%

368. The Caguas Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.18 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 181 micrograms per liter seven times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
369.	Zinc	12/31/2018	001	0.18 mg/L	1.91 mg/L	1,061%
370.	Zinc	3/31/2019	001	0.18 mg/L	0.54 mg/L	300%
371.	Zinc	9/30/2019	001	0.18 mg/L	0.201 mg/L	112%
372.	Zinc	12/31/2020	001	0.18 mg/L	0.491 mg/L	273%
373.	Zinc	3/31/2021	001	0.18 mg/L	0.223 mg/L	124%
374.	Zinc	9/30/2021	001	181 µg/L	304 µg/L	168%
375.	Zinc	12/31/2021	001	181 µg/L	228 µg/L	126%

376. The Canovanas Facility has discharged concentrations of zinc higher than the 2015 MSGP benchmark value for zinc of 0.08 milligrams per liter and/or the 2021 MSGP benchmark value for zinc of 80 micrograms per liter six times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
377.	Zinc	12/31/2018	001	0.08 mg/L	0.59 mg/L	738%
378.	Zinc	3/31/2019	001	0.08 mg/L	0.326 mg/L	408%
379.	Zinc	9/30/2019	001	0.08 mg/L	0.337 mg/L	421%
380.	Zinc	9/30/2020	001	0.08 mg/L	0.286 mg/L	358%
381.	Zinc	9/30/2021	001	80 µg/L	139 µg/L	174%
382.	Zinc	12/31/2021	001	80 µg/L	105 µg/L	131%

383. The Ponce Facility discharged concentrations of zinc higher than the MSGPs' benchmark value for zinc of 90 micrograms per liter five times between the second quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Limit Exceedance Percent
384.	Zinc	3/31/2018	001	90 µg/L	276 µg/L	307%
385.	Zinc	9/30/2018	001	90 µg/L	219 µg/L	243%
386.	Zinc	9/30/2019	001	90 µg/L	285 µg/L	317%
387.	Zinc	12/31/2020	001	90 µg/L	410 µg/L	456%
388.	Zinc	12/31/2021	001	90 µg/L	131 µg/L	146%

389. Schnitzer's four-quarter average zinc concentrations at the Bayamón Facility have exceeded the 2015 MSGP's benchmark value of 0.26 milligrams per liter five times since the fourth quarter of 2016.

390. Schnitzer's discharges of zinc from the Bayamón Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
391.	Zinc	12/31/2019	001	0.26 mg/L	1.78 mg/L
392.	Zinc	12/31/2019	002	0.26 mg/L	1.4 mg/L
393.	Zinc	12/31/2020	001	0.26 mg/L	0.971 mg/L
394.	Zinc	3/31/2021	001	0.26 mg/L	0.848 mg/L
395.	Zinc	3/31/2021	002	0.26 mg/L	0.735 mg/L

396. Schnitzer's four-quarter average zinc concentrations at the Caguas Facility have exceeded the MSGPs' benchmark value of 0.18 micrograms per liter five times since the fourth quarter of 2016.

397. Schnitzer's discharges of zinc from the Caguas Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since the fourth quarter of 2016, as

detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
398.	Zinc	12/31/2018	001	0.18 mg/L	1.91 mg/L
399.	Zinc	3/31/2019	001	0.18 mg/L	1.23 mg/L
400.	Zinc	9/30/2019	001	0.18 mg/L	0.884 mg/L
401.	Zinc	12/31/2020	001	0.18 mg/L	0.786 mg/L
402.	Zinc	3/31/2021	001	0.18 mg/L	0.364 mg/L

403. Schnitzer's four-quarter average zinc concentrations at the Canovanas Facility have exceeded the MSGPs' benchmark value of 0.08 micrograms per liter five times since the fourth quarter of 2016.

404. Schnitzer's discharges of zinc from the Canovanas Facility have triggered the MSGPs' corrective action and/or AIM requirements five times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
405.	Zinc	12/31/2018	001	0.08 mg/L	0.59 mg/L
406.	Zinc	3/31/2019	001	0.08 mg/L	0.458 mg/L
407.	Zinc	9/30/2019	001	0.08 mg/L	0.418 mg/L
408.	Zinc	9/30/2020	001	0.08 mg/L	0.385 mg/L
409.	Zinc	3/31/2021	001	0.08 mg/L	0.252 mg/L

410. Schnitzer's four-quarter average zinc concentrations at the Ponce Facility have exceeded the MSGPs' benchmark value of 90 micrograms per liter eight times since the fourth quarter of 2016.

411. Schnitzer's discharges of zinc from the Ponce Facility have triggered the MSGPs' corrective action and/or AIM requirements eight times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average

412.	Zinc	9/30/2018	001	90 µg/L	248 µg/L
413.	Zinc	3/31/2019	001	90 µg/L	194 µg/L
414.	Zinc	6/30/2019	001	90 µg/L	152 µg/L
415.	Zinc	9/30/2019	001	90 µg/L	154 µg/L
416.	Zinc	12/31/2019	001	90 µg/L	110 µg/L
417.	Zinc	3/31/2020	001	90 µg/L	101 µg/L
418.	Zinc	6/30/2020	001	90 µg/L	107 µg/L
419.	Zinc	12/31/2020	001	90 µg/L	140 µg/L

Pollutant: Chemical Oxygen Demand ("COD")

420. The Facilities' discharges of COD contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

421. COD is an indicator for the presence of organic pollution. Organic pollution contributes to low dissolved oxygen levels and eutrophication, which can result in harmful algal and cyanobacteria blooms, a proliferation of nuisance and invasive species, discolored water, harmful benthic deposits, and scum.

422. The Facilities' quarterly discharge monitoring reports show that they have discharged COD every quarter for which monitoring was conducted since the fourth quarter of 2016.

423. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of COD.

424. The Bayamón Facility has discharged concentrations of COD higher than the MSGPs' benchmark value for COD of 120 milligrams per liter six times between the fourth quarter of 2019 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
425.	COD	12/31/2019	003	120 mg/L	266 mg/L	222%
426.	COD	12/31/2020	003	120 mg/L	278 mg/L	232%
427.	COD	3/31/2021	001	120 mg/L	353 mg/L	294%

428.	COD	3/31/2021	003	120 mg/L	223 mg/L	186%
429.	COD	9/30/2021	001	120 mg/L	183 mg/L	153%
430.	COD	12/31/2021	003	120 mg/L	272 mg/L	227%

431. The Caguas Facility has discharged concentrations of COD higher than the MSGPs' benchmark value for COD of 120 milligrams per liter six times between the fourth quarter of 2018 and the fourth quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
432.	COD	12/31/2018	001	120 mg/L	429 mg/L	358%
433.	COD	3/31/2019	001	120 mg/L	307 mg/L	256%
434.	COD	12/31/2020	001	120 mg/L	173 mg/L	144%
435.	COD	3/31/2021	001	120 mg/L	194.7 mg/L	162%
436.	COD	9/30/2021	001	120 mg/L	127 mg/L	106%
437.	COD	12/31/2021	001	120 mg/L	210 mg/L	175%

438. The Canovanas Facility discharged concentrations of COD higher than the 2015 MSGP benchmark value for COD of 120 milligrams per liter in the first quarter of 2019, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
439.	COD	3/31/2019	001	120 mg/L	122 mg/L	102%

440. The Ponce Facility discharged concentrations of COD higher than the MSGPs' benchmark value for COD of 120 milligrams per liter twice between the third quarter of 2020 and the third quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
441.	COD	9/30/2020	001	120 mg/L	266 mg/L	222%
442.	COD	9/30/2021	001	120 mg/L	152 mg/L	127%

443. Schnitzer's four-quarter average COD concentrations at the Bayamón Facility have

exceeded the MSGPs' benchmark value of 120 milligrams per liter three times since the fourth quarter of 2016.

444. Schnitzer's discharges of COD from the Bayamón Facility have triggered the MSGPs' corrective action and/or AIM requirements three times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
445.	COD	12/31/2020	003	120 mg/L	272 mg/L
446.	COD	3/31/2021	001	120 mg/L	177 mg/L
447.	COD	3/31/2021	003	120 mg/L	256 mg/L

448. Schnitzer's four-quarter average COD concentrations at the Caguas Facility have exceeded the MSGPs' benchmark value of 120 milligrams per liter four times since the fourth quarter of 2016.

449. Schnitzer's discharges of COD from the Caguas Facility have triggered the MSGPs' corrective action and/or AIM requirements four times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
450.	COD	3/31/2019	001	120 mg/L	368 mg/L
451.	COD	9/30/2019	001	120 mg/L	282 mg/L
452.	COD	12/31/2020	001	120 mg/L	255 mg/L
453.	COD	3/31/2021	001	120 mg/L	196 mg/L

Pollutant: Total Suspended Solids ("TSS")

454. The Facilities' discharges of TSS contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

455. Elevated levels of TSS increase water turbidity and reduce the light available to desirable

aquatic plants. TSS that settle out as bottom deposits can alter or destroy habitat for fish and other bottom-dwelling organisms.

456. The Facilities' quarterly discharge monitoring reports show that they have discharged TSS every quarter for which monitoring was conducted since the fourth quarter of 2016.

457. The Facilities have failed, and continue to fail, to use control measures to minimize discharges of TSS.

458. The Bayamón Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter in the first quarter of 2021, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
459.	TSS	3/31/2021	001	100 mg/L	152 mg/L	152%

460. The Caguas Facility has discharged concentrations of TSS higher than the 2015 MSGP benchmark value for TSS of 100 milligrams per liter twice between the fourth quarter of 2018 and the fourth quarter of 2020, as detailed in the below table.

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Benchmark Value**	**Measured Value**	**Limit Exceedance Percent**
461.	TSS	12/31/2018	001	100 mg/L	336 mg/L	336%
462.	TSS	12/31/2020	001	100 mg/L	120 mg/L	120%

463. Schnitzer's four-quarter average TSS concentrations at the Caguas Facility have exceeded the MSGPs' benchmark value of 100 milligrams per liter three times since the fourth quarter of 2016.

464. Schnitzer's discharges of TSS from the Caguas Facility have triggered the MSGPs' corrective action and/or AIM requirements three times since the fourth quarter of 2016, as detailed in the below table.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
465.	TSS	3/31/2019	001	100 mg/L	215 mg/L
466.	TSS	9/30/2019	001	100 mg/L	153 mg/L
467.	TSS	12/31/2020	001	100 mg/L	145 mg/L

Pollutant: Effluent that Contains Evidence of Stormwater Pollution

468. Upon information and belief, Schnitzer has observed evidence of stormwater pollution in the effluent of the Bayamón Facility.

469. Upon information and belief, Schnitzer has observed evidence of stormwater pollution in the effluent of the Caguas Facility.

470. Upon information and belief, Schnitzer has observed evidence of stormwater pollution in the effluent of the Canovanas Facility.

471. Upon information and belief, Schnitzer has observed evidence of stormwater pollution in the effluent of the Ponce Facility.

472. Upon information and belief, Schnitzer's observations of stormwater pollution in the effluent of the Facilities have triggered the MSGPs' corrective action and/or AIM requirements.

473. Upon information and belief, the Facilities' discharges of effluent that contains evidence of stormwater pollution contribute to the degradation of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea, and to the violation of water quality standards for Puerto Rico.

474. Upon information and belief, the Facilities have failed, and continue to fail, to use control measures to minimize discharges of visible and malodorous pollutants.

Facility Inspections

475. Upon information and belief, facility inspections at the Bayamón Facility revealed instances where discharges were not adequately controlled.

476. Upon information and belief, facility inspections at the Caguas Facility revealed instances where discharges were not adequately controlled.

477. Upon information and belief, facility inspections at the Canovanas Facility revealed instances where discharges were not adequately controlled.

478. Upon information and belief, facility inspections at the Ponce Facility revealed instances where discharges were not adequately controlled.

479. Schnitzer's facility inspections which have revealed instances where discharges were not adequately controlled have triggered the MSGPs' corrective action and/or AIM requirements.

Monitoring and Reporting

480. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Bayamón Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Type of Monitoring and Reporting Requirement**
481.	Aluminum	6/30/2017	001	Benchmark
482.	Aluminum	6/30/2017	002	Benchmark
483.	Aluminum	6/30/2017	003	Benchmark
484.	COD	6/30/2017	001	Benchmark
485.	COD	6/30/2017	002	Benchmark
486.	COD	6/30/2017	003	Benchmark
487.	Copper	6/30/2017	001	Benchmark
488.	Copper	6/30/2017	002	Benchmark
489.	Copper	6/30/2017	003	Benchmark
490.	Iron	6/30/2017	001	Benchmark
491.	Iron	6/30/2017	002	Benchmark
492.	Iron	6/30/2017	003	Benchmark
493.	Lead	6/30/2017	001	Benchmark
494.	Lead	6/30/2017	002	Benchmark
495.	Lead	6/30/2017	003	Benchmark
496.	TSS	6/30/2017	001	Benchmark
497.	TSS	6/30/2017	002	Benchmark
498.	TSS	6/30/2017	003	Benchmark
499.	Zinc	6/30/2017	001	Benchmark

500.	Zinc	6/30/2017	002	Benchmark
501.	Zinc	6/30/2017	003	Benchmark
502.	Aluminum	9/30/2017	001	Benchmark
503.	Aluminum	9/30/2017	002	Benchmark
504.	Aluminum	9/30/2017	003	Benchmark
505.	COD	9/30/2017	001	Benchmark
506.	COD	9/30/2017	002	Benchmark
507.	COD	9/30/2017	003	Benchmark
508.	Copper	9/30/2017	001	Benchmark
509.	Copper	9/30/2017	002	Benchmark
510.	Copper	9/30/2017	003	Benchmark
511.	Iron	9/30/2017	001	Benchmark
512.	Iron	9/30/2017	002	Benchmark
513.	Iron	9/30/2017	003	Benchmark
514.	Lead	9/30/2017	001	Benchmark
515.	Lead	9/30/2017	002	Benchmark
516.	Lead	9/30/2017	003	Benchmark
517.	TSS	9/30/2017	001	Benchmark
518.	TSS	9/30/2017	002	Benchmark
519.	TSS	9/30/2017	003	Benchmark
520.	Zinc	9/30/2017	001	Benchmark
521.	Zinc	9/30/2017	002	Benchmark
522.	Zinc	9/30/2017	003	Benchmark
523.	Inorganic arsenic	9/30/2017	001	Impaired waters
524.	Inorganic arsenic	9/30/2017	002	Impaired waters
525.	Inorganic arsenic	9/30/2017	003	Impaired waters
526.	Arsenic	9/30/2017	001	Impaired waters
527.	Arsenic	9/30/2017	002	Impaired waters
528.	Arsenic	9/30/2017	003	Impaired waters
529.	Coliform	9/30/2017	001	Impaired waters
530.	Coliform	9/30/2017	002	Impaired waters
531.	Coliform	9/30/2017	003	Impaired waters
532.	Foaming agents	9/30/2017	001	Impaired waters
533.	Foaming agents	9/30/2017	002	Impaired waters
534.	Foaming agents	9/30/2017	003	Impaired waters
535.	Dissolved oxygen	9/30/2017	001	Impaired waters
536.	Dissolved oxygen	9/30/2017	002	Impaired waters
537.	Dissolved oxygen	9/30/2017	003	Impaired waters
538.	Selenium	9/30/2017	001	Impaired waters
539.	Selenium	9/30/2017	002	Impaired waters
540.	Selenium	9/30/2017	003	Impaired waters
541.	Turbidity	9/30/2017	001	Impaired waters
542.	Turbidity	9/30/2017	002	Impaired waters
543.	Turbidity	9/30/2017	003	Impaired waters
544.	Aluminum	12/31/2017	001	Benchmark

545.	Aluminum	12/31/2017	002	Benchmark
546.	Aluminum	12/31/2017	003	Benchmark
547.	COD	12/31/2017	001	Benchmark
548.	COD	12/31/2017	002	Benchmark
549.	COD	12/31/2017	003	Benchmark
550.	Copper	12/31/2017	001	Benchmark
551.	Copper	12/31/2017	002	Benchmark
552.	Copper	12/31/2017	003	Benchmark
553.	Iron	12/31/2017	001	Benchmark
554.	Iron	12/31/2017	002	Benchmark
555.	Iron	12/31/2017	003	Benchmark
556.	Lead	12/31/2017	001	Benchmark
557.	Lead	12/31/2017	002	Benchmark
558.	Lead	12/31/2017	003	Benchmark
559.	TSS	12/31/2017	001	Benchmark
560.	TSS	12/31/2017	002	Benchmark
561.	TSS	12/31/2017	003	Benchmark
562.	Zinc	12/31/2017	001	Benchmark
563.	Zinc	12/31/2017	002	Benchmark
564.	Zinc	12/31/2017	003	Benchmark
565.	Aluminum	3/31/2018	001	Benchmark
566.	Aluminum	3/31/2018	002	Benchmark
567.	Aluminum	3/31/2018	003	Benchmark
568.	COD	3/31/2018	001	Benchmark
569.	COD	3/31/2018	002	Benchmark
570.	COD	3/31/2018	003	Benchmark
571.	Copper	3/31/2018	001	Benchmark
572.	Copper	3/31/2018	002	Benchmark
573.	Copper	3/31/2018	003	Benchmark
574.	Iron	3/31/2018	001	Benchmark
575.	Iron	3/31/2018	002	Benchmark
576.	Iron	3/31/2018	003	Benchmark
577.	Lead	3/31/2018	001	Benchmark
578.	Lead	3/31/2018	002	Benchmark
579.	Lead	3/31/2018	003	Benchmark
580.	TSS	3/31/2018	001	Benchmark
581.	TSS	3/31/2018	002	Benchmark
582.	TSS	3/31/2018	003	Benchmark
583.	Zinc	3/31/2018	001	Benchmark
584.	Zinc	3/31/2018	002	Benchmark
585.	Zinc	3/31/2018	003	Benchmark
586.	Aluminum	6/30/2018	001	Benchmark
587.	Aluminum	6/30/2018	002	Benchmark
588.	Aluminum	6/30/2018	003	Benchmark
589.	COD	6/30/2018	001	Benchmark

590.	COD	6/30/2018	002	Benchmark
591.	COD	6/30/2018	003	Benchmark
592.	Copper	6/30/2018	001	Benchmark
593.	Copper	6/30/2018	002	Benchmark
594.	Copper	6/30/2018	003	Benchmark
595.	Iron	6/30/2018	001	Benchmark
596.	Iron	6/30/2018	002	Benchmark
597.	Iron	6/30/2018	003	Benchmark
598.	Lead	6/30/2018	001	Benchmark
599.	Lead	6/30/2018	002	Benchmark
600.	Lead	6/30/2018	003	Benchmark
601.	TSS	6/30/2018	001	Benchmark
602.	TSS	6/30/2018	002	Benchmark
603.	TSS	6/30/2018	003	Benchmark
604.	Zinc	6/30/2018	001	Benchmark
605.	Zinc	6/30/2018	002	Benchmark
606.	Zinc	6/30/2018	003	Benchmark
607.	Aluminum	9/30/2018	001	Benchmark
608.	Aluminum	9/30/2018	002	Benchmark
609.	Aluminum	9/30/2018	003	Benchmark
610.	COD	9/30/2018	001	Benchmark
611.	COD	9/30/2018	002	Benchmark
612.	COD	9/30/2018	003	Benchmark
613.	Copper	9/30/2018	001	Benchmark
614.	Copper	9/30/2018	002	Benchmark
615.	Copper	9/30/2018	003	Benchmark
616.	Iron	9/30/2018	001	Benchmark
617.	Iron	9/30/2018	002	Benchmark
618.	Iron	9/30/2018	003	Benchmark
619.	Lead	9/30/2018	001	Benchmark
620.	Lead	9/30/2018	002	Benchmark
621.	Lead	9/30/2018	003	Benchmark
622.	TSS	9/30/2018	001	Benchmark
623.	TSS	9/30/2018	002	Benchmark
624.	TSS	9/30/2018	003	Benchmark
625.	Zinc	9/30/2018	001	Benchmark
626.	Zinc	9/30/2018	002	Benchmark
627.	Zinc	9/30/2018	003	Benchmark
628.	Inorganic arsenic	9/30/2018	001	Impaired waters
629.	Inorganic arsenic	9/30/2018	002	Impaired waters
630.	Inorganic arsenic	9/30/2018	003	Impaired waters
631.	Arsenic	9/30/2018	001	Impaired waters
632.	Arsenic	9/30/2018	002	Impaired waters
633.	Arsenic	9/30/2018	003	Impaired waters
634.	Coliform	9/30/2018	001	Impaired waters

635.	Coliform	9/30/2018	002	Impaired waters
636.	Coliform	9/30/2018	003	Impaired waters
637.	Foaming agents	9/30/2018	001	Impaired waters
638.	Foaming agents	9/30/2018	002	Impaired waters
639.	Foaming agents	9/30/2018	003	Impaired waters
640.	Dissolved oxygen	9/30/2018	001	Impaired waters
641.	Dissolved oxygen	9/30/2018	002	Impaired waters
642.	Dissolved oxygen	9/30/2018	003	Impaired waters
643.	Selenium	9/30/2018	001	Impaired waters
644.	Selenium	9/30/2018	002	Impaired waters
645.	Selenium	9/30/2018	003	Impaired waters
646.	Turbidity	9/30/2018	001	Impaired waters
647.	Turbidity	9/30/2018	002	Impaired waters
648.	Turbidity	9/30/2018	003	Impaired waters
649.	Aluminum	12/31/2018	001	Benchmark
650.	Aluminum	12/31/2018	002	Benchmark
651.	Aluminum	12/31/2018	003	Benchmark
652.	COD	12/31/2018	001	Benchmark
653.	COD	12/31/2018	002	Benchmark
654.	COD	12/31/2018	003	Benchmark
655.	Copper	12/31/2018	001	Benchmark
656.	Copper	12/31/2018	002	Benchmark
657.	Copper	12/31/2018	003	Benchmark
658.	Iron	12/31/2018	001	Benchmark
659.	Iron	12/31/2018	002	Benchmark
660.	Iron	12/31/2018	003	Benchmark
661.	Lead	12/31/2018	001	Benchmark
662.	Lead	12/31/2018	002	Benchmark
663.	Lead	12/31/2018	003	Benchmark
664.	TSS	12/31/2018	001	Benchmark
665.	TSS	12/31/2018	002	Benchmark
666.	TSS	12/31/2018	003	Benchmark
667.	Zinc	12/31/2018	001	Benchmark
668.	Zinc	12/31/2018	002	Benchmark
669.	Zinc	12/31/2018	003	Benchmark
670.	Aluminum	3/31/2019	001	Benchmark
671.	Aluminum	3/31/2019	002	Benchmark
672.	Aluminum	3/31/2019	003	Benchmark
673.	COD	3/31/2019	001	Benchmark
674.	COD	3/31/2019	002	Benchmark
675.	COD	3/31/2019	003	Benchmark
676.	Copper	3/31/2019	001	Benchmark
677.	Copper	3/31/2019	002	Benchmark
678.	Copper	3/31/2019	003	Benchmark
679.	Iron	3/31/2019	001	Benchmark

680.	Iron	3/31/2019	002	Benchmark
681.	Iron	3/31/2019	003	Benchmark
682.	Lead	3/31/2019	001	Benchmark
683.	Lead	3/31/2019	002	Benchmark
684.	Lead	3/31/2019	003	Benchmark
685.	TSS	3/31/2019	001	Benchmark
686.	TSS	3/31/2019	002	Benchmark
687.	TSS	3/31/2019	003	Benchmark
688.	Zinc	3/31/2019	001	Benchmark
689.	Zinc	3/31/2019	002	Benchmark
690.	Zinc	3/31/2019	003	Benchmark
691.	Aluminum	6/30/2019	001	Benchmark
692.	Aluminum	6/30/2019	002	Benchmark
693.	Aluminum	6/30/2019	003	Benchmark
694.	COD	6/30/2019	001	Benchmark
695.	COD	6/30/2019	002	Benchmark
696.	COD	6/30/2019	003	Benchmark
697.	Copper	6/30/2019	001	Benchmark
698.	Copper	6/30/2019	002	Benchmark
699.	Copper	6/30/2019	003	Benchmark
700.	Iron	6/30/2019	001	Benchmark
701.	Iron	6/30/2019	002	Benchmark
702.	Iron	6/30/2019	003	Benchmark
703.	Lead	6/30/2019	001	Benchmark
704.	Lead	6/30/2019	002	Benchmark
705.	Lead	6/30/2019	003	Benchmark
706.	TSS	6/30/2019	001	Benchmark
707.	TSS	6/30/2019	002	Benchmark
708.	TSS	6/30/2019	003	Benchmark
709.	Zinc	6/30/2019	001	Benchmark
710.	Zinc	6/30/2019	002	Benchmark
711.	Zinc	6/30/2019	003	Benchmark
712.	Aluminum	9/30/2019	001	Benchmark
713.	Aluminum	9/30/2019	002	Benchmark
714.	Aluminum	9/30/2019	003	Benchmark
715.	COD	9/30/2019	001	Benchmark
716.	COD	9/30/2019	002	Benchmark
717.	COD	9/30/2019	003	Benchmark
718.	Copper	9/30/2019	001	Benchmark
719.	Copper	9/30/2019	002	Benchmark
720.	Copper	9/30/2019	003	Benchmark
721.	Iron	9/30/2019	001	Benchmark
722.	Iron	9/30/2019	002	Benchmark
723.	Iron	9/30/2019	003	Benchmark
724.	Lead	9/30/2019	001	Benchmark

725.	Lead	9/30/2019	002	Benchmark
726.	Lead	9/30/2019	003	Benchmark
727.	TSS	9/30/2019	001	Benchmark
728.	TSS	9/30/2019	002	Benchmark
729.	TSS	9/30/2019	003	Benchmark
730.	Zinc	9/30/2019	001	Benchmark
731.	Zinc	9/30/2019	002	Benchmark
732.	Zinc	9/30/2019	003	Benchmark
733.	Inorganic arsenic	9/30/2019	001	Impaired waters
734.	Inorganic arsenic	9/30/2019	002	Impaired waters
735.	Inorganic arsenic	9/30/2019	003	Impaired waters
736.	Arsenic	9/30/2019	001	Impaired waters
737.	Arsenic	9/30/2019	002	Impaired waters
738.	Arsenic	9/30/2019	003	Impaired waters
739.	Coliform	9/30/2019	001	Impaired waters
740.	Coliform	9/30/2019	002	Impaired waters
741.	Coliform	9/30/2019	003	Impaired waters
742.	Foaming agents	9/30/2019	001	Impaired waters
743.	Foaming agents	9/30/2019	002	Impaired waters
744.	Foaming agents	9/30/2019	003	Impaired waters
745.	Dissolved oxygen	9/30/2019	001	Impaired waters
746.	Dissolved oxygen	9/30/2019	002	Impaired waters
747.	Dissolved oxygen	9/30/2019	003	Impaired waters
748.	Selenium	9/30/2019	001	Impaired waters
749.	Selenium	9/30/2019	002	Impaired waters
750.	Selenium	9/30/2019	003	Impaired waters
751.	Turbidity	9/30/2019	001	Impaired waters
752.	Turbidity	9/30/2019	002	Impaired waters
753.	Turbidity	9/30/2019	003	Impaired waters
754.	Aluminum	3/31/2020	001	Benchmark
755.	Aluminum	3/31/2020	002	Benchmark
756.	Aluminum	3/31/2020	003	Benchmark
757.	COD	3/31/2020	001	Benchmark
758.	COD	3/31/2020	002	Benchmark
759.	COD	3/31/2020	003	Benchmark
760.	Copper	3/31/2020	001	Benchmark
761.	Copper	3/31/2020	002	Benchmark
762.	Copper	3/31/2020	003	Benchmark
763.	Iron	3/31/2020	001	Benchmark
764.	Iron	3/31/2020	002	Benchmark
765.	Iron	3/31/2020	003	Benchmark
766.	Lead	3/31/2020	001	Benchmark
767.	Lead	3/31/2020	002	Benchmark
768.	Lead	3/31/2020	003	Benchmark
769.	TSS	3/31/2020	001	Benchmark

770.	TSS	3/31/2020	002	Benchmark
771.	TSS	3/31/2020	003	Benchmark
772.	Zinc	3/31/2020	001	Benchmark
773.	Zinc	3/31/2020	002	Benchmark
774.	Zinc	3/31/2020	003	Benchmark
775.	Aluminum	6/30/2020	001	Benchmark
776.	Aluminum	6/30/2020	002	Benchmark
777.	Aluminum	6/30/2020	003	Benchmark
778.	COD	6/30/2020	001	Benchmark
779.	COD	6/30/2020	002	Benchmark
780.	COD	6/30/2020	003	Benchmark
781.	Copper	6/30/2020	001	Benchmark
782.	Copper	6/30/2020	002	Benchmark
783.	Copper	6/30/2020	003	Benchmark
784.	Iron	6/30/2020	001	Benchmark
785.	Iron	6/30/2020	002	Benchmark
786.	Iron	6/30/2020	003	Benchmark
787.	Lead	6/30/2020	001	Benchmark
788.	Lead	6/30/2020	002	Benchmark
789.	Lead	6/30/2020	003	Benchmark
790.	TSS	6/30/2020	001	Benchmark
791.	TSS	6/30/2020	002	Benchmark
792.	TSS	6/30/2020	003	Benchmark
793.	Zinc	6/30/2020	001	Benchmark
794.	Zinc	6/30/2020	002	Benchmark
795.	Zinc	6/30/2020	003	Benchmark
796.	Aluminum	9/30/2020	001	Benchmark
797.	Aluminum	9/30/2020	002	Benchmark
798.	Aluminum	9/30/2020	003	Benchmark
799.	COD	9/30/2020	001	Benchmark
800.	COD	9/30/2020	002	Benchmark
801.	COD	9/30/2020	003	Benchmark
802.	Copper	9/30/2020	001	Benchmark
803.	Copper	9/30/2020	002	Benchmark
804.	Copper	9/30/2020	003	Benchmark
805.	Iron	9/30/2020	001	Benchmark
806.	Iron	9/30/2020	002	Benchmark
807.	Iron	9/30/2020	003	Benchmark
808.	Lead	9/30/2020	001	Benchmark
809.	Lead	9/30/2020	002	Benchmark
810.	Lead	9/30/2020	003	Benchmark
811.	TSS	9/30/2020	001	Benchmark
812.	TSS	9/30/2020	002	Benchmark
813.	TSS	9/30/2020	003	Benchmark
814.	Zinc	9/30/2020	001	Benchmark

815.	Zinc	9/30/2020	002	Benchmark
816.	Zinc	9/30/2020	003	Benchmark
817.	Inorganic arsenic	9/30/2020	001	Impaired waters
818.	Inorganic arsenic	9/30/2020	002	Impaired waters
819.	Inorganic arsenic	9/30/2020	003	Impaired waters
820.	Arsenic	9/30/2020	001	Impaired waters
821.	Arsenic	9/30/2020	002	Impaired waters
822.	Arsenic	9/30/2020	003	Impaired waters
823.	Coliform	9/30/2020	001	Impaired waters
824.	Coliform	9/30/2020	002	Impaired waters
825.	Coliform	9/30/2020	003	Impaired waters
826.	Foaming agents	9/30/2020	001	Impaired waters
827.	Foaming agents	9/30/2020	002	Impaired waters
828.	Foaming agents	9/30/2020	003	Impaired waters
829.	Dissolved oxygen	9/30/2020	001	Impaired waters
830.	Dissolved oxygen	9/30/2020	002	Impaired waters
831.	Dissolved oxygen	9/30/2020	003	Impaired waters
832.	Selenium	9/30/2020	001	Impaired waters
833.	Selenium	9/30/2020	002	Impaired waters
834.	Selenium	9/30/2020	003	Impaired waters
835.	Turbidity	9/30/2020	001	Impaired waters
836.	Turbidity	9/30/2020	002	Impaired waters
837.	Turbidity	9/30/2020	003	Impaired waters
838.	Aluminum	12/31/2020	002	Benchmark
839.	COD	12/31/2020	002	Benchmark
840.	Copper	12/31/2020	002	Benchmark
841.	Iron	12/31/2020	002	Benchmark
842.	Lead	12/31/2020	002	Benchmark
843.	TSS	12/31/2020	002	Benchmark
844.	Zinc	12/31/2020	002	Benchmark
845.	Inorganic arsenic	12/31/2021	001	Impaired waters
846.	Inorganic arsenic	12/31/2021	002	Impaired waters
847.	Inorganic arsenic	12/31/2021	003	Impaired waters
848.	Arsenic	12/31/2021	001	Impaired waters
849.	Arsenic	12/31/2021	002	Impaired waters
850.	Arsenic	12/31/2021	003	Impaired waters
851.	Coliform	12/31/2021	001	Impaired waters
852.	Coliform	12/31/2021	002	Impaired waters
853.	Coliform	12/31/2021	003	Impaired waters
854.	Foaming agents	12/31/2021	001	Impaired waters
855.	Foaming agents	12/31/2021	002	Impaired waters
856.	Foaming agents	12/31/2021	003	Impaired waters
857.	Dissolved oxygen	12/31/2021	001	Impaired waters
858.	Dissolved oxygen	12/31/2021	002	Impaired waters
859.	Dissolved oxygen	12/31/2021	003	Impaired waters

860.	Selenium	12/31/2021	001	Impaired waters
861.	Selenium	12/31/2021	002	Impaired waters
862.	Selenium	12/31/2021	003	Impaired waters
863.	Turbidity	12/31/2021	001	Impaired waters
864.	Turbidity	12/31/2021	002	Impaired waters
865.	Turbidity	12/31/2021	003	Impaired waters

866. Upon information and belief, Schnitzer has failed to conduct annual impaired waters monitoring at the Bayamón Facility for surfactants and fecal coliform.

867. Upon information and belief, Schnitzer has failed to conduct quarterly benchmark and annual impaired waters monitoring at the Bayamón Facility for all pollutant criteria prior to the second quarter of 2017.

868. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Caguas Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
869.	Aluminum	6/30/2017	001	Benchmark
870.	COD	6/30/2017	001	Benchmark
871.	Copper	6/30/2017	001	Benchmark
872.	Iron	6/30/2017	001	Benchmark
873.	Lead	6/30/2017	001	Benchmark
874.	TSS	6/30/2017	001	Benchmark
875.	Zinc	6/30/2017	001	Benchmark
876.	Aluminum	9/30/2017	001	Benchmark
877.	COD	9/30/2017	001	Benchmark
878.	Copper	9/30/2017	001	Benchmark
879.	Iron	9/30/2017	001	Benchmark
880.	Lead	9/30/2017	001	Benchmark
881.	TSS	9/30/2017	001	Benchmark
882.	Zinc	9/30/2017	001	Benchmark
883.	Aluminum	12/31/2017	001	Benchmark
884.	COD	12/31/2017	001	Benchmark
885.	Copper	12/31/2017	001	Benchmark
886.	Iron	12/31/2017	001	Benchmark
887.	Lead	12/31/2017	001	Benchmark

888.	TSS	12/31/2017	001	Benchmark
889.	Zinc	12/31/2017	001	Benchmark
890.	Aluminum	3/31/2018	001	Benchmark
891.	COD	3/31/2018	001	Benchmark
892.	Copper	3/31/2018	001	Benchmark
893.	Iron	3/31/2018	001	Benchmark
894.	Lead	3/31/2018	001	Benchmark
895.	TSS	3/31/2018	001	Benchmark
896.	Zinc	3/31/2018	001	Benchmark
897.	Aluminum	6/30/2018	001	Benchmark
898.	COD	6/30/2018	001	Benchmark
899.	Copper	6/30/2018	001	Benchmark
900.	Iron	6/30/2018	001	Benchmark
901.	Lead	6/30/2018	001	Benchmark
902.	TSS	6/30/2018	001	Benchmark
903.	Zinc	6/30/2018	001	Benchmark
904.	Aluminum	9/30/2018	001	Benchmark
905.	COD	9/30/2018	001	Benchmark
906.	Copper	9/30/2018	001	Benchmark
907.	Iron	9/30/2018	001	Benchmark
908.	Lead	9/30/2018	001	Benchmark
909.	TSS	9/30/2018	001	Benchmark
910.	Zinc	9/30/2018	001	Benchmark
911.	Aluminum	6/30/2019	001	Benchmark
912.	COD	6/30/2019	001	Benchmark
913.	Copper	6/30/2019	001	Benchmark
914.	Iron	6/30/2019	001	Benchmark
915.	Lead	6/30/2019	001	Benchmark
916.	TSS	6/30/2019	001	Benchmark
917.	Zinc	6/30/2019	001	Benchmark
918.	Aluminum	12/31/2019	001	Benchmark
919.	COD	12/31/2019	001	Benchmark
920.	Copper	12/31/2019	001	Benchmark
921.	Iron	12/31/2019	001	Benchmark
922.	Lead	12/31/2019	001	Benchmark
923.	TSS	12/31/2019	001	Benchmark
924.	Zinc	12/31/2019	001	Benchmark
925.	Aluminum	3/31/2020	001	Benchmark
926.	COD	3/31/2020	001	Benchmark
927.	Copper	3/31/2020	001	Benchmark
928.	Iron	3/31/2020	001	Benchmark
929.	Lead	3/31/2020	001	Benchmark
930.	TSS	3/31/2020	001	Benchmark
931.	Zinc	3/31/2020	001	Benchmark
932.	Aluminum	6/30/2020	001	Benchmark

933.	COD	6/30/2020	001	Benchmark
934.	Copper	6/30/2020	001	Benchmark
935.	Iron	6/30/2020	001	Benchmark
936.	Lead	6/30/2020	001	Benchmark
937.	TSS	6/30/2020	001	Benchmark
938.	Zinc	6/30/2020	001	Benchmark
939.	Aluminum	9/30/2020	001	Benchmark
940.	COD	9/30/2020	001	Benchmark
941.	Copper	9/30/2020	001	Benchmark
942.	Iron	9/30/2020	001	Benchmark
943.	Lead	9/30/2020	001	Benchmark
944.	TSS	9/30/2020	001	Benchmark
945.	Zinc	9/30/2020	001	Benchmark
946.	Enterococci	12/31/2021	001	Impaired waters
947.	Hexavalent chromium	12/31/2021	001	Impaired waters
948.	Nitrogen	12/31/2021	001	Impaired waters
949.	Phosphorus	12/31/2021	001	Impaired waters
950.	Surfactants	12/31/2021	001	Impaired waters

951. Upon information and belief, Schnitzer has failed to conduct annual impaired waters monitoring at the Caguas Facility for hexavalent chromium, nitrogen, phosphorus, surfactants, enterococcus, and fecal coliform.

952. Upon information and belief, Schnitzer has failed to conduct quarterly benchmark and annual impaired waters monitoring at the Caguas Facility for all pollutant criteria prior to the second quarter of 2017.

953. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Canovanas Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
954.	Aluminum	12/31/2017	001	Benchmark
955.	COD	12/31/2017	001	Benchmark
956.	Copper	12/31/2017	001	Benchmark
957.	Iron	12/31/2017	001	Benchmark
958.	Lead	12/31/2017	001	Benchmark
959.	TSS	12/31/2017	001	Benchmark

960.	Zinc	12/31/2017	001	Benchmark
961.	Aluminum	3/31/2018	001	Benchmark
962.	COD	3/31/2018	001	Benchmark
963.	Copper	3/31/2018	001	Benchmark
964.	Iron	3/31/2018	001	Benchmark
965.	Lead	3/31/2018	001	Benchmark
966.	TSS	3/31/2018	001	Benchmark
967.	Zinc	3/31/2018	001	Benchmark
968.	Aluminum	6/30/2018	001	Benchmark
969.	COD	6/30/2018	001	Benchmark
970.	Copper	6/30/2018	001	Benchmark
971.	Iron	6/30/2018	001	Benchmark
972.	Lead	6/30/2018	001	Benchmark
973.	TSS	6/30/2018	001	Benchmark
974.	Zinc	6/30/2018	001	Benchmark
975.	Aluminum	9/30/2018	001	Benchmark
976.	COD	9/30/2018	001	Benchmark
977.	Copper	9/30/2018	001	Benchmark
978.	Iron	9/30/2018	001	Benchmark
979.	Lead	9/30/2018	001	Benchmark
980.	TSS	9/30/2018	001	Benchmark
981.	Zinc	9/30/2018	001	Benchmark
982.	Aluminum	6/30/2019	001	Benchmark
983.	COD	6/30/2019	001	Benchmark
984.	Copper	6/30/2019	001	Benchmark
985.	Iron	6/30/2019	001	Benchmark
986.	Lead	6/30/2019	001	Benchmark
987.	TSS	6/30/2019	001	Benchmark
988.	Zinc	6/30/2019	001	Benchmark
989.	Aluminum	12/31/2019	001	Benchmark
990.	COD	12/31/2019	001	Benchmark
991.	Copper	12/31/2019	001	Benchmark
992.	Iron	12/31/2019	001	Benchmark
993.	Lead	12/31/2019	001	Benchmark
994.	TSS	12/31/2019	001	Benchmark
995.	Zinc	12/31/2019	001	Benchmark
996.	Aluminum	3/31/2020	001	Benchmark
997.	COD	3/31/2020	001	Benchmark
998.	Copper	3/31/2020	001	Benchmark
999.	Iron	3/31/2020	001	Benchmark
1000.	Lead	3/31/2020	001	Benchmark
1001.	TSS	3/31/2020	001	Benchmark
1002.	Zinc	3/31/2020	001	Benchmark
1003.	Aluminum	6/30/2020	001	Benchmark
1004.	COD	6/30/2020	001	Benchmark

1005.	Copper	6/30/2020	001	Benchmark
1006.	Iron	6/30/2020	001	Benchmark
1007.	Lead	6/30/2020	001	Benchmark
1008.	TSS	6/30/2020	001	Benchmark
1009.	Zinc	6/30/2020	001	Benchmark
1010.	Aluminum	12/31/2020	001	Benchmark
1011.	COD	12/31/2020	001	Benchmark
1012.	Copper	12/31/2020	001	Benchmark
1013.	Iron	12/31/2020	001	Benchmark
1014.	Lead	12/31/2020	001	Benchmark
1015.	TSS	12/31/2020	001	Benchmark
1016.	Zinc	12/31/2020	001	Benchmark

1017. Upon information and belief, Schnitzer has failed to conduct quarterly benchmark and annual impaired waters monitoring at the Canovanas Facility for all pollutant criteria prior to the fourth quarter of 2017.

1018. Schnitzer has failed to conduct required quarterly benchmark and annual impaired waters monitoring at the Ponce Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	**Pollutant Criteria**	**Monitoring Period End Date**	**Outfall**	**Monitoring and Reporting Requirement**
1019.	Aluminum	6/30/2017	001	Benchmark
1020.	COD	6/30/2017	001	Benchmark
1021.	Copper	6/30/2017	001	Benchmark
1022.	Iron	6/30/2017	001	Benchmark
1023.	Lead	6/30/2017	001	Benchmark
1024.	TSS	6/30/2017	001	Benchmark
1025.	Zinc	6/30/2017	001	Benchmark
1026.	Aluminum	9/30/2017	001	Benchmark
1027.	COD	9/30/2017	001	Benchmark
1028.	Copper	9/30/2017	001	Benchmark
1029.	Iron	9/30/2017	001	Benchmark
1030.	Lead	9/30/2017	001	Benchmark
1031.	TSS	9/30/2017	001	Benchmark
1032.	Zinc	9/30/2017	001	Benchmark
1033.	Enterococci	9/30/2017	001	Impaired waters
1034.	Oil & grease	9/30/2017	001	Impaired waters
1035.	Dissolved oxygen	9/30/2017	001	Impaired waters
1036.	Temperature	9/30/2017	001	Impaired waters

1037.	Turbidity	9/30/2017	001	Impaired waters
1038.	pH	9/30/2017	001	Impaired waters
1039.	Aluminum	12/31/2017	001	Benchmark
1040.	COD	12/31/2017	001	Benchmark
1041.	Copper	12/31/2017	001	Benchmark
1042.	Iron	12/31/2017	001	Benchmark
1043.	Lead	12/31/2017	001	Benchmark
1044.	TSS	12/31/2017	001	Benchmark
1045.	Zinc	12/31/2017	001	Benchmark
1046.	Aluminum	6/30/2018	001	Benchmark
1047.	COD	6/30/2018	001	Benchmark
1048.	Copper	6/30/2018	001	Benchmark
1049.	Iron	6/30/2018	001	Benchmark
1050.	Lead	6/30/2018	001	Benchmark
1051.	TSS	6/30/2018	001	Benchmark
1052.	Zinc	6/30/2018	001	Benchmark
1053.	Aluminum	12/31/2018	001	Benchmark
1054.	COD	12/31/2018	001	Benchmark
1055.	Copper	12/31/2018	001	Benchmark
1056.	Iron	12/31/2018	001	Benchmark
1057.	Lead	12/31/2018	001	Benchmark
1058.	TSS	12/31/2018	001	Benchmark
1059.	Zinc	12/31/2018	001	Benchmark
1060.	Aluminum	6/30/2019	001	Benchmark
1061.	Copper	6/30/2019	001	Benchmark
1062.	Lead	6/30/2019	001	Benchmark
1063.	Aluminum	3/31/2021	001	Benchmark
1064.	COD	3/31/2021	001	Benchmark
1065.	Copper	3/31/2021	001	Benchmark
1066.	Iron	3/31/2021	001	Benchmark
1067.	Lead	3/31/2021	001	Benchmark
1068.	TSS	3/31/2021	001	Benchmark
1069.	Zinc	3/31/2021	001	Benchmark
1070.	Enterococci	12/31/2021	001	Impaired waters
1071.	Oil & grease	12/31/2021	001	Impaired waters
1072.	Dissolved oxygen	12/31/2021	001	Impaired waters
1073.	Temperature	12/31/2021	001	Impaired waters
1074.	Turbidity	12/31/2021	001	Impaired waters
1075.	pH	12/31/2021	001	Impaired waters

1076. Upon information and belief, Schnitzer has failed to conduct annual impaired waters monitoring at the Ponce Facility for copper and mercury.

1077. Upon information and belief, Schnitzer has failed to conduct quarterly benchmark and annual impaired waters monitoring at the Ponce Facility for all pollutant criteria prior to the second quarter of 2017.

1078. Where Schnitzer failed to conduct required quarterly benchmark monitoring due to adverse weather conditions, Schnitzer failed to take a substitute sample during the next qualifying storm event as required by the MSGPs.

THE FACILITIES' HARMS TO CLF'S MEMBERS

1079. CLF's members use the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and/or the Caribbean Sea for drinking water, aesthetic uses, recreational uses, and/or observing wildlife.

1080. The Facilities' discharges of pollutants into the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and the Caribbean Sea have degraded the health of these waterbodies and contributed to their impairments in a way that diminishes the use and enjoyment of CLF's members.

1081. CLF's members worry about the negative impact of heavy metals and other pollutants on their ability to enjoy observing wildlife on the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and/or the Caribbean Sea.

1082. CLF's members are concerned about the health impacts of heavy metal pollution from drinking water sourced from Lago Loiza.

1083. The presence of odor, unnatural color, scum, foam, and diminished water clarity adversely affect the aesthetic enjoyment of the Río Hondo, the Río Bairoa, the Río Grande de Loiza, Lago Loiza, the Unnamed Creek, the Río Grande de Loiza Estuary, and/or the Caribbean Sea by CLF's members.

CLAIMS FOR RELIEF

Count I: Failure to Take Corrective Actions and/or AIMs Following Triggering Events

1084. Paragraphs 1 through 1083 are incorporated by reference as if fully set forth herein.

1085. The MSGPs require Defendants to take corrective action or additional implementation measures when the following triggering events occur: 1) the average of four quarterly sampling results exceeds the applicable benchmark value or when an exceedance of the four-quarter average is mathematically certain; 2) control measures do not adequately minimize discharges to meet applicable water quality standards; 3) a visual assessment shows evidence of stormwater pollution in the discharge; or 4) a facility inspection reveals that discharges are not adequately controlled.

1086. Following a triggering event, Defendants are required to 1) review and revise the Stormwater Pollution Prevention Plan to minimize pollutant discharges; 2) immediately take "all reasonable steps to minimize or prevent the discharge of pollutants until [it] can implement a permanent solution;" and 3) if necessary, take subsequent actions before the next storm event if possible and within 14 calendar days from the time of discovery.

1087. The average of four quarterly samplings results exceeded the applicable benchmark values or an exceedance of the four-quarter average was mathematically certain 24 times at the Bayamón Facility, 28 times at the Caguas Facility, 17 times at the Canovanas Facility, and 16 times at the Ponce Facility.

1088. Upon information and belief, the control measures at the Facilities did not and do not currently adequately minimize discharges to meet applicable water quality standards.

1089. Upon information and belief, quarterly visual assessments of discharge at the Facilities documented evidence of stormwater pollution.

1090. Upon information and belief, facility inspections revealed that discharges were not adequately controlled at the Facilities.

1091. Schnitzer did not take corrective action or AIMs as required by the MSGPs following the triggering events listed in paragraphs 1087-1090 above.

1092. Upon information and belief, following the triggering events listed in 1087-1090 above, Schnitzer did not review and revise the Stormwater Pollution Prevention Plans for the Facilities.

1093. Upon information and belief, following the triggering events listed in paragraphs 1087-1090 above, Schnitzer did not immediately take all reasonable steps to minimize or prevent the discharge of pollutants until it could implement a permanent solution.

1094. Upon information and belief, following the triggering events listed in paragraphs 1087-1090 above, Schnitzer did not take subsequent actions as necessary before the next storm event if possible and within 14 calendar days from the time of discovery.

1095. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

1096. Each day that Defendants have violated or continue to violate the corrective action and/or AIM requirement is a separate and distinct violation of the MSGPs and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Count II: Failure to Use Control Measures to Minimize Pollutant Discharges

1097. Paragraphs 1 through 1083 are incorporated by reference as if fully set forth herein.

1098. The MSGPs require that Schnitzer select, design, install, and implement control measures "to minimize pollutant discharges."

1099. Schnitzer has failed and continues to fail to select, design, install, and implement control measures to minimize pollutant discharges.

1100. Upon information and belief, Schnitzer has failed to comply with the pollutant control measures required in Section 2.1 of the MSGPs, including but not limited to provisions related to minimizing exposure, good housekeeping measures, maintenance of control measures, leaks and spills, control of sediment discharge, and dust generation.

1101. Schnitzer has discharged pollutants in excess of the benchmark values in the MSGPs at least 30 times from the Bayamón Facility, 30 times from the Caguas Facility, 22 times from the Canovanas Facility, and 17 times from the Ponce Facility.

1102. Each day that Defendants have violated or continue to violate the MSGPs' requirement to use control measures to minimize pollutant discharges is a separate and distinct violation of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and 40 C.F.R. Part 451.

Count III: Unlawful Discharges Causing Violation of Water Quality Standards

1103. Paragraphs 1 through 1083 are incorporated by reference as if fully set forth herein.

1104. The MSGPs require that Defendants control its stormwater discharges "as necessary to meet applicable water quality standards of all affected states."

1105. Schnitzer's discharges from the Facilities are required to comply with Puerto Rico water quality standards.

1106. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.1, pertaining to aesthetic requirements.

1107. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.1.A, pertaining to floating materials.

1108. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.1.B, pertaining to color, odor, taste, or turbidity.

1109. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.1.E, pertaining to the deposition of solids.

1110. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.1.H, pertaining to oil and grease.

1111. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.J, pertaining to toxics and undesirable physiological responses.

1112. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.2.B.2.e, g, pertaining to Class-specific criteria for Class SB waters.

1113. The Facilities have caused or contributed to violations of Puerto Rico water quality standards contained in P.R. WQS REG. 9079 §1303.2.C.2.h, pertaining to Class-specific criteria for Class SD waters.

1114. Every Puerto Rico surface water quality standard violation constitutes a separate and distinct violation of the MSGPs and the Clean Water Act.

1115. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the MSGPs' prohibition against causing violations of state water quality standards violations, including violations of each of the above-enumerated Puerto Rico water quality standards, unless and until enjoined from doing so.

1116. Each day, and for each pollutant parameter and each Puerto Rico water quality standard that Defendants have violated or continue to violate, constitutes a separate and distinct violation of the MSGPs and of Section 301(a) of the Clean Water Act, 33 U.S.C. §§ 1311(a).

Count IV: Failure to Comply with Monitoring and Reporting Requirements

1117. Paragraphs 1 through 1083 are incorporated by reference as if fully set forth herein.

1118. The MSGPs require Schnitzer to conduct quarterly benchmark monitoring for aluminum, copper, iron, lead, zinc, COD, and TSS.

1119. In the event that adverse weather conditions prevent the collection of a required quarterly stormwater sample, the MSGPs require Schnitzer "to take a substitute sample during the next qualifying storm event."

1120. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Bayamón Facility for arsenic, coliform, foaming agents, dissolved oxygen, selenium, turbidity, surfactants, and fecal coliform.

1121. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Caguas Facility for hexavalent chromium, nitrogen, phosphorus, surfactants, enterococcus, and fecal coliform

1122. Schnitzer is required to conduct impaired waters monitoring for its discharges from the Ponce Facility for enterococci, oil and grease, dissolved oxygen, temperature, turbidity, pH, copper, and mercury.

1123. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Bayamón Facility at least 280 times since the fourth quarter of 2016.

1124. Schnitzer has failed to conduct required annual impaired waters monitoring at the Bayamón Facility at least 105 times since the fourth quarter of 2016.

1125. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Caguas Facility at least 77 times since the fourth quarter of 2016.

1126. Schnitzer has failed to conduct required annual impaired waters monitoring at the Caguas

Facility at least five times since the fourth quarter of 2016.

1127. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Canovanas Facility at least 63 times since the fourth quarter of 2016.

1128. Schnitzer has failed to conduct required quarterly benchmark monitoring at the Ponce Facility at least 45 times since the fourth quarter of 2016.

1129. Schnitzer has failed to conduct required annual impaired waters monitoring at the Ponce Facility at least 12 times since the fourth quarter of 2016.

1130. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate this provision of the MSGPs in the future unless and until enjoined from doing so.

1131. Each day that Defendants have violated or continue to violate the monitoring and reporting requirements of the MSGPs is a separate and distinct violation of the Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

a. Issue a declaratory judgment, pursuant to 28 U.S.C. § 2201, that Defendants have violated and remain in violation of the Permit, Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, III, IV, and V of this Complaint;

b. Enjoin Defendants from violating the requirements of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), applicable Clean Water Act regulations, and state water quality standards;

c. Impose civil penalties on Defendants as provided under Sections 505(a) and

309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 40 C.F.R. § 19.4;

d. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and

e. Grant such other relief as this Court may deem appropriate.

Dated: February 22, 2022

/s/ ____________________
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