



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

**CONSENT ORDER
ISSUED UNDER THE
GROUNDWATER PROTECTION, HAZARDOUS WASTE MANAGEMENT, AND
ABOVEGROUND STORAGE TANK ACTS
WEST VIRGINIA CODE, CHAPTER 22, ARTICLES 12, 18, AND 30**

TO: American Woodmark Corp. South Branch Plant
Julie Trudgen, EHS Manager
587 Robert C. Byrd Industrial Park
Moorefield, WV 26836

DATE: March 20, 2026

ORDER NO.: MM-26-10

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-12-1 et seq., 22-18-1 et seq., and 22-30-1 et seq. to American Woodmark Corp. South Branch Plant (hereinafter, “American Woodmark”).

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

Hazardous Waste Management and Groundwater Protection Acts

1. American Woodmark operates a wood kitchen cabinet and countertop manufacturing facility located in Moorefield, Hardy County, West Virginia under EPA ID No. WVR000506782.
2. On March 19, 2025, contractors working at the plant encountered a chemical odor in the groundwater while excavating a trench for a new fire sprinkler system. A sample of the groundwater and surrounding soils was collected on March 21, 2025 and analyzed on March 22, 2025 by Alliance Technical Group in Cuyahoga Falls, OH. The analytical results were received by plant personnel on March 27, 2025 and documented exceedances of applicable hazardous waste regulatory limits. Specifically, laboratory

Promoting a healthy environment.

results indicated levels of methyl ethyl ketone (MEK) in the groundwater of 272 mg/L and 294 mg/L, exceeding the regulatory limit of 200 mg/L. These results indicate that the groundwater contains characteristic hazardous waste MEK, waste code D035.

3. On April 25, 2025, American Woodmark's Corporate EHS Director, Todd Regula, reported the incident to the West Virginia Department of Environmental Protection (WVDEP) Spill Line.
4. On April 28, 2025, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violations of the Code of Federal Regulations and WV Legislative Rules were observed and documented:
 - a. 40 CFR 262.251 – American Woodmark failed to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
 - b. 47 CSR 58-7.2 – American Woodmark allowed hazardous waste to contaminate the groundwater. Groundwater quality may not be impacted by any facility operation or any activity unless 1) a valid permit exists and/or 2) the director has taken action pursuant to WV Codes 22-12-5(f) through (l).

As a result of these violations, Notice of Violation (NOV) No. 2504-341 was issued to American Woodmark.

5. On April 30, 2025, Mr. Regula provided details regarding two recent incidents in which solvents were spilled into the secondary containment pit located inside the mixing/pump room of the facility; which is adjacent to the current sprinkler system excavation. On November 28, 2024, approximately 600 gallons were released into the secondary containment in the pump/mixing room due to employee error. On December 14, 2024, a hose/valve failure resulted in the release of approximately 3,000 gallons into the secondary containment. Based on the facility's calculations from the December event, they estimated a loss of approximately 17 gallons of material and approximately two gallons from the November event.

Aboveground Storage Tank Act

6. American Woodmark is the owner/operator of ten (10) level 1 aboveground storage tanks (ASTs) located in Hardy County, West Virginia.
7. On June 4, 2025, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violation of the WV Legislative Rules was observed and documented:
 - a. 47 CSR 63-3.1.c.1 – American Woodmark failed to properly register tanks.

As a result of this violation, Notice of Violation (NOV) No. 2025-00354 was issued to American Woodmark.

8. On June 16, 2025, American Woodmark registered its ASTs.

9. On July 2, 2025, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violations of the WV Legislative Rules were observed and documented:
 - a. 47 CSR 63-10.3 – American Woodmark failed to monitor the regulated ASTs for leak detection monthly.
 - b. 47 CSR 63-5.1.a – American Woodmark failed to perform visual inspections of secondary containment at a minimum of once every fourteen (14) days.
 - c. 47 CSR 63-5.1.b – American Woodmark failed to perform monthly visual maintenance checks of the regulated ASTs and ancillary equipment, up to the first point of isolation.
 - d. 47 CSR 63-5.2.b.1 – American Woodmark failed to perform certified inspections for level 1 ASTs.
 - e. 47 CSR 64-6.1 – American Woodmark failed to pay tank fees.

As a result of these violations, Notice of Violation (NOV) Nos. 2025-00424, 2025-00425, 2025-00426, 2025-00427, and 2025-00428 were issued to American Woodmark.

10. On July 22, 2025, WVDEP personnel issued a Suspected Release Notice requiring a tightness test of secondary containment.

General Information

11. On September 4, 2025, WVDEP issued Unilateral Order No. MM-26-07 to American Woodmark, in response to the aforementioned violations. The Order, which became effective on September 8, 2025, required American Woodmark to submit a plan of corrective action (POCA), within thirty (30) days of the effective date, with action items and completion dates for achieving compliance at the facility. WVDEP did not receive the required POCA from American Woodmark.
12. On October 1, 2025, a consultant of American Woodmark reached out to WVDEP personnel, to request a meeting.
13. On January 6, 2026, WVDEP personnel and representatives of American Woodmark met to discuss the terms and conditions of this Order.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Codes 22-12-1 et seq., 22-18-1 et seq., and 22-30-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. American Woodmark shall immediately take all measures to initiate compliance with all pertinent laws and rules.
2. Within thirty (30) days of the effective date of this Order, American Woodmark shall submit for approval a proposed plan of corrective action and schedule, outlining action

items and completion dates for how and when American Woodmark will achieve compliance with all pertinent laws and rules. The plan of corrective action shall make reference to EPA ID No. WVR000506782 and Order No. MM-26-10. The plan of corrective action shall be submitted to:

**Chief Inspector
Environmental Enforcement – Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of American Woodmark's Code of Federal Regulations and WV Legislative Rule violations, American Woodmark shall be assessed a **total civil administrative penalty of fifty-four thousand four hundred eighty-four dollars (\$54,484)** to be paid to the WVDEP within thirty (30) days of the effective date of this Order.
 - a. Eight thousand two hundred fifty-seven dollars (\$8,257) will be deposited in the Hazardous Waste Management Fund for the Hazardous Waste violations.
 - b. Forty-six thousand two hundred twenty-seven dollars (\$46,227) will be deposited in the Aboveground Storage Tank Administrative Fund for the Aboveground Storage Tank violations.

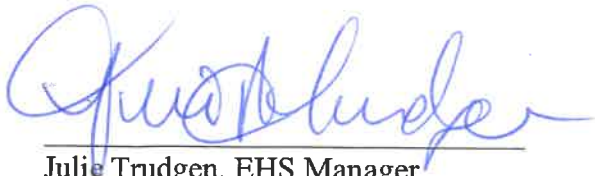
Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement – Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. American Woodmark hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-12-11, 22-18-20, and 22-30-18. Under this Order, American Woodmark agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, American Woodmark does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding American Woodmark other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, American Woodmark shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after American Woodmark becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and American Woodmark shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which American Woodmark intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of American Woodmark (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving American Woodmark of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject American Woodmark to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on American Woodmark, its successors and assigns.

7. This Order shall terminate upon American Woodmark's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Julie Trudgen, EHS Manager
American Woodmark Corp. South Branch
Plant

3-31-2020

Date

Public Notice begin:

Date

Public Notice end:

Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date



April 28, 2025 – Excavated area where a chemical odor was noticed in the groundwater.



April 28, 2025 – Aboveground storage tanks (ASTs) in the secondary containment area of the pump room.

Hazardous Waste Base Penalty Calculation

(pursuant to 33CSR27-6.1)

Responsible Party: American Woodmark Corp. **EPA ID Number:** WVR000506782

Generator Classification: LQG

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#														
			4a														
a)	Harm to RCRA Program	1 to 3	3														
b)	Probability of Exposure	0 to 3	2														
c)	Potential Seriousness of Contamination	1 to 3	2														
Average Potential for Harm Factor			2.3	No	No	No	No	No	No	No	No	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range															
	Degree of Non-Compliance	1 to 3	3														

Potential for Harm Factors

1a. - Harm to the RCRA Program

- All regulatory requirements are fundamental to the continued integrity of the RCRA Program
- Violations that undermine the statutory or regulatory purposes or procedures for implementing the RCRA program may have serious implications and merit substantial penalties. Examples include but are not limited to: failure to notify as a generator, failure to respond to an info request, failure to prepare or maintain a manifest, and operating / disposal without a permit

1b. - Probability of Exposure - factors to be considered include but are not limited to: evidence of a release, evidence of waste mismanagement, and adequacy of provisions for detecting and preventing a release

1c. - Potential Seriousness of Contamination - factors to consider include but are not limited to quantity and toxicity of wastes (potentially) released, likelihood or fact of transport by way of environmental media (e.g. air and groundwater), and existence, size and proximity of receptor populations (e.g. local residents, fish, wildlife) and sensitive environmental media (e.g. surface waters and aquifers.)

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
4a	Major	Major	\$8,660	1	\$8,660
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$8,660

Penalty Adjustment Factors

(pursuant to 33CSR27-6.2)

Penalty Adjustment Factors

6.2.b.1 - Good faith efforts to comply or lack of good faith - 10% decrease to 10% increase

6.2.b.2 - Degree of Willfulness and / or Negligence - 0% to 30% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.4 - History of Non-Compliance - 0% to 100% increase -
based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V.
= maximum of 10% each, previous Order = maximum of 25% each

6.2.b.5 - Ability to pay a civil administrative penalty - 0% to 100% decrease

6.2.b.6 - Economic Benefit of non-compliance

6.2.b.7 - Staff Investigative Costs

6.2.b.8 - Other relevant factors determined on a case-by-case basis

Base Penalty Adjustments

(pursuant to 33CSR27-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Adjustments
6.2.b.1 - Good Faith - Increase			\$0
6.2.b.1 - Good Faith - Decrease		5	(\$433)
6.2.b.2 - Willfulness and/or negligence	10		\$866
6.2.b.3 - Cooperation with the Secretary		10	(\$866)
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.5 - Ability to Pay an Administrative Penalty			\$0
6.2.b.6 - Economic Benefit (flat monetary increase)	\$0		\$0
6.2.b.7 - Staff Investigative Costs (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Cost (flat monetary increase)	\$30		\$30
Penalty Adjustments			(\$403)
Penalty =			\$8,257

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments: Economic benefit is not warranted.	

Aboveground Storage Tank Base Penalty Calculation

Pursuant to WV Legislative Rule 47CSR65 Section 6

Responsible Party:

American Woodmark Corp. South
Branch Plant

Registration / Permit Number:

2025-0000124

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#														
			9a	9b	9c	9d											
a)	Length of Time	1 to 3	2	2	1	1											
b)	Actual Exposure and Effects thereon	0 to 3	0	0	0	0											
c)	Potential Seriousness of Contamination	1 to 3	1	1	1	1											
Average Potential for Harm Factor			1	1	0.7	0.7											
2)	Extent of Deviation Factor	Factor Range															
	Degree of Non-Compliance	1 to 3	3	3	1	3											

Potential for Harm Factors

1a. - Length of time

- Total length of time the violation has occurred will be considered

1b. - Actual Exposure - factors to be considered include but are not limited to: evidence of a release, failure to perform corrosion protection, and adequacy of provisions for detecting and preventing a release

1c. - Potential Seriousness of Contamination - factors to consider include but are not limited to quantity and toxicity of substances (potentially) released, likelihood or fact of transport by way of environmental media (e.g. air, groundwater, and surface water), and existence, size and proximity of receptor populations (e.g. public water intakes, local residents, fish, wildlife) and sensitive environmental media (e.g. surface waters and aquifers.)

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
9a	Minor	Major	\$2,000	10	\$20,000
9b	Minor	Major	\$2,000	1	\$2,000
9c	Minor	Minor	\$670	10	\$6,700
9d	Minor	Major	\$1,835	10	\$18,350
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
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0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
Total Base Penalty					\$47,050

Penalty Adjustment Factors

Penalty Adjustment Factors

- 6.2.b.1 - Good faith efforts to comply or lack of good faith - 10% decrease to 10% increase

- 6.2.b.2 - Degree of Willfulness and / or Negligence - 0% to 30% increase

- 6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

- 6.2.b.4 - History of Non-Compliance - 0% to 100% increase -
based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. =
maximum of 10% each, previous Order = maximum of 25% each

- 6.2.b.5 - Ability to pay a civil administrative penalty - 0% to 100% decrease

- 6.2.b.6 - Economic Benefit of non-compliance

- 6.2.b.7 - Staff Investigative Costs

- 6.2.b.8 - Other relevant factors determined on a case-by-case basis

Base Penalty Adjustments

Penalty Adjustment Factor	% Increase	% Decrease	Adjustments
6.2.b.1 - Good Faith - Increase			\$0
6.2.b.1 - Good Faith - Decrease		5	(\$2,353)
6.2.b.2 - Willfulness and/or negligence	10		\$4,705
6.2.b.3 - Cooperation with the Secretary		10	(\$4,705)
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.5 - Ability to Pay an Administrative Penalty			\$0
6.2.b.6 - Economic Benefit (flat monetary increase)	\$1,500		\$1,500
6.2.b.7 - Staff Investigative Costs (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Cost (flat monetary increase)	\$30		\$30
Penalty Adjustments			(\$823)
Penalty =			\$46,227

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Corrosion or Leak Detection Equipment	
O&M expenses and cost of equipment/materials needed for compliance	\$1,500
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$1,500
Comments: O&M includes annual inspections by a certified person.	