



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report - Clean Water Act

Inspector: Alex Rosenberg, Clean Water Act Inspector
Enforcement & Compliance Assurance Division (ECAD)
Water Compliance Section 1

Thru: **Todd Borci, Manager**

I. Facility Information

A. *Facility Name:* Capitol Waste and Recycling LLC

B. *Facility Location:* 20 Railroad St.
Revere, MA 02151

C. *Facility Contacts:* Michael Merullo, Owner
1222 Bennington Street
East Boston, MA 02128
6172575222
merullo@icloud.com

D. *NPDES ID No(s):* no permit

II. Background Information

A. *Date(s) of inspection:* November 22, 2023

B. *Weather Conditions:* Rain

C. *US EPA Representative(s):*
Alex Rosenberg

D. *State/Local Representative(s):*
none

E. *Federally Enforceable Requirements Covered During the Inspection:*
40 C.F.R. Part 122, Industrial Stormwater Regulations
40 C.F.R. Part 112, Oil Pollution Prevention Regulations

III. Type and Purpose of Inspection

Environmental Protection Agency (“EPA”) inspectors conducted a compliance evaluation inspection of the Facility’s applicability under the National Pollutant Discharge Elimination System (“NPDES”) multi-sector general permit (“MSGP”) for stormwater associated with industrial activities as well as the Spill Prevention Control and Countermeasure (“SPCC”) Oil regulations.

IV. Facility Description

The business operated at 20 Railroad Street in Revere, Massachusetts is a truck maintenance garage with a parking area for a fleet of recycling and municipal waste collection trucks (referred to in this report as the “Facility” or “site”). Facility operator informed the inspector that vehicles are parked, and maintained (washed, repaired and fueled) at this address.

Approximately 10-12 full-time employees work at the garage, six days per week.

The Facility is approximately 2 acres in size and is bordered to the east by Route 1A. Entrances are from the south through the employee parking lot or from the East.

The Facility (refer to Attachment A, Photo Album, Slide 2) consists of a garage building, parking (washing area), fueling area, and container storage yard.

According to observations made by the inspector, the Facility is primarily engaged in industrial activity classified under Standard Industrial Classification (SIC) Code 4212 (Local Trucking – solid waste collection without storage).

V. Inspection

The inspection was unannounced.

I arrived at approximately 11:30AM.

A. Opening Conference

EPA Inspector, Alex Rosenberg, presented his credentials to Michael Merullo, the Facility owner and operator.

Mr. Merullo explained the following details about the Facility:

Mr. Merullo has owned the company for approximately 20 years;

Stormwater drainage was installed on site about 15 years ago;

An oil water separator was installed at the same time. Catch basins are vacuumed by a third party, Rapid Flow, once per year. Mr. Merullo has no recollection of any maintenance or cleaning of the oil water separator;

A fleet of 50 garbage trucks are maintained and repaired on site inside the vehicle garage. Vehicles awaiting maintenance are parked outside in a row closest to the garage bays;

- Solid waste such as tires, steel, and trash are stored in open dumpsters around the property;
- The fleet of garbage and trash trucks are refueled each night by a third party contractor;
- Waste oil from the garage is usually collected by a third party. A waste oil burner is located within the garage, but waste oil is often contaminated with other liquids, and so it is not used;
- It was mentioned that the official company name might be listed under Rick Merullo LLC;
- Mr. Merullo has no prior knowledge of either industrial stormwater permitting nor oil pollution prevention regulations.

Mr. Rosenberg explains regulatory applicability for the industrial stormwater permit and oil spill prevention program which requires an oil spill prevention plan.

B. Facility Tour

Mr. Merullo showed the inspector around the service garage (slides 5 and 10). The inspector did not observe floor drains in the garage floor.

Waste motor oils is collected from trucks using drain pans (slide 12). Waste oil is then transferred into 55-gallon drums. Drums are placed on a dolly for movement through the garage (slides 8 and 9). Waste oil in drums is transferred into a 270-gallon waste oil tank (slide 7).

Along the west interior wall in the garage the inspector observes four tanks used for storing oil; a 175-gallon tank for waste/heating oil for a waste oil burner (slide 6), a 500-gallon tank for lubricating oil (slide 11), and a 170-gallon and (slide 11) and one 125-gallon tanks for motor oil (slide 11).

The three oil drums had no containment, and the tanks used for virgin oils are managed by a third party which the facility representative stated he would contact to ensure they are double walled. The 270-gallon waste oil tank sits within a secondary containment.

The inspector explains the applicability of the federal SPCC Rule and requirements for a spill prevention plan including the need for secondary spill containment for all above ground oil storage containers greater than 55-gallons in total storage capacity.

The inspector exits the garage and is shown by Facility personnel the outside area around the service garage and yard walking in a clockwise direction around the property.

The inspector observes an uncovered waste roll-off container/dumpster used for storing scrap metal (slides 3 and 4).

Three oil drums observed on a wood pallet located next to the dumpster (slides 3 and 4). Facility personnel informed the inspector the drums did not contain any oil. The inspector informed Facility personnel that under the Rule all oil storage containers require secondary containment, if the Facility is applicable to the Rule.

Mr. Merullo informs the inspector that vehicles awaiting service and maintenance are parked outside directly in front of the service garage (slide 13).

Materials, exposed to rain, is observed stockpiled and stored to the east of the garage entrance (slides 14 and 15). Moving north into the parking area, parked trucks were observed (slide 16).

The first catch basin in the parking area had runoff from the area flowing into it. Oil and sheen are observed flowing into the catch basin (slide 18).

Facility representative explained that trucks and equipment is washed at all locations within the parking area by both a third-party contractor as well as the Facility itself. Vehicles are washed weekly. The inspector informs Facility personnel wash waters from vehicle and equipment cleaning is a process wastewater (not stormwater) and is not an unauthorized discharge under a the MSGP.¹

Facility representative shows the inspector a second catch basin (slides 23 and 24) located in the parking area walking in a clockwise direction through the yard (slide 22). The Facility representative stated that an additional catch basin is likely present in the rear most portion of the site where a few dumpsters and equipment are currently being stored (slides 20 and 21).

Oil absorbent boom was observed surrounding what was described by Facility personnel as the “terminal catch basin” (slides 25 and 26) located between the garage and the driveway entrance to Route 1A. Facility representative explains that an oil water separator (OWS) is installed down gradient of this catch basin (and runoff drains into the OWS). Facility representative stated that the booms are changed weekly. The inspector observes oil and sheen flowing through/past the boom and into the catch basin. Facility representative re-oriented the boom which seem to ensure, at that moment, flow would pass through the boom thereby decreasing amount of sheen on discharge.

¹ Part 2.1.2.9 (Non-Stormwater Discharges) of the MSGP states a permittee must evaluate for the presence of non-stormwater discharges and must eliminate any non-stormwater discharges not explicitly authorized in Part 1.2.2 or covered by another NPDES permit, including vehicle and equipment/tank wash water.

Facility representative explained that the majority of the industrial activities drain to this location, and then to the east where it discharges off of the property (slide 2, labelled discharge point 001).

Facility representative then explained his belief that the two additional catch basins (slide 32, and denoted with red arrows on slide 2) flow and discharge south off of this site (approximately where discharge point 002 is labeled on slide 2).

On the Facility border between the catchment areas for discharge points 001 and 002, along the eastern property boundary were a number of open roll-off containers (slides 27-30). Mr. Merullo explained that the area containing construction debris (slide 31) between the dumpsters and office trailers was material from a third party, and that he is allowing the third party to temporarily utilize the area as a lay down site.

Inspector explained that certain areas such as employee parking areas may not be subject to requirements under the MSGP if no industrial activities and materials, as defined by the regulations, are present or occurring in those areas.

C. Records Review

A review of EPA internal databases found no records pertaining to the Facility, therefore the inspector concludes the Facility has not filed for permit coverage. The Facility had no records on site for review.

D. Closing Conference

Closing conference was held inside the office.

Inspector explained the following basic observations.

- Inspectors observed industrial activities and materials exposed to stormwater such as open dumpsters, fueling, vehicle washing, and parking of vehicle awaiting maintenance;
- Public record indicate the Facility conducts industrial activities covered by a standard industrial classification code (SIC 4212). This SIC code is listed as a regulated operation in the MSGP;
- According to EPA records, the Facility does not have permit authorization for discharging industrial stormwaters to surface waters under the MSGP;
- Facility personnel indicate stormwater conveyance infrastructure as well as outfalls are currently not being inspected or monitored beyond an annual clean-out of catch basins. The inspector recommends the Facility initiate an inspection and record keeping system for stormwater control measures as required under the MSGP; and
- The discharge of vehicle and equipment cleaning and wash wastewaters flowing off-site and into surface waters is prohibited under the MSGP. The inspector recommends wastewaters from the operation not combine with offsite stormwater runoff and wastewaters from cleaning and washing

operations be collected and dispose of offsite or introduced into the local sanitary sewer system.

Inspector informed them they should file for coverage under the MSGP and develop a SWPPP which includes: annual training for employees, submission to EPA monitoring reports and annual reports, and steps to take corrective actions, if sample results are above the benchmark threshold values.

The SPCC applicability threshold was also discussed, including its regulatory requirements such as monthly inspections, secondary containment for storage tanks, annual training, and spill preparedness. The inspector observed a number of above ground oil storage containers on site. Inspectors were unable to obtain exact capacity information for all of the containers. If the aggregate on-site capacity of all oil storage containers of 55-gallon or more is greater than 1,320 gallons then the Facility must additionally comply with the oil pollution prevention regulations, having to create and maintain a SPCC plan.

Facility representative clarified that they have no tank above 5,000-gallon capacity. He also stated he would likely be reaching out to a consultant for help in applying for permits.

I departed at approximately 1:30 PM.

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.

Attachment A – Photo Album