



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Eric Abate, Owner
A & E Metal Recycling and Packaging, Inc.
449 American Legion Highway
Westport, MA 02790

Subject: November 18, 2021, EPA Inspection at A & E Metal Recycling and Packaging, Inc.,
Westport, Massachusetts

Dear Mr. Abate:

On November 18, 2021, the U.S. Environmental Protection Agency ("EPA") performed an inspection at A & E Metal Recycling and Packaging, Inc. located in Westport, Massachusetts ("Facility"). A copy of the inspection report is included as an attachment to this letter.

As was discussed with Ms. Amy Abate on-site during the inspection, the Facility is primarily engaged in industrial activity classified under SIC Code 5093 (Scrap and Waste Materials). Because stormwater associated with this activity at the Facility ultimately discharges to a surface water of the U.S., discharge of stormwater is regulated under the Clean Water Act, and applicable regulations found at 40 C.F.R. § 122.26.

The Facility did not have coverage under the current Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities. Discharge points of potential pollution, in the form of stormwater having come into contact with industrial activities, were observed during the inspections from three catchment areas (see slide 2 in the attached Photo Album). These stormwater discharges are in violation of the Clean Water Act. For stormwater discharges to be authorized you must apply for coverage under the Multi-Sector General Permit ("MSGP") (see Attached Fact Sheets for instructions) and comply with all terms and conditions of the permit.

Please be aware that as part of the application process for MSGP coverage you must first prepare a Stormwater Pollution Prevention Plan ("SWPPP"). Please provide a copy of your SWPPP for Mr. Rosenberg of the EPA upon its completion.

Additionally, federal Oil Pollution Prevention Regulations, at 40 CFR Part 112, apply to facilities with a reasonable potential to discharge spilled oil and have an aggregate above-ground storage capacity above 1,320 gallons in containers of 55 gallons or more, **including empty portable containers such as oil totes**. Your facility appears to be above that threshold. Either prepare a Spill Prevention, Controls and Countermeasures ("SPCC") plan as required by the regulations and submit the plan to EPA upon completion, or provide photographic documentation to demonstrate a reduction in oil storage capacity below the threshold. If completion of the plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented.

We request that you provide a response to the issues identified in this letter within 30 days to Alex Rosenberg, at rosenberg.alex@epa.gov. If you wish for your attorney to be in contact with EPA about any legal issues they should contact Jeff Kopf, Senior Enforcement Counsel, at kopf.jeff@epa.gov or at (617) 918-1796.

Sincerely,

DENNY DART Digitally signed by DENNY DART
Date: 2021.12.17 13:49:03 -05'00'

Denny Dart, Chief
Water Compliance Section
Enforcement and Compliance Assurance Division

Enclosures:

- Inspection Report for November 18, 2021
- Inspection Photo Album
- Fact Sheet – Applying for MSGP Coverage
- Fact Sheet - Applying for MSGP Coverage Step 2
- Fact Sheet - Applying for MSGP Coverage Step 3

CCs (electronic only):

- Amy Abate, Administrator, A & E Metal Recycling and Packaging, Inc.
- Jeff Kopf, Senior Enforcement Counsel, US EPA
- Alex Rosenberg, Compliance Officer, US EPA
- David Burns, Massachusetts Department of Environmental Protection