



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Kara O'Connell, Site Operator
Captain Joseph J. O'Connell, Inc.
180 River Street
Fall River, MA 02720
captainoconnell@comcast.net

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Date: 2023.01.30 16:48:36
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Subject: December 16, 2022, EPA Inspection of Captain Joseph J. O'Connell Co., Inc.

Dear Ms. O'Connell:

On December 16, 2022, the U.S. Environmental Protection Agency (EPA) performed an inspection at Captain Joseph J. O'Connell Co., Inc., located at 180 River Street, Fall River, MA ("the Facility" or "site"), regarding compliance with the National Pollutant Discharge Elimination System program of the Clean Water Act ("CWA"). A copy of the inspection report is included as an attachment to this letter along with a photo album.

The industrial activities taking place at the Facility are classified under the Standard Industrial Classification ("SIC") code 4493 (Marinas) which is an applicable code under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") (Sector Q – Water Transportation Facilities). EPA notes that the Facility has had coverage under the 2015 MSGP (ID MAR053102) and 2021 MSGP (ID MAR05J05S).

To demonstrate that you are taking action to come into compliance with the CWA, please respond within 30 days of receipt of this letter to the following questions/comments in an electronic format to me, at bednarz.damian@epa.gov.

Supplementing the inspection report is a list of observed deficiencies at your Site. We have included references to the 2021 MSGP¹ to help you understand your specific obligations under the permit. In addition, due to the Facility's fuel and oil storage capacity, we have described below your obligations under the Oil Pollution Prevention regulations, which may include development of a Spill Prevention Control and Countermeasure ("SPCC") plan.

¹ <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

Observed Deficiencies

1) Unauthorized Discharge of Process Waste Water

As described in Parts 2.1.2.9 and 8.Q.3.1.1 of the 2021 MSGP, non-stormwater discharges not explicitly authorized by the MSGP or another NPDES permit are prohibited. The site currently uses a sediment capture bag to filter pressure wash water, capturing some particulate matter, but otherwise allows the wash water to escape containment and drain into the Taunton River via an outflow pipe (slide 22). This pressure washing discharge water is **not allowed** to be discharged into surface water. It must be disposed of to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately (such as trucking offsite). Explain what steps you are taking to cease all unauthorized discharges of wash water into the Taunton River.

2) Site Stormwater Discharge Sampling

As describe in Part 4.1.1 of the 2021 MSGP, applicable monitoring requirements apply to each discharge point authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical discharge point” (“SIDP”), including a minimum of one grab sample on a quarterly frequency. Facility representatives indicated to inspectors that the site ceased sampling in 2013 and that the discharge from which it had been sampling before that time flowed from a Municipal Separate Storm Sewer System (“MS4”) outfall of the Town of Fall River. This sampling location is not representative of stormwater associated with an industrial activity occurring on the site. Sampling should be taken at all discharge points identified within the Stormwater Pollution Prevention Plan (“SWPPP”) (currently Outfalls 1–4). The results of these samples should be uploaded to **NetDMR**.

3) SWPPP Stormwater Discharge Points

As described in Part 6.2.2.3 of the 2021 MSGP, a SWPPP must include the locations of stormwater discharge points (also known as outfalls) and include a unique identification code for each point. During the inspection, several unlabeled discharge points were observed around the perimeter of the site (slides 10 and 11) that were not identified within the SWPPP, nor labeled on the site map. Update the SWPPP with all discharge points and submit a change NOI reflecting these changes.

An outfall, as defined in the MSGP, is a location where collected and concentrated stormwater flows are discharged from the facility. These discharge points may be defined as “substantially identical” if two or more discharge points discharge substantially identical stormwater effluent (i.e., the general industrial activities, exposed materials, control measures, and runoff coefficients in the drainage areas of each discharge point are sufficiently similar; see Parts 3.2.4.5 and 6.2.5.3(d) of the 2021 MSGP). Although stormwater discharge from the boat wash area is a unique activity and therefore requires its outfall to be sampled, some of the multiple outfalls from the boat storage area may be identified as substantially identical discharge points.

4) Minimizing Boat Wash Particulate Escape

As described in Part 2.1.2.2(d) of the 2021 MSGP, efforts must be made to “minimize 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.” EPA inspectors observed that detritus resulting from the boat washing process (barnacles, shells, metal chips, paint chips, etc.) escaped containment within the boat washing area and were flowing toward outfall #3 (slides 19, 23, 25). Efforts should be made to contain and remove this matter after a boat is washed to minimize pollutant discharges during storm events. You should update the Facility’s SWPPP with best management practices (“BMPs”) that will address this issue.

5) Scrap Metal Dumpster

As described in Part 2.1.2.2(c) of the 2021 MSGP all dumpsters should be properly checked for leaks and discharges and have well-fitted lids. Inspectors observed a scrap metal dumpster that was in a dilapidated condition (slide 44) and metal shavings and debris were visible on the ground around the dumpster. You should replace or repair the container and ensure it is protected from storm events that could lead to pollutant migration.

6) Spill Prevention and Response Concerns

As described in Part 2.1.2.4 of the 2021 MSGP, a site must minimize the potential for leaks, spills, and other releases that may be exposed to stormwater. In subsection (d), the MSGP requires that containers that could leak or spill be “plainly labeled.” Inside of Building 1, there were multiple unlabeled barrels of both diesel and wash fluid that were difficult to identify during the inspection (slides 45 and 49). You should properly label these barrels.

Inspectors observed that the Facility’s spill prevention kit was not easily accessible from the fuel pumping station due to its placement in Building 1. To reduce response times in the event of a spill or release of oil, the kit should be moved closer to the fuel pumping station so it is readily accessible. As described in Part 2.1.2.4(g) of the MSGP, additional spill kit materials should be added near each potential source of spills. This includes the Facility’s outside used oil container.

7) SWPPP Deficiencies

In addition to the changes listed above, your SWPPP should accurately present all such changes. Your site’s SWPPP must include:

- a) any changes made to outfall locations or identification of additional outfalls;
- b) the approximate location of all BMPs designed to restrict stormwater;
- c) the location of oil and oil-related product storage;
- d) any addition or change to Facility BMPs

8) Spill Prevention Control and Countermeasure (“SPCC”) Plan

In addition to the requirements under the MSGP identified above, it appears that your Facility is subject to the requirements of the Oil Pollution Prevention regulations located at 40 C.F.R. Part 112. These requirements apply to every facility that:

- Stores, transfers, uses or consumes oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat; and
- Has more than 1,320 gallons in total of aboveground above-ground oil storage capacity (only count containers with 55 gallons or greater storage capacity) or more than 42,000 gallons in completely buried oil storage capacity; and
- Could reasonably be expected to discharge oil to navigable waters of the U.S. or adjoining shorelines, such as lakes, rivers, and streams.

Based on the above-ground oil storage capacity observed by EPA inspectors at the time of the inspection it appears you are required to prepare and implement an SPCC Plan.² Provide your SPCC plan to EPA, or describe what measures you took to reduce the total above-ground oil storage capacity to below 1,320 gallons.

Please provide a response, addressing the deficiencies noted above, to me within 30 days of receipt of this letter. You may refer any questions related to technical issues in this letter to me, Damian Bednarz, at 617-918-1482 or bednarz.damian@epa.gov. Legal issues may be directed to Sam Horowitz, Enforcement Counsel, at (617) 918-1512 or horowitz.samuel@epa.gov.

Sincerely,

Damian Bednarz, Inspector
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report
Inspection Photo Album

CCs (electronic only):

Dan Disalvio, MASS DEP SERO
Susannah King, MASS DEP
Todd Callahan, MASS CZM
Sam Horowitz, Enforcement Counsel, US EPA

² Because it appears your site has less than 10,000 gallons of oil storage capacity, has no aboveground oil storage container greater than 5,000 gallons, and has no history of oil discharges, your site can self-certify its SPCC plan. Further information and templates can be found [here](#).



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 - National Pollutant Discharge Elimination
System ("NPDES")
Captain Joseph J. O'Connell Inc.

From: Damian Bednarz, Inspector

Thru: Jeremy Rolfe, ECAD Intern

To: File

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DAMIAN BEDNARZ
Date: 2023.01.30
16:39:36 -05'00'

I. Facility Information

- A. *Facility Name:* Captain Joseph J. O'Connell Inc.
- B. *Facility Location:* 180 River St
Fall River, MA 02720
- C. *Facility Contacts:* Kara O'Connell, Site Operator
508-237-4971, captainoconnell@comcast.net
Don Monroe, Marine Department Project Manager
260 Cranberry Highway
Orleans, MA 02653
508-237-4971, dmunroe@coastalengineeringcompany.com
- D. *NPDES ID No(s):* MAR053102, MAR05J05S

II. Background Information

- A. *Date(s) of inspection:* December 16, 2022
- B. *Weather Conditions:* Cloudy skies and raining, 42°
- C. *US EPA Representative(s):*
Damian Bednarz, Jeremy Rolfe

D. State/Local Representative(s):

None

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Multi-Sector General Permit
(June 4, 2015 and March 1, 2021 – modified September 29, 2021)

F. Previous Enforcement Actions:

None

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

Captain Joseph J. O’Connell Co. Inc. (“The Facility” or “site”) is a boat yard servicing area of about 3 and a half acres beside Fall River’s Taunton River. It has existed since at least 1925. Its elevation is lower than the rest of the surrounding area, so much so that stormwater flow from upgradient off-site properties contribute run-on to the site. According to the site operator, Kara O’Connell, and the facility’s environmental engineer, Don Monroe, the Taunton River periodically floods onto the property during select high tides, storm events, or a combination of the two. Boats and yachts are stored onsite both on uncovered parts of the property, and inside three warehouses.

V. Inspection

I announced the inspection to the Facility on December 7, 2022 by contacting both the Facility’s engineer, Don Monroe, as well as the site operator, Kara O’Connell.

I arrived on-site at approximately 9 AM.

A. Opening Conference

I introduced myself and EPA intern, Jeremy Rolfe (“Inspector Team”) to the Facility operator, Kara O’Connell, and the site’s Marine Department Project Manager, Don Monroe. I presented my credentials and explained that our purpose for the inspection was to conduct a routine stormwater compliance inspection. Contact information was exchanged for further communication outside of the inspection. Prior to the inspection, on December 9th, 2022, Mr. Monroe had previously sent me the site’s Stormwater Pollution Prevention Plan (“SWPPP”) and responses to an information request letter sent to the Facility by EPA dated September 8, 2022.

Upon walking into the office building, the site operator displayed their boat wash dewatering bag. It is a porous filter media in the shape of a bag with a single 4” inlet, designed to capture particulates and allow excess flow to trickle out (slide 3). Ms.

O'Connell explained this pollution prevention item is connected to an outflow pipe within the berm of the boat wash area (slide 20, outflow #3 on SWPPP). Ms. O'Connell explained that the product was advertised online as meeting regulatory standards.

The inspector Team proceeded to ask general questions about historical operations and maintenance activities conducted on site. The site is operated by about 4 employees, all of which have been working there for a long period of time. They are typically open from Monday to Saturday, and operations are contingent on the boating season. Peak operation occurs from March 15 to June 15, and from September 15 to December 15. At other times of the year, routine site maintenance occurs however most time is spent conducting administrative duties (paperwork, emails, etc.).

We asked about the extent to which boat maintenance occurs. Ms. O'Connell explained that they do not do engine maintenance (including pulling the engine and washing the engine), woodworking, exterior painting, sandblasting, nor any boat maintenance in the boat yard (slides 1, 8, 29, 30, 33, 34, 35). Ms. O'Connell further explained that the site does store boats onsite (outside and inside) and conducts the following additional maintenance activities; minor buffing and sanding, waxing, oil and fluid changes, complimentary customer fueling, and winterization for boats. Customer fueling only occurs during peak season.

Historically, the site has conducted stormwater sampling from a single location, the City of Fall River's Municipal Separate Storm Sewer System ("MS4") outfall pipe located on the headwall of one of the docks on the site. Mr. Monroe conducted prior sampling events (slides 7, 8). Sampling responsibility was transferred from Mr. Monroe to Ms. O'Connell in 2013. The last sample taken was in 2013. The Facility ceased sampling because it believed the results were not representative of runoff from the site's industrial activities.

Ms. O'Connell mentioned that the river often floods the property, leaving trash and sediment behind. She stated that the bermed perimeter (slide 27) becomes damaged because of flooding. Stormwater run-on contributes flow to the Facility's outfalls (specifically outfall #4, see slides 27, 28, 29, 32) from both the street and upland wooded area north of the site is also uphill from the site.

B. Facility Tour

Before the tour, I asked whether the site had confidential business items to be withheld. Ms. O'Connell explained that there are no concerns, and the walkthrough proceeded. Inspector team observed flow coming onsite from the Facility's entry point, in which it immediately discharged into the Taunton River (slides 4,5,6) before comingling with runoff from any industrial activities. Inspector team also observed the city's MS4 outfall location (slide 7), which appeared to have no contribution of flow from on-site industrial activities. After being asked by the Inspection Team, Facility representatives said that there are no stormwater catchment drains on site that drain into this MS4 collection system.

The inspector team continued observing the western perimeter of the site (slide 8). Along the concrete berm, pooling was observed (slide 9). Additionally, the Facility had piped inlets to allow pooling to discharge into the river (slides 11,12,13). Inspectors noted that these discharge locations should likely be defined as individual outfalls in terms of the MSGP. Additionally, the Inspection Team mentioned that the northern perimeter outfall (outfall #4 on SWPPP) should have individual outfalls rather than a “blanket” outfall.

Inspector team observed the Facility’s fueling station (slides 13, 15). Ms. O’Connell explained that during their busiest periods, fueling occurs three times a week. Fueling is seasonal, and only occurs from 8 AM to 5 PM Monday through Friday. Only Facility employees are allowed to utilize the fueling station; customers do not fuel their own boats. Ms. O’Connell further explained that there had never been a fuel spill, so no fuel area cleaning occurs. Spill prevention media is located in the neighboring warehouse (slide 39). Ms. O’Connell identified fuel tank capacity being at 3,000 gallons.

At the time of the inspection, the fueling area had been out of use since November 15, 2022. Fueling occurs at the fueling dock (slide 14). Beside the fueling area, is a small wooden shed containing buckets and oil products (slide 16). Within the shed is a fueling permit issued in 2019 by the Commonwealth of Massachusetts Executive Office of Public Safety and Security Department of Fire Services (slide 17).

Boat washing occurs in one specified area (slide 20). Ms. O’Connell explained that the boat wash area has a graded pooling area (slide 19,21), in which water is designed to be controlled before being discharged. A berm along one half of the Western side of the area has a discharge pipe where a dewatering bag is to be attached during boat washing (slide 22). According to Facility representatives, the dewatering bag is only attached during boat washing. The bag captures sediment and the boat washwater discharges through the fabric where it then flows approximately 20 feet to discharge point (#3 on SWPPP) point into the river (slide 18). Once full of sediments the bag is hauled offsite to Mid City in Westport, MA for disposal.

A small lip of asphalt is present along the Eastern side of the wash area that is also designed to control the flow path of washwater. Sediment and pieces of barnacles were observed to have accumulated along this lip, yet the presence of sediments downgradient of the lip is evidence that washwater does bypass this control measure (slides 23, 24, 25, 26).

During the inspection, stormwater was observed to be discharging from the wash area into the river (slide 18), giving some indication of the rather small capacity of the wash area depression for retaining water.

Continuing along the perimeter northbound (slide 27), blocks of rock were observed which create a permeable berm around the boat storage area. The cement on which these blocks were placed is cracked, and along the approximately 100 foot-long berm, piped discharge conduits are present at regular intervals (slides 28, 32). Inspectors estimate about 4 conduits existed. At the time of the inspection, stormwater was observed

discharging from this area by flowing underneath the blocks of rock through the cracked cement (Slide 32), as well as via plastic pipe conduits (slides 29, 31).

The boat storage area is a mix of gravel and asphalt. Stormwater was observed pooling within and discharging from the area into the river to the west (Slides 29, 30, 31, 33).

Inspection team continued to the northern section of the boat storage areas. Besides boats, various other materials first stockpiled in the area (Slide 35). Boat owners dispose of common trash in an uncovered dumpster (Slide 36) Located in the area. A dilapidated trash container labeled “no trash” and inspectors were told that the container was intended for various scrap metal items (Slide 44). contained various scrap metal items (Slide 44). Inspectors were told what the container was intended.

Two warehouses for boat storage are located in the northern section of the property and were inspected. Inside the southernmost warehouse were numerous unmarked barrels, containing, what was described by Facility representatives to be diesel fuel and some cleaning products (Slides 45, 49)

Inside the southernmost warehouse, the site’s spill prevention items were present (Slide 39). The warehouse also contained various dirty buckets (Slide 40), and painting equipment (Slide 47). Ms. O’Connell explained that the painting was performed by the boat owners themselves, and not the Facility staff. The stained warehouse floor (Slides 47, 48) slopes towards the opening beneath the barn door entrance (Slide 50) That is located on the side of the building closest to the river.

Oil changes occur indoors, inside both warehouses. Used oil filters and waste oil are disposed of in a waste-oil receptacle Located outside within the Northeastern section of the Facility (Slides 43, 46). A silt sock partially encompasses the single-wall waste oil container (Slides 51, 52). Oil is pumped out of boats, placed in the original oil containers, and is then transferred to the container. The inlet is surrounded by oil absorbent pads, and an outlet from top container prevents the accumulation of stormwater. An external contractor, Western Oil, occasionally comes and empties the receptacle for offsite disposal.

C. Records Review

The Facility submitted their SWPPP to EPA prior to our arrival. Inspectors reviewed the plan dated 11/23/22.

The Facility reported no discharge on Discharge Monitoring Reports (“DMRs”) by using the node discharge indicator code “C” from at least August 9, 2016 to June 11, 2021 and within Annual Reports. Therefore no samples have been taken since at least 2016.

Inspectors also reviewed a response letter submitted by the Facility on 12/9/22 in response to EPA’s request for information dated 8/9/22. 308 response was also reviewed. The response identified Kara O’Connell as the responsible party for submission of DMRs. Coastal Engineering Company, Inc. has stated in this 308 response that multiple

site evaluations during storm events will be conducted in the future, and that sample bottles would become available should there be an observed discharge.

D. Closing Conference

Inspector team thanked Ms. O'Connell and Mr. Monroe for their time during the inspection. I explained that I would like the link to where the dewatering bag was purchased, as Ms. O'Connell mentioned that stormwater regulation language was featured in the product description. Additionally, I explained an inspection report will be sent to the Facility within 70 days. I also explained the need to keep the SWPPP up to date with all stormwater pollution control measures, as well as all necessary revisions to the Facility's procedures and site map.

I departed at approximately 11 AM.

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.