



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852

Report Title: NPDES Industrial Stormwater Inspection Report
Inspection Date(s): 06/07/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Stormwater
Site/Facility Name: Aqua-Clear, Inc.
Site/Facility Operator: Tom Halloran
Site/Facility Address: 1 Plant Road, Nitro West Virginia
Latitude/Longitude: 38.4242, -81.8461
County/Parish: Kanawha
General Permit #: WV0111457
Site Specific Permit #: WVG611346
NAICS Code:
SIC Code: 0241
Unique Project #: 3E23WN82A

Facility Representative(s):

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Point of Contact



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**Report Preparer
Signature/Date**

Gold, Peter

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Peter Gold, Enforcement Officer

Date

NPDES Enforcement Section 1 (3ED32)

**Supervisor
Signature/Date**

MARK ZOLANDZ

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7/7/2023

Mark Zolandz, Section Chief

Date

NPDES Enforcement Section 1 (3ED32)

Unique Project#: 3E23WN092A

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List of Attachments

Attachment A: Photograph Log

Attachment B: West Virginia/NPDES Multi-Sector General Permit

Attachment C: Stormwater Pollution Prevention Plan WVG611346

Attachment D: WV DEP Inspection WVG611346 June 2018

Attachment E: WV DEP Inspection WVG611346 October 2019

I. Introduction

On June 7, 2023, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Inspection Team”) met with representatives of the West Virginia Department of Environmental Protection (WV DEP) at 1 Plant Road in Nitro, West Virginia at the Aqua-Clear Nitro Warehouse (hereinafter, “the Facility”). The inspection was one of several inspections of NPDES Permitted facilities in the Nitro and Huntington area.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at approximately 8:00 AM for the announced inspection. The EPA Inspection Team identified themselves to facility representatives. Peter Gold displayed his credentials, described the purpose of the inspection, and walked the facility’s grounds. The EPA Inspection Team’s observations are listed later in this document. The EPA Inspection Team was composed of Peter Gold and Erin DeSandro.

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III			
Peter Gold	EPA Region III	(215) 814-5236	Gold.Peter@epa.gov
Erin DeSandro	EPA Region III	(215) 814-2125	Desandro.Erin@epa.gov
State or County Representatives			
Ryan Harbison	WVDEP	(304) 926-0499	Ryan.T.Harbison@wv.gov
Facility Representatives			
Tom Halloran	Aqua Clear Inc.	(304) 343-4792	Tom@aquaclear-inc.com

B. Weather and Precipitation Conditions

During the inspection, weather was sunny. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and five days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
Charleston 2.6 W, WV US US1WVKN0033	06/02/2023	0.00
Charleston 2.6 W, WV US US1WVKN0033	06/03/2023	0.00
Charleston 2.6 W, WV US US1WVKN0033	06/04/2023	0.04
Charleston 2.6 W, WV US US1WVKN0033	06/05/2023	0.00

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

Charleston 2.6 W, WV US US1WVKN0033	06/06/2023	0.00
Charleston 2.6 W, WV US US1WVKN0033	06/07/2023	T

II.Site/Facility Activity

Aqua-Clear Inc, produces surfactants, substances that reduce the surface tension of a liquid. At one time, the Facility was mixing chemicals on site to produce surfactants that were described by facility representatives as solid soaps/foaming agents that are placed into gas wells for resource extraction. The soaps/foaming agents make it easier for gas to be pumped from a well according to facility representatives. Aqua-Clear decided to cease the production of surfactants at this facility about a decade ago. The warehouse still holds some chemicals, although the mixing of chemicals for surfactant production no longer occurs on site. Facility representatives informed the EPA Inspection Team that the chemicals stored on site are classified as non-hazardous though some are flammable.

The Facility once housed several large above-ground storage tanks (AST) as recently as a few months ago. According to the Stormwater Pollution Prevention Plan (SWPPP), there were 16 tanks located on the tank farm (Photographs P6070022 and P6070025 of Appendix A). The ASTs were on a pad that had a secondary containment berm/curb. There was also a storm drain and sump pump located on the tank farm pad that, according to the SWPPP (Photograph P6070030 of Appendix A), would pump all stormwater and potential contaminants to a holding tank. A certified hauler would pump the holding tank and dispose of its contents. At the time of the inspection, the holding tanks were still onsite, though they were empty; all other tanks were removed (Photographs P6070023 and P6070031 of Appendix A).

Drums and totes were all stored in covered areas and were not exposed stormwater. None of these areas had inlets that went to a sanitary or stormwater system. The main warehouse that stored materials was completely closed and accessible via doors and garage doors; the two tote storage houses had open fronts. There were some empty drums stored outside (Photograph P6070051 of Appendix A). Aqua-Clear was trying to sell its space as its operation no longer needed this Facility.

The Facility had one outfall which drained to the front of the Facility (Photograph P6070002 of Appendix A). Facility representatives stated that this outfall did not discharge. The facility was deemed to be in Significant Noncompliance (SNC) by EPA's Integrated Compliance Information System (ICIS) due to missing discharge monitoring reports (DMRs); however, prior to the inspection, the DMRs were submitted into ICIS and the facility was no longer classified as SNC. All the DMRs indicated that there was no discharge from the outfall.

Photographs were taken during the inspection by Erin DeSandro and are provided in Attachment A. Unused photos are digitally stored and maintained in the inspection file. Unused photos are available upon request.

III. Observations

Stormwater Pollution Prevention Plan Updates

Section B.7 of the permit states “The permittee shall review its stormwater pollution prevention practices each year and revise the SWPP (required in Section B18)...”

Section B.17.A.2.a.1 of the permit identifies a “Pollution Prevention Committee – The SWPPP shall include a description of the stormwater Pollution Prevention Committee that identifies specific individuals within the organization who are responsible for developing the SWPPP and assisting the manager in its implementation, maintenance, and revision....”

Section B.17.B.a of the permit states “Permittees must review the SWPPP to determine if modifications are necessary if any of the following conditions occur (1) Construction or a change in design, operation or maintenance at your facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of the pollutants discharged.”

Paragraph 6 of page 3 of the SWPPP states “This plan should be amended whenever there is a change in design construction, operation or maintenance, which has significant effect on the potential for the discharge of pollutants to the waters of the State.”

Observation #1:

At the time of the inspection, the Facility’s operations had changed from a production facility to a warehouse to a more limited warehouse, and the types of chemicals and operations were altered. The SWPPP the facility had was dated from 2008 and still noted the tank farm and its contents, and that mixing of chemicals occurred on site (Photograph P6070060 of Appendix A). The Groundwater Pollution Protection Plan (GPP) was dated 2008 and had been reviewed annually in 2020, 2021, and 2022 as noted on the cover page (Photograph P6070061 of Appendix A).

Visual Examination of Stormwater Quality

Section B.10 of the permit addresses the “Visual Examination of Stormwater Quality – The permittee shall perform and document a visual examination of a stormwater discharge associated with industrial activity for each outlet quarterly....”

Observation #2:

At the time of the inspection, the EPA Inspection Team asked for Quarterly Visual Assessments, but none were provided. Earlier in the inspection, the facility representative stated that the outfall did not discharge, and DMRs submitted by the Facility all had a no discharge code. Paragraph 4 of page 3 of the SWPPP states “Stormwater sampling is not required for this facility based upon a site visit by WVDEP and Tarradon. The discharge point was arbitrarily selected as the lowest topographic spot on the property. It does not convey a concentrated flow of water. Any discharge is result of sheet flow from excessive rain events.” The EPA Inspection Team was not able to attain any documents from WVDEP supporting this conclusion that stormwater sampling was not required. Photograph P6070002 of Appendix A documents Outlet 1.

Annual Inspections

Section B.17.A.3 of the permit states under the SWPPP Site Inspections that “A site inspection shall be conducted annually by appropriate personnel named in the SWPPP to verify....”

Paragraph 11.3 on page 7 of the SWPPP states “Aqua-Clear, Inc. should conduct annual inspections to ensure that all elements of this program are working and properly managed....”

Observation #3:

At the time of the inspection, the EPA Inspection Team asked for copies of the annual inspections. These documents were not provided to the EPA Inspection Team, although quarterly inspections that were provided.

Employee Training

Section B.17.A.2.a.7 of the permit states “Employee training programs that inform personnel at all levels of responsibility of the components and goals of the SWPPP shall be conducted annually.”

Observation #4:

At the time of the inspection, the last documented training was dated 9/14/2021 (Photograph P6070055 of Appendix A).

Quarterly Visual Inspections

Section B.17.A.2.a.8 states “Visual Inspections – Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas for quarterly visual inspections. Material handling areas shall be inspected for evidence of, or potential for, pollutants entering the drainage system....”

Observation #5:

The EPA Inspection Team reviewed the quarterly visual inspections. There was a gap between the documented inspections from June of 2022 through May of 2023, with no quarterly visual inspection reports for that 10-month period (Photographs P6070056, P6070057 and P6070059 of Appendix A).

Drum Storage

Paragraph 11.3 of page 7 of the SWPPP “Preventative maintenance involves the regular inspection and inventory of facility equipment and operations systems. Any stormwater management measures and other facility equipment will be inspected o(n) a regular basis to ensure the unit is operating properly and efficiently. These areas/equipment at the Nitro facility include: Visual inspection of the warehouse product storage and handling procedures.”

Observation #6:

The EPA Inspection Team observed two drums with potentially compromised integrity (Photographs P6070036 and P6070039 of Appendix A). One of the drums containing solids was cut along the upper third and stored on a wooden pallet. The other drum was rusted and lined with plastic and stored on a secondary containment pallet. Both drums were stored in

the covered and concrete-floored tote warehouse where they were protected from stormwater. There was an area of stained flooring within the tote warehouse (Photograph P6070041).

IV. Records Review

The EPA Inspection Team reviewed the Facility's permit (Attachment B), SWPPP (Attachment C), and past WV DEP Inspection Reports (Attachments D and E).

V. Closing Conference

At the conclusion of the onsite inspection, the EPA Inspection Team met with the facility representative for a closing conference. The EPA Inspection Team shared preliminary observations. The EPA Inspection Team reiterated to the facility representative that all preliminary observations discussed were not compliance determinations. All preliminary observations shared were subject to further review by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at approximately 10:00 AM (EDT).