



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

Drafted Date: 9/5/2019
Finalized Date: 10/24/2019

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
LKQ Route 16 Used Auto Parts, Inc.

From: Alex Rosenberg

Thru: Solanch Pastrana-Del Valle

To: File

I. Facility Information

- A. Facility Name:* LKQ Route 16 Used Auto Parts, Inc.
- B. Facility Location:* 4 Old Douglas Road
Webster, MA 01570
- C. Facility Contacts:* Darrel Weston, Plant Manager
5086710816, darrel.weston@lkqcorp.com

Mark Woodcock, Operations Manager
- D. NPDES ID No(s):* MAR053354

II. Background Information

- A. Date(s) of inspection:* September 4, 2019
- B. Weather Conditions:* Sunny
- C. US EPA Representative(s):*
Alex Rosenberg, Solanch Pastrana-Del Valle
- D. Federally Enforceable Requirements Covered During the Inspection:*
National Pollutant Discharge Elimination System Multi-Sector General Permit
(September 29, 2008 and June 4, 2015), Oil Pollution Prevention regulations
(40 CFR Part 112).
- E. Previous Enforcement Actions:*
N/A

III. Type and Purpose of Inspection

United States Environmental Protection Agency (“EPA”) inspectors conducted an evaluation of the facility described below to determine compliance with the National Pollutant Discharge Elimination System (“NPDES”) multi-sector general permit (“MSGP”) for stormwater associated with industrial activities as well as the Federal Clean Water Act (“CWA”) Oil Pollution Prevention (“Spill Prevention Control and Countermeasure (“SPCC”)) regulations.

IV. Facility Description

- LKQ Route 16 Auto Parts, referred to here after as the “Facility” or the “site”, is a used auto part dealer, warehouser, and scrap metal seller. The Facility is located at 5 Old Douglas Rd., Webster, MA on a plot of land equaling approximately 17 acres. Cars and car parts are stored on approximately nine acres.
- Online purchasers for LKQ purchase totaled cars at auctions. Approximately 20 cars are delivered to the site daily by outside contractors. Upon delivery they are inspected, and then stored either with liquids still in them, or they have their tires, front chassis and fuel tanks removed before being stored outside. The public is not allowed to deliver cars to the site. The retail parts counter is a very small part of their business.
- Car dismantling is conducted indoors and all parts warehousing is also done inside with the exception of suspensions, and other parts still attached to partly dismantled cars (termed “hulks”). All parts are inventoried and sold on an online marketplace. Outside contractor’s pickup sold parts and deliver them to the purchasers.
- Cars that are deemed no longer valuable store on-site are crushed and sold as scrap metal, usually to the company Schnitzer. Car crushing is conducted outdoors.

V. Inspection

- The inspection was unannounced to the facility.
- Alex Rosenberg and Solanch Pastrana-Del Valle (“the inspectors”) arrived at site at 9:00AM and introduced themselves to the operations manager, Mark Woodcock, at the sales building. The inspectors presented their EPA inspection credentials. Mr. Rosenberg explained the purpose of the inspection, and Mr. Woodcock excused himself to contact his management.

A. Opening Conference

Inspectors met Mr. Woodcock and the facility manager, Mr. Darrell Weston, in the facility office building located a quarter-mile up the road. Brandon Walsh, the environmental manager for LKQ's eastern North American operations was called and participated in the opening conference via speakerphone from his office in Tennessee.

- Inspectors were asked what the cause of the inspection was. Inspectors explained that EPA had received a complaint that included photographs from April 2019 of chocolate milk colored discharge flowing from Outfall Area 3 (see slide 2) into the unnamed tributary to the South of the property, as well as instream tributary water sample analysis results showing total suspended solids ("TSS") values of 320 PPM. Facility representatives explained that around the same time they had been approached by what they assume to be the complainant as well as the local watershed group and town. Before April 2019, facility representatives believe that they had prevented discharge from leaving their facility at the location now being termed outfall 003 for purposes of this report. After being shown the existence of the discharge, the facility spent \$17,500 in addition to facility staff time to build a 225-foot gravel infiltration gallery to attempt and minimize the discharge of sediments at this location.
- Mr. Walsh explained that he oversees the environmental management of LKQ's eastern North American operations in both Canada and the United States. He stated that LKQ has approximately 210 stormwater permitted facilities within the United States. The company's international headquarters is in Chicago, Illinois and their US headquarters is in Nashville, Tennessee.

The Facility operates eight hours a day, five days a week and employs approximately 70 staff. Office staff, of which there are approximately 10, work in an office building located away from all industrial activities.

All staff except those working in the office are given annual stormwater and SPCC training.

Facility hires APEX consultants to write their Stormwater Pollution Prevention Plan ("SWPPP") and perform annual compliance evaluations. Brandon Walsh enters data into NeT DMR for the Facility; Mr. Woodcock also has access rights.

Information below was obtained during either the opening conference and/or a site walk. Photographs were taken by inspectors during both events. A photo album of all photographs is attached to this report and is referenced throughout by slide number.

MSGP reference: 1.2.1.1 Submitting Your NOI.

To be covered under this permit, you must submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1, and provides information on your industrial activities and related discharges.

You must complete the development of a SWPPP or update your existing SWPPP consistent with Part 5 prior to submitting your NOI for coverage under this permit.

The Facility's notice of intent to discharge under both the 2008 and 2015 MSGP permits sought coverage for a discharge from a single outfall, Outfall 001.

Facility representatives explained that the Stormceptor and its associated discharge pipe were installed around 2006. The Stormceptor unit is clearly labeled on the Facility's current SWPPP map (slide 5, and see label '1' in Outfall Area 2 on slide 2)) and discharges to a separate location to that of outfall 001. The SWPPP map also indicates the presence of proposed wetland buffer zone installations in the south eastern border of the property. The map references and additional map 'C-2' as having more details of these proposed Best Management Practices ("BMPs"). Inspectors requested to see this reference, but Facility representatives were unable to locate it. Facility representatives explained that these proposed BMPs were never constructed but were unable to explain exactly why they had not been constructed.

MSGP reference: 5.4.2 SWPPP Information Provided on NOI Form.

If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3... To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of an "Change NOI" form. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

APEX consultants note in the Facility's 2016 annual report (dated March 8, 2017) that the SWPPP needs updating due to changes in regulations.

APEX notes in the Facility's 2017 annual report (dated June 1, 2018) that the Facility needs to update their SWPPP due to the determination of the existence of Outfall 002 (Area 2 on slide 2). When questioned further about why the facility had not previously reported and monitored outfall 002, representatives did not have an answer.

APEX notes in the Facility's 2018 annual report (dated April 17, 2019) that the Facility needs to evaluate adding Outfall 002 and Outfall 003 (Area 3 on slide 2). Facility representatives stated that a revised SWPPP is in the process of being drafted. Facility representatives claimed that until the snowmelt runoff events in April 2019 they believed there was no discharge from Outfall 003.

MSGP reference: 2.1.1 Control Measure Selection and Design Considerations.

You must consider the following when selecting and designing control measures to minimize pollutant discharges:

- Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- Using control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;

- Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

Based on complaints from the Town, the Facility installed a detention basin (slides 53-55, labeled with the number '1' in Outfall Area 1 on slide 2) approximately 15 years ago, that discharges to Outfall 001 (slides 16-18). Facility representatives explained that a 3-foot high berm of riprap was installed down the centerline of the basin to increase stormwater detention time by routing inflow from the south eastern corner to the north and then south along the western border of the basin before discharging through a 16-inch opening on the side of a cement drop catch basin shaft. The cement shaft, approximately 3-feet in diameter, has a metal stormwater catch basin on-top that leads to the same discharge point as the 16-inch opening on its side. The discharge point is Outfall 001.

Mr. Woodcock explained that the Facility has placed a thick rubber mat against the 16-inch opening in an effort to moderate (limit) amount of flow that exits the detention basin. He noted that the inflow pipe is 24 inches in diameter.

Mr. Woodcock has constructed a check dam out of various size rocks to try and capture sediments that escape the detention basin through the cement shaft and its associated plastic corrugated discharge pipe.

Inspectors observed cloudy discharge downstream of the check dam entering Brown Brook. Brown Brook then flows to the South past the Facility entrance (slides 3 and 4).

A couple of catch basins collect surface water runoff from the Outfall Area 1 (slides 37, 39, 52). A large part of area one is used for storage of hulks (slide 56) and undrained ("wet") cars. Facility representatives explained that wet cars are stored after inspection for leaks dependent on what parts may be salvageable. Inspectors explained that the inspection process for leaks both upon delivery and while being stored outside should be described fully within the SWPPP, and the map should delineate specific areas where undrained cars are stored.

All catchbasins on-site have witch hats inserted within them as a BMP to minimize sediment discharge. Mr. Woodcock explained that they can become full after one or two intense rain events. He explained further that he himself empties them with a shovel into 5-gallon buckets until he is confident that the weight of any remaining sediments will not cause them to rip when they are lifted up with a loader. Sediments removed from the catch basins and cleaned out of the detention basin are placed in a pile at the eastern most corner of the active industrial area on-site (slide 58).

Outfall Area 2 (see slide 2) also has a couple of catch basins (slides 24-26). These catchbasins discharge into a Stormceptor (slides 34-36) that is designed to minimize the discharge of sediments and oils. Facility representatives explained that it had likely been installed around 2006 and that it is cleaned annually by an outside contractor that enters its below-ground chamber to vacuum and sweep out its contents.

Inspectors asked that the lid of the Stormceptor be removed. A layer of sediment had to be removed by a loader from on top of the Stormceptor's access port for Facility representatives to remove the cover.

The Stormceptor discharges off-site via an underground pipe, to what is being referred to in this inspection report as Outfall 2 or 002 (slides 31 and 32). Areas within Outfall Area 2 that do not drain into a catch basin, flow overland (slide 19- 21 and 33) and discharge at a single point underneath the Facility's perimeter fence (slide 27 and 28). Beyond the fence line, overland flow comingles with discharge from the Stormceptor pipe (slide 29) before entering Brown Brook (slide 30).

Outfall Area 3 also contains hulks (slides 57 and 59). The catchment area slopes downward towards where the crusher is located (slides 60 and 61). A pile of debris including dirt, sediments, and scrap metal collects continuously in front of the crusher. Multiple facility staff are employed to sort through the debris and remove any metal. This process was observed by the inspectors. Facility representatives stated that the labor-intensive clean-up process has been deemed their most efficient option.

Cars are staged for crushing beside the crusher on the property boundary (slide 62). Topography continues to slope downward beyond the crusher (slides 63-65) towards an adjacent wetland (68 and 70-72) and what is described in this report as outfall 3 or 003. A gravel swale, the details of which are discussed later in this report, and hay bales (slide 70), attempt to channel flow (67, 69 and 74) towards a small pond that then discharges to outfall 3 (75-77 and 79-80). The gravel swale has filled with sediment since its installation and erosion now continues past where the swale ends (slide 78). Although it was a dry day during the inspection, flow was observed coming from up gradient catchment areas and discharging to where the swale had been built (slide 67).

Outfall 3 discharges to an unnamed tributary that then flows into Brown Brook approximately 250 yards to the west (slide 13).

Facility representatives explained that they currently have two contractors working on proposing alternative control measures to minimize the pollutant discharge from Outfall 3.

Facility representatives explained how they thought that it might be beneficial if they were to reroute the roof runoff that is currently concentrated via downspouts (slide 66, and 73) and discharged to the area that is eroding towards outfall 3.

Uncovered dumpsters containing scrap metal were observed in both the catchment areas of outfalls 001 and 002 (slides 19, 23 and 37-38). Inspectors noted that the permit requires dumpsters to be covered. Facility representatives explained that they did not own the dumpsters, but they would ask their contractors about options for covering them.

MSGP reference: 3.1 Routine Facility Inspections.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

Inspectors requested to see documentation of the preceding two quarterly site inspections (quarters 1 & 2 of 2019). In the facility SWPPP binder four 2018 Quarterly Facility Inspection Checklists were observed to be in chronological order. Following these checklists the next checklist was dated February 28, 2019 (slide 10). The following inspection checklist was dated May 21, 2018 and had a handwritten note, “Q2 – 2018”, at the top of the form (slide 11). Already having observed another completed inspection checklist from quarter 2 of 2018 that was filed in chronological order within the binder, Facility representatives explained that the form dated May 21st, 2018 was actually the most recent checklist and should have been dated May 21, 2019 (Q2 -2019).

Inspectors asked what documentation the Facility had to demonstrate that the needed actions indicated on the May 21st, 2018 inspection checklist had been completed. Facility representatives presented photographs of a newly rehabbed check dam at outfall 001, with a handwritten date of May 23rd, 2018 on the photograph print out.

MSGP reference: 3.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall and conduct a visual assessment of each of these samples. Must be collected in such a manner that the sample is representative of the stormwater discharge. The visual assessment must be made of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area.

Inspectors asked how Mr. Woodcock collects visual monitoring samples. Mr. Woodcock responded that he either utilizes a Styrofoam cup, or, if available, an extra laboratory sample bottle. Inspectors recommended the use of a graduated Imhoff cone.

- Mr. Woodcock sends samples to Test America in the for analysis.
- Inspectors noted that the submitted sample results in NeT DMR for the last quarter of 2017 and the first quarter of 2018 are identical for each respective parameter. Brandon said that he has results that are different in his files and he would make corrections within the database.

MSGP reference: 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.

You must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your control measures) to determine if modifications are necessary to meet the effluent limits in this permit:

- 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 pollutants discharged.
- The average of four quarterly sampling results exceeds an applicable benchmark (see Part 6.2.1.2). If less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

- In April 2019 the facility determined that they had a discharge from the eastern catchment area of their site (Area 3 slide 2). To mitigate pollutant runoff from this area they installed a 225 foot 4-foot deep trench. No documentation of any SWPPP reviews were observed within the hard copy of the 2014 SWPPP reviewed during the inspection.
- Inspectors noted that the Facility's reported benchmark monitoring results from outfall 001 showed exceedances of the average concentrations over multiple four quarter periods. Facility representatives were unable to describe or show documentation of any corrective actions relating to these exceedances.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

Facility representatives explained that samples for outfall 001 are collected after the check dam just before the confluence with Brown Brook.

Inspectors reviewed the Facility's two most recent stormwater discharge visual monitoring forms, the first dated June 19, 2019 (slide 6). The form indicated that the sample was taken at 11 AM during a rainstorm event. The form also indicates that no measurable discharge from the Outfall was present. The general comment section of the form states that there was standing water behind the check dam (slide 7).

The second visual monitoring form reviewed was dated February 21, 2019. It also indicated there was no measurable discharge from the outfall (slide 8). The general comment section of the form states, "no discharge, snowmelt pond frozen water on top of it" (slide 9).

B. Facility Tour

- Inspectors were taken on a tour of the Facility by Mr. Weston and Mr. Woodcock. Observations and photos taken regarding MSGP permit compliance are noted in the previous section.
- The following observations were made regarding the above ground oil storage and SPCC regulations. As a guide for viewing above ground oil storage tanks, inspectors were given a copy of the SPCC tank location map (slide 5) and the Facility's monthly tank inspection checklist (slide 12).
- A generator (slides 41-42) was observed beside the dumpsters outside of the fueling bay (slide 40, 43-45). In the fueling bay, there is a round double-walled 500-gallon gasoline tank (slide 43). The tank is filled with fuel that is emptied from incoming cars. The tank is grounded and dispenses gas to company vehicles via a hose and nozzle. A vertical double-walled 300-gallon Rroth tank is located next to this and is used to collect and dispense off-road for use in on-site machinery (slide 45). Next to the off-road diesel tank are two 250-gallons totes used to collect anti-freeze and other non-oil liquid.
- In the larger room (slide 46) next to the fuel bay, where a majority of the parts dismantling occurs, individual stations collect used oil in carts (slide 50). According to a worker in the dismantling room, these oil collection trays are drained from below (slide 51) into 5-gallon buckets which are then emptied into the 250 gallon used oil totes stored at the southern end of the room (slide 47). Used oil is then filtered and used in the used oil furnace located at the north end of the room (slide 49).
- There are two additional dismantling bays located in the same building further to the south and past the front desk area and engine dismantling area. A second used oil furnace exists in these bays (slide 48). Facility representatives were unable to determine if the oil storage tank associated with this burner was listed on the inspection checklist for whether it had secondary containment. Inspectors discussed how all aboveground storage oil containers with a capacity of 55 gallons or more required secondary containment.
- The main parts warehousing and loading building located to the east (slides 65, 66, 73, and 81) also has a used oil furnace (slides 82-83).

C. Records Review

- The on-site SWPPP that inspectors were given to review was completed in 2014 and signed by Facility representatives in October 2015. Inspectors were told by Facility representatives that the SWPPP was currently being revised.
- The Facility's SPCC plan was dated September 30, 2014. Inspectors noted the requirement to have a new plan revision every five years. Facility representatives noted that the plan was currently being revised.

D. Closing Conference

- Inspectors returned to the facility offices for a closing conference. Mr. Walsh participated again via conference call.
- Topics discussed included:
- Recommendation to reevaluate detention basin at outfall 001 in terms of its ability to control pollutants, standard operating procedures for its use and maintenance practices;
- Need to update plans and submit a change NOI for new outfalls. Better understand reasoning for not having included outfall 002 and 003 in the past;
- Reevaluate visual monitoring procedures to include imhoff cone, or consistent and clear sampling vessel;
- Determine means of secondary containment for used oil furnace in the southern most garage bays;
- Requested to be sent pictures of catch basin witch hat emptying (these were submitted to EPA post-inspection);
- Requested electronic submission of the APEX annual reports from 2016, 2017 and 2018; and
- Requested that Facility submit electronic copies of updated plans and any other information regarding the topics discussed during the inspection as soon as they become available.
- The Inspector(s) departed at approximately 2:30 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.

Attachments:

- Photo Album