UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Four Penn Center
1600 JFK Blvd.
Philadelphia, Pennsylvania 19103-2029

Report Title:	Clean Water Act Compliance Inspection Report
Inspection Date(s):	07/24/2024
Regulatory Program(s):	National Pollutant Discharge Elimination System (NPDES)
Type of Activity:	Industrial Stormwater
Site/Facility Name:	Chaney Enterprises – Gambrills
Permittee(s):	Chaney Enterprises, LP
Site/Facility Operator:	Chaney Enterprises, LP
Site/Facility Address:	2641 Brickhead Road Gambrills, MD 21054
Latitude:	39.039589 **Longitude:** -76.691261
County/Parish:	Anne Arundel County
Permit Number:	MDG498045
NAICS Code:	327320 **SIC:** 3273
Unique Project #:	ECAD-5529

Site/Facility Representative(s): **Point of Contact**

Victor Vilece ☒
Phone: (301) 861-6094 Email: vvilece@chaneyenterprises.com
Dustin Hafer ☐
Phone: (443) 871-3444 Email: waughchapel@chaneyenterprises.com

EPA Inspectors:

Edward Simas, 3ED32
Phone: (215) 814-2120 Email: Simas.Edward@epa.gov
Chuck Schadel, 3ED32
Phone: (215) 814-5761 Email: Schadel.Chuck@epa.gov
Johannah Jacobson, 3ED32
Phone: (215) 814-2138 Email: Jacobson.johannah@epa.gov

State/Local Inspectors:

Salina Liller, Maryland Department of the Environment (MDE)
Phone: (443) 934-0007 Email: Salina.liller@maryland.gov

Simas, Edward
Digitally signed by Simas, Edward
Date: 2024.09.27 16:08:21 -04'00'

Report Preparer Signature/Date — Edward Simas, 3ED32, NPDES Section 1 — Date

MARK ZOLANDZ
Digitally signed by MARK ZOLANDZ
Date: 2024.10.01 14:29:05 -04'00'

Supervisor Signature/Date — Mark Zolandz, 3ED32, NPDES Section 1 Chief — Date

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I. Introduction

On July 24, 2024, an inspection team composed of staff from the U.S. Environmental Protection Agency ("EPA") Region 3 (hereinafter, "EPA Inspection Team") conducted an Industrial Stormwater inspection of the Chaney Enterprises – Gambrills facility (hereinafter, "the Facility). The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the facility's National Pollutant Discharge Elimination System (NPDES) Permit No. MDG498045 (hereinafter, the "Permit") and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the facility at est. 9:32 AM for the inspection. Inspectors met with the following facility representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region 3 Inspectors and Contractors			
Edward Simas	Lead Inspector	(215) 814-2120	Simas.Edward@epa.gov
Chuck Schadel	Secondary Inspector	(215) 814-5761	Schadel.Chuck@epa.gov
Johannah Jacobson		(215) 814-2138	Jacobson.Johannah@epa.gov
Site/Facility Representatives			
Victor Vilece	Chaney Enterprises	(301) 861-6094	vvilece@chaneyenterprises.com
Dustin Hafer	Chaney Enterprises	(443) 871-3444	waughchapel@chaneyenterprises.com
State or County Representatives			
Salina Liller	MDE	(443) 934-0007	Salina.liller@maryland.gov

Edward Simas, Chuck Schadel, and Johannah Jacobson displayed their credentials to Victor Vilece and Dustin Hafer at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with its Permit. A copy of the Permit is provided in Attachment 2. The Permit expired April 30th, 2022, but has been administratively extended. The EPA Inspection Team informed the facility that any information deemed to be confidential business information ("CBI") should be identified to EPA representatives during the inspection and it would be handled as CBI according to EPA's CBI procedures.

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 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches)[1]
ODENTON 1.0 N, MD US US1MDAA0065	7/19/2024	0.00
ODENTON 1.0 N, MD US US1MDAA0065	7/20/2024	0.00
ODENTON 1.0 N, MD US US1MDAA0065	7/21/2024	0.04
ODENTON 1.0 N, MD US US1MDAA0065	7/22/2024	0.01
ODENTON 1.0 N, MD US US1MDAA0065	7/23/2024	0.72
ODENTON 1.0 N, MD US US1MDAA0065	7/24/2024	0.01

C. Summary of the Site/Facility

Manufacturing Process

The Chaney Enterprises – Gambrills facility is about 2-3 acres in area. Chaney Enterprises leases the land from Reliable Contracting Company which owns an asphalt plant adjacent to the facility. In addition, sand/gravel mining operations occur in the nearby vicinity of Chaney's operations. The asphalt plant and mining operation are separate from Chaney's business.

Chaney Enterprises is a ready-mix concrete facility. Operations at the Facility include measuring aggregates that are composed of sand, stone, and gravel. The aggregates are stored in bins where they are weighed out and carried via a conveyor belt to a mixing station. The cement is stored in silos, weighed out, and transferred to a mixing station to be mixed along with the aggregates. The facility also utilizes fly ash in its concrete mix. Once water is added to the dry ingredients, the wet concrete mix begins to form. Additional additives are also added for extra strength. At the mixing station, the dry ingredients are mixed with water to produce the preferred consistency. Daraset 400 is utilized as an accelerant within the mixture. PolarSet is also added to accelerate cement hydration, reduce concrete setting times, and increase strength in very cold conditions within concrete. After the concrete is complete, it is loaded into a cement mixture truck. Chaney utilizes recycled water or well water to fill the concrete mixer saddle tanks.

Wash water

The drum of each truck must be washed at the end of each work day, prior to the residue material drying inside of a truck. There are four washout basins where trucks can rinse the remaining residue out of their trucks. The first basin is the influent basin that receives all raw wastewater

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

discharge directly from the drums of the concrete mixing trucks. The second and third basins are settling basins, and the fourth utilizes recycled treated water from the facility's "Hydro-Innovation" water treatment system. The fourth basin can also be connected to a trash pump and connected to the sprinklers for dust control or to fill the concrete mixing trucks. The Hydro-Innovation System runs process water from the washout basins through a series of carbon-based filters. CO_2 is injected at the start and end of this process to aid in coagulation and pH adjustment. Following treatment from the system, water flows through a stone filter (composed of two PVC pipes of blue stone), a sand filter, and through a series of charcoal filters before it is recycled back to the fourth basin. According to the 2024 Stormwater Pollution Prevention Plan ("SWPPP"), "Overflow from the loading area may cause release of excess sediment. Trucks release washout water that could potentially be discharged before being treated". Due to the grading of the facility, washout water that bypasses the washout basins would flow in the direction of the vegetative swale area, roadway, and Outfall 001.

A map of the Facility, including the drainage zones and discharge points, is included as Figure 2 of the Facility's SWPPP (Attachment 3).

II. Facility Activity

During the inspection, the EPA Inspection Team observed: Four drum washout basins, truck concrete loading area, a concrete mixing station, spoils storage areas, Hydro-Innovation water treatment system, vegetative swale, aggregate raw material storage, fueling and chemical storage area, and Outfall 001. The inspection observations were made pursuant to the requirements of the Permit. The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Chuck Schadel, and are provided in Attachment 1. The photographs in Attachment 1 match the camera file designations.

III.Observations

Effluent Limit Exceedances

Appendix D, Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

E.6.4 Surface Water Discharges

"E.6.4.1 Concrete Washout

All surface water discharges from washing concrete mixer trucks, moulds, or equipment and of excess feed water shall be monitoring by the permittee at each discharge point associated with the wash water and limited as specific below in Table E-4. This includes routine vehicle wash water, if mixed with the concrete washout."

Observation #1:

According to the discharge monitoring report (DMR) data in EPA's Integrated Compliance Information System (ICIS) database, the Facility experienced five effluent limit exceedances between January 31st, 2022, and May 31st, 2022 (refer to Table 3 below).

Table 3: Numeric Limit Exceedances per monitoring required under "Table E-4 Numeric Limits for Concrete Washout for Concrete Mixer Trucks, Moulds, and Equipment."

Outfall #	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Limit Type	% Exceeding Limit
001	01/31/2022	Oil and grease	32	15	mg/L	DAILY MAX	113
001	3/31/2022	Oil and grease	25	15	mg/L	DAILY MAX	67
001	5/31/2022	Solids, total suspended	62	30	mg/L	MX MO AV	107
001	5/31/2022	Solids, total suspended	62	60	mg/L	DAILY MAX	3
001	5/31/2022	Oil and grease	19	15	mg/L	DAILY MAX	27

Part V. Inspection, Monitoring, and Reporting

A.1. Routine Inspections

"At least two times a year, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening."

Observation #2

On 8-23-24, the Facility provided documentation of the site assessments conducted. In addition, the Facility also provided documentation that the Facility conducted SWPPP assessments on 12/14/2021, 12/29/2022, and 12/22/2023.

Part V. Inspection, Monitoring, and Reporting

A.3. Quarterly Visual Monitoring

"You are required to begin visual monitoring in the first full quarter after you have been notified that you are covered by this permit. For example, if you obtain permit coverage in June, then your first monitoring quarter is July 1 - September 30 of that year. Once each quarter, you must collect a stormwater sample from each outfall… Samples may be taken during any precipitation event (except as noted in Areas Subject to Snow below) where there is a measurable discharge and must be sampled within the first 30 minutes of the storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes…

a. The Quarterly Visual Monitoring Form found in Appendix B of this permit must be completed for each sample. If no sample is possible, the form may be filled out to reflect no discharge. Documentation of the rationale for no visual assessment for the quarter must be included in SWPPP records (or in an Environmental Management System (EMS) that is accessible by site personnel)."

Observation #3

On 8-23-24, Mr. Vilece stated over email communications that the facility does not conduct quarterly visually monitoring due to discharging process water and not entirely stormwater.

Part V. Inspection, Monitoring, and Reporting

B. Required Numeric Monitoring

"1. Applicability of Monitoring. You must monitor for any numeric or benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge…"

C. Monitoring Procedures

"1. Monitoring Outfalls. You must conduct monitoring as required by this permit at each outfall authorized by this permit, except benchmark monitoring for an outfall exempt from monitoring as a substantially identical outfall."

"3. Measurable Storm Events. All required stormwater related 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 (3 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. For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and

time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event."

Observation #4

Mr. Vilece provided six total laboratory analyses for 2021 – present: January 2021, February 2021, March 2021, September 2021, March 2022, and May 2022. The laboratory analysis results matched DMR results on EPA's Enforcement Compliance History Online ("ECHO") website. Outside of these results, the facility stated that there has been "no discharge" from 2021 – 2024. During the inspection, the EPA Inspection Team noticed multiple areas with standing water that could contact both spoils and aggregate materials. Spoils are excavated sediment and rock that a site temporarily stores to be re-used or hauled away for disposal. A majority of this flow was in the direction of the vegetative swale leading to Outfall 001 (See Photos 4487 – 4492, 4497, 4498, 4499, 4500, 4505). In addition, Outfall 001 appeared to have about 2 – 3 ft of standing water (4528, 4529, 4531).

Part IV. Corrective Actions

"A. Conditions Requiring Review to Determine if Modifications Are Necessary
If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:
…
2. a discharge violates a numeric effluent limit;

…

D. Corrective Action Report

1. Within 24 hours of discovery of any condition listed in parts IV.A and IV.B, you must document the following information:
a. identification of the condition triggering the need for corrective action review;
b. description of the problem identified; and
c. date the problem was identified.

…

3. Within 14 days (or up to 30 days if 14 days is infeasible) of discovery of any condition listed in parts IV.A and IV.B, above, you must document the following information:
a. summary of corrective action taken or to be taken (or, for triggering events identified in Part IV.B where you determine that corrective action is not necessary, the basis for this determination);
b. notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
c. date corrective action initiated; and

d. date corrective action completed or expected to be completed.

4. You must include this documentation with the annual report required in Part V.A.2.b.

E. Effect of Corrective Action
If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Department may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations. The taking of a Corrective Action by itself is not evidence that a violation has occurred."

Observation #5

The facility had five numeric exceedances in 2022, however Mr. Vilece has stated that the facility has no record of corrective action reports. See Table 3 above for the specific numeric exceedances.

Part III. Stormwater Management Requirements:
B.1.b. Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)
"***i.)*** *Minimize Exposure*. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended) …
…

iv.) *Spill Prevention and Response Procedures.* You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. These procedures are complementary to and do not replace any requirements of RCRA (42 U.S.C. §6901), the Department's Land Management Administration Oil Control Program, NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112). At a minimum, you must implement:

…

- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling; …"

Observation #6

Chemicals totes labelled "corrosive" and "acidic" were observed without secondary containment (See Photos 4513 – 4516).

Part III. Stormwater Management Requirements:
B.1.b. Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)

*"**v.)** Erosion and Sediment Controls. "*You must minimize erosion a) consistent with the facility's approved erosion and sediment control (E&SC) plan or b) by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points…"

Observation #7

The spoils of the facility appeared to be overloaded and eroding (see photos 4499 – 4505). It is unclear if the facility has plans to dispose or utilize the spoils materials. In addition, spoils are loaded extending beyond the vegetative swale which leads directly to Outfall 001 (see Photo 4490).

SWPPP Requirements
"C. Stormwater Pollution Prevention Plan (SWPPP) Requirements
…
Your SWPPP must include all of the following elements as described below:
…
2. Site Description
c. *Site map(s).* Provide a map (or alternatively several overlay maps) showing:
i.) the size of the property in acres; …
v.) locations of all receiving waters in the immediate vicinity of your facility; …
vii.) locations of potential pollutant sources identified under Part III.C.3;
viii.) locations where significant spills or leaks identified under Part III.C.3 have occurred;
ix.) locations of all stormwater monitoring points; …
xii.) locations and descriptions of all non-stormwater discharges identified under Part I.E.3;
xiii.) locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing and storage areas; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; transfer areas for substances in bulk; machinery; and manufacturing buildings; and
xiv.) locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

Part III.C.
5. Schedules and Procedures
b. *Pertaining to Inspection and Monitoring*
iii.) "If numeric or benchmark monitoring is required for your industry or industries, per Appendix D your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility;
- Schedules and procedures for periodic calibration and maintenance of any monitoring and analytical instrumentation to insure accuracy of measurements;
- Any numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part V.C."

Observation #8

The most updated June 2024 SWPPP map (Attachment 3) was observed to be missing the above required components. The "berm" noted in the map was observed to be a spoils storage area. In addition, the "waste concrete bin" area appeared to be secondary storage of spoils. In addition, there are several chemical totes that were observed during the inspection that were not noted on the map (See Photo 4513, Photo 4510). In addition, the SWPPP did not list a sampling location, but does list a "discharge point". There is also no listed frequency or schedule of sampling for the required permitted parameters listed in "Subsector E: Table E-4 and E-5" of the Permit.

Part III. Stormwater Management Requirements
"B. Control Measures and Effluent Limits

1. Control Measures

b. *Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)*

...

vi.) *Management of Runoff.* You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Design Manual, EPA's internet based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series(http://bit.ly/MDE_industrial_stormwater)."

Part VI. Standard Permit Conditions

C. Adverse Impact
"The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge."

Appendix D: Sector-Specific Requirements for Industrial Activity

Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

"E.2.1 *Good Housekeeping Measures.* (See also Part III.B.1.b.ii) As part of your good housekeeping program, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater."

Observation #9

During the Inspection, there were sprinklers turned on in the aggregate storage area causing excess water to contact spoils and aggregate material. Facility representatives stated that the sprinklers are for dust control, however they did not appear to be on a timer. Therefore, it is unclear when the sprinklers are turned off. There were several pools of runoff material contacting the spoils and aggregate material (See Photos 4487 – 4492, 4497, 4498, 4499, 4500, 4505). The runoff appears to be graded in the direction of the vegetative swale which leads towards Outfall 001.

IV. Records Review

Following the inspection, the EPA Inspection Team requested multiple records on 8-21-2024. The EPA Inspection Team received the records on 8-23-2024. The records included:

- Most updated copy of SWPPP
- Hydro-Innovation Water Treatment System Manual (received 9-20-24)
- Stormwater Training Records (received 9-10-24)
- Annual reports (2021 – 2024)
- Comprehensive site evaluations (2021 – 2024)
- Routine twice per year inspections (2021 – 2024)
- Laboratory analysis (2021 – 2024)

A copy of the Permit is provided under Attachment 2. Employee SWPPP/stormwater related annual training was also requested and received on 9-10-2024. Stormwater training has been completed for 2021 – 2024.

V. Closing Conference

After the facility walk, the EPA Inspection Team met with the facility representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the facility. The EPA Inspection Team reiterated to the facility representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation 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 11:35AM.

VI. List of Attachments

Attachment 1:	Photo Log
Attachment 2:	NPDES Permit
Attachment 3:	2024 SWPPP