



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")
McConnell Enterprises

From: Alex Rosenberg, Inspector  Digitally signed by
ALEX ROSENBERG
Date: 2023.12.13
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Thru: Todd Borci, Manager

To: File

I. Facility Information

- A. *Facility Name:* McConnell Enterprises
- B. *Facility Location:* 60 Garden Park
Braintree, MA 02184
- C. *Facility Contacts:* Crosby Martin, General Manager
10 Icehouse Lane, PO Box 187
Essex, MA 01929
978-768-6078
mcc.essex@verizon.net
- Mark Boudreau, Operations Manager
781-848-2870
- D. *NPDES ID No(s):* MAR053802

II. Background Information

- A. *Date(s) of inspection:* November 7, 2023
- B. *Weather Conditions:* Brief rain shower in the morning, clear during inspection
- C. *US EPA Representative(s):*
Alex Rosenberg, Nafisah Ali
- D. *State/Local Representative(s):*
none

E. Federally Enforceable Requirements Covered During the Inspection:
National Pollutant Discharge Elimination System Multi-Sector General Permit (September 29, 2021) (40 C.F.R. part 122), Oil Pollution Prevention regulations (40 C.F.R. part 112).

F. Previous Enforcement Actions:
none

III. Type and Purpose of Inspection

Environmental Protection Agency (“EPA”) inspectors conducted a compliance evaluation inspection of the Facility’s applicability under the National Pollutant Discharge Elimination System (“NPDES”) Multi-Sector General Permit (“MSGP”) for Stormwater Discharges Associated with Industrial Activity as well as the Federal Clean Water Act (“CWA”) Oil Pollution Prevention Regulations.

IV. Facility Description

The business is a material recycling transfer and processing station located at 60 Garden Park in Braintree, Massachusetts (the “Facility” or “site”).

According to Federal Emergency Management Agency (“FEMA”) flood information,¹ the site is within a federally identified Flood Hazard Zone and has reasonable potential to discharge pollutants including oils directly and/or indirectly to a wetland area and the Monaquot River. As a preliminary matter, EPA recommends that the company review areas where materials are stored or operations occur for elevated water levels and store mobile and portable containers, industrial materials, chemicals, and other waste, if possible, above potential flood elevation. For more information about preparing for natural disasters and resilience go to: <https://www.epa.gov/natural-disasters/flooding>, and https://www.epa.gov/sites/default/files/2015-08/documents/flood_resilience_guide.pdf.

The site is approximately 6.75 acres and is bordered to the west by a rail line and the Monaquot River. The entrance and exit are co-located at the north end. Wetlands border the property to the south and east.

The Facility (refer to Attachment A, Photo Album, Slide 2) consists of processing building (with associated office space), roll off containers, truck scales, and outdoor stockpiling areas. The Facility’s maintenance garage is located at 91 Forest Ave., an adjoining property.

Public records indicate that the Facility is primarily engaged in industrial activity classified under Standard Industrial Classification (SIC) Code 5093 (Scrap and Waste Materials). The Facility was covered under the previous 2015 MSGP and reapplied for

¹ <https://msc.fema.gov/portal/home>

coverage under the 2021 MSGP on May 28, 2021. Coverage became effective on June 27, 2021 with a permit identification number, MAR053802, under subsector N1—Scrap Recycling and Waste Recycling.

V. Inspection

Inspection was unannounced.

Inspectors arrived at approximately 1:30PM.

A. Opening Conference

Mr. Rosenberg presented his credentials to Mark Boudreau, the office manager. Mr. Boudreau called the owner, Mr. Crosby Martin, who participated in the opening conference via speakerphone. Mr. Martin requested that the inspection be rescheduled to allow him to be present. Inspectors asked that because they were on site, to allow Mr. Boudreau to be the guide. Mr. Martin agreed.

Mr. Boudreau provided the following information to inspectors regarding the Facility.

- The company's main office is located in Essex, MA. The Facility is the company's only location with industrial activities. Seven full-time employees work at the Facility, Monday to Friday between the hours of 7:00 am to 3:15 pm and on Saturday from 8:00 am to 11:45 am.
- Material is accepted from public as well as industrial contractors, such as construction and demolition debris, bulky waste (such as air conditioners and refrigerators), and metal.
- Incoming recyclable material is weighed on a scale before being dumped inside the processing building (non-ferrous) or within the accumulation area outside (ferrous). Inside the processing building, once sorted and processed, material is then either trucked off-site or transported off-site by rail car.
- The processing building has a waste oil burner (slide 3).
- Their trucks undergo oil changes within the processing building. Oil is collected by the mechanic in 55-gallon drums;
- There is an oil water separator outside the garage, fed by floor drains inside the garage. It is cleaned annually.
- The Facility stopped accepting brick, concrete, and marble.
- Stormwater flows off the site via the driveway entrance where discharge enters the catch basin. The catch basin discharges into a pipe that travels southwest

underneath the northwest corner of the Facility where it discharges beyond the railroad tracks. This discharge point is what the Facility has identified as their outfall.

- Samples are collected at this outfall, even though Facility representatives acknowledge that this flow is comingled with stormwater runoff from neighboring properties. Inspectors explained that the Facility's stormwater monitoring should occur at the point that discharge leaves the site boundary.

Inspectors raised the fact that the Facility is currently in Additional Implementation Measure ("AIM") level 3 for exceeding the average annual benchmark threshold concentrations for the parameter zinc. Facility representatives showed inspectors an e-mail correspondence from November 7, 2023 from their consultant Roux Environmental (slide 11 and 12) that stated the following:

- the value of water hardness used on the Facility's notice of intent to discharge permit application (NOI), which determines the benchmark threshold for the parameter zinc, was obtained at the Facility's outfall, "however, [Roux Engineering] believe that a sample from the Monatiquot river is more appropriate to evaluate the hardness of the river."
- Once the river hardness is determined if it is determined that zinc still exceeds the benchmark threshold installation of waddles for filter socks designed to reduce metal concentrations is recommended at catch basin inlets and the long berms.
- A round of sampling by a third party is recommended to evaluate and confirm possible differences in sample location, selection, and collection methodologies

Inspectors noted that Part 4.2.2.1. of the MSGP states that "if your facility is in one of the industrial sectors subject to benchmark thresholds that are hardness-dependent, **you must** include in your NOI a hardness value, established consistent with the procedures in Appendix J." Appendix J explains that "to determine which hardness range to use, you must collect data on the hardness of your receiving water(s)." The Facility's application (notice of intent to discharge, NOI) certified by Mr. Martin on May 28, 2021, was prepared by Roux Associates and indicates a receiving water body hardness of 37.5 for the Monatiquot River.

Mr. Martin said that he had been struggling to identify the source of zinc. He said although samples are regularly taken from the outfall outside of their Facility, he recognizes that there might be influence from neighboring properties at this location. In order to be confident that the zinc is coming from their Facility, samples have also been collected at the Facility boundary (at the head of the driveway).

Mr. Martin told inspectors that a water sample from the receiving water body has been collected to determine the hardness. He said that once the sample results have been received, further analysis based on a potentially updated zinc threshold concentration will be conducted.

B. Facility Tour

Mr. Boudreau showed EPA inspectors around the Facility.

Inspectors observed the inside of the processing building (slides 3–7).

Inspectors observed three above ground storage tanks in a storage container (one red 200-gallon, and two black 150-gallon) (slide 14).

Inspectors observed a pallet of lead acid batteries outside, uncovered. Facility representatives stated that the batteries were delivered earlier that morning and would not be stored outside (slide 13).

Inspectors observed material and trailers stockpiled or parked along the border of the site (slide 15–18, 32). Inspectors recommended that Facility representatives walk the property boundary during rainfall to determine whether additional discharge points exist (see Part 3.1.6.4.b.).

Inspectors observed material stockpiled in different areas around the site (heavy steel, light iron, structural (slide 23), aluminum, refrigeration units (slides 19–20), railroad ties and PNS plates (rotors) (slide 24). The Facility representative told inspectors that railroad ties and rotors are transported off site by rail, everything else is trucked off site.

Inspectors observed a channelized flow path entering the wetlands (slides 28–29) where stormwater discharges off-site between two cement blocks a few yards away from the rotor stockpiling area at the end of the railway spur (slides 25–27, 30). Inspectors explained to the Facility representative that their observations are evidence of an additional stormwater discharge point at the southwest boundary of the Facility.

Inspectors observed a water tank, approximately 15 ft tall by 10 feet in diameter, on the site (slide 22).

The Facility representative told inspectors that an excavator with a magnet is used to collect metal and clean the site (slide 31).

An oil spill kit was observed by inspectors stored in a trailer and contains speedy dry.

Inspectors observed the outfall where hay bales are present as a stormwater control measure (slide 35–36) located just to the West of the railroad track (slide 34).

C. Records Review

EPA inspectors asked to see the Facility's Stormwater Pollution Prevention Plan ("SWPPP"), training records, and the most recent quarterly site inspection record, quarterly visual assessment record, and quarterly sampling documentation.

The Facility's SWPPP was dated October 2013 (see certification page, slide 9). Inspectors explained that the permit have been reissued twice since that date. The

Facility's stormwater drainage plan (Slide 10) showed the paved versus unpaved areas of the site, stormwater flow direction, and the two off site catch basins as well as their underground pipe and discharge point location. No training records were available.

Mr. Boudreau told inspectors that he did not know what a quarterly visual assessment was. EPA inspectors explained the requirements of MSGP Part 3.2.

The Facility representative provided a quarterly water sample memo dated May 30, 2023, which inspectors reviewed (slide 8).

D. Closing Conference

Inspectors held a brief closing conference outside of the processing building. Inspectors reiterated the following observations and areas of concern;

- The Facility has no documentation to conclude whether or not additional discharge points exist, such as the one identified by inspectors at the southwestern edge of the property;
- Quarterly visual assessments are missing;
- Monitoring of stormwater should be done at the property boundary where stormwater discharges and not a location where the flow is comingled with offsite run-on;
- The Facility's SWPPP is out of date;
- The Facility representative could not locate training records on-site;
- The Facility should submit a change NOI with the receiving water body hardness value; and
- AIM level three response plans must be communicated to, and approved by, EPA if not conducted within the required time frames.

Inspectors departed at approximately 3:30pm.

Upon exiting the property, inspectors observed the two catch basins that drain to the Facility's outfall (slide 37). Inspectors also observed the hydraulic connection between the wetlands that surround the Facility and the river to the west of Garden Park. Two 36-inch concrete culvert pipes (slide 38) carry flow from the wetlands underneath Garden Park where they discharge into the river (represented by northern most red dashed line on slide 2).

Unless otherwise noted, this report describes conditions at the Facility/site 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.