



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: 2021-12-08
Finalized Date: 2021-12-13

Subj: Inspection Report
Clean Water Act
A & E Metal Recycling And Packaging, Inc.

From: Alex Rosenberg – Lead Inspector, with Rachel Olugbemi,
Enforcement Officer

Thru: **Rachel Olugbemi**

To: File

I. Facility Information

- A. Facility Name:* A & E Metal Recycling And Packaging, Inc.
- B. Facility Location:* 449 American Legion Highway
Westport, MA 02790
- C. Facility Contacts:* Eric Abate, Owner
774-264-9222
info@aemetals.com

Amy Abate, Administrator
508-965-2197
- D. ID No.:* MSGP UNPERMITTED

II. Background Information

- A. Date of inspection:* November 18, 2021
- B. Weather Conditions:* Clear and 60 degrees Fahrenheit
- C. US EPA Representatives:*
Alex Rosenberg and Rachel Olugbemi
- D. State/Local Representatives:*
N/A

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Multi-Sector General Permit (June 4, 2015 and September 29, 2021), Oil Pollution Prevention regulations (40 CFR Part 112).

F. Previous Enforcement Actions:

N/A

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 associated with industrial activities as well as the Federal Clean Water Act (“CWA”) Spill Prevention Control and Countermeasure (“SPCC”) Oil regulations.

IV. Facility Description

Facility is a scrap metal and recycling waste collection hub. Material is accepted from public (‘peddlers’) as well as industrial contractors, such as whole, drained automobiles, cardboard, plastic totes, and ferrous and non-ferrous metals. Approximately 10 full-time employees work at the Facility, six days per week. Once sorted, material is then sold to a company who either shreds the metal or resells/reuses the recycled products.

V. Inspection

On November 18, 2021, United States Environmental Protection Agency inspectors, conducted an industrial stormwater Compliance Evaluation Inspection (“CEI”) at A&E Metal and Packaging Inc., located at 449 American Legion Hwy, Westport, Massachusetts (“Facility” or “Site”) (refer to photo album slide 2).

A. Opening Conference

Mr. Alex Rosenberg and Ms. Rachel Olugbemi, both EPA Clean Water Act credentialed inspectors (“EPA Inspection Team” or “Inspectors”), presented their respective credentials to the Facility representative, Ms. Amy Abate, and conducted an opening conference beginning at approximately 9:15am. Mr. Rosenberg had scheduled the inspection with Ms. Abate earlier in the week. Both on the phone before the inspection as well as during the opening conference, Mr. Rosenberg reminded Ms. Abate that the agency is still waiting for a response to the information request letter that has been sent to multiple individuals associated with the business; to Mr. Abate on February 10, 2021, to the Facility’s administrative assistant Amber on August 10, 2021, and to Ms. Abate on November 15, 2021.

The EPA Inspection Team explained the purpose of the CEI was to assess the Facility’s compliance status with respect to the requirements of the Clean Water Act (“CWA”) and the National Pollutant Discharge Elimination System (“NPDES”). At the time of the inspection, the Facility did not have coverage under the 2021 Multi-Sector

General Permit for Stormwater Discharges Associated with Industrial Activities (“MSGP”).

Ms. Abate stated the following:

- She had been helping with the administrative affairs of the business for the past few years since her husband, the owner, had been recovering from an accident.
- In order to secure a loan for the business over five years ago, a bank had sent an environmental assessor to site. This paperwork could be submitted to the Inspection Team at a later date.
- A site clean-up from past operations had been conducted upon purchase of the property, again, over five years ago.

B. Facility Tour

The EPA Inspection Team and Ms. Abate walked the property and took photos. All photos are displayed in the Attached Photo Album. Slide numbers reference this photo album. Inspectors noted the following:

- The Northern section of the property (‘Area 3’ on slide 2) contains open dumpsters (slide 8), vehicle traffic (slide 6), and unloading bays (slide 7) and uncovered storage containers filled with liquid (presumably oil, however they were unlabeled) (slide 55). The stormwater from this area discharges to the surrounding land to the west behind the dumpsters (see point marked ‘Possible Outfall 5’ on slide 2). Flow from the northside of the building, and entrance driveway discharge at this point behind the dumpsters (slides 8, 9 and 10 – flow path).
- The Southern section of the property (‘Area 1’ on slide 2) contains open dumpsters (slides 35, 39, 47), vehicle traffic, operating equipment (28, 29), loading bays (slide 18), ferrous scrap metal stockpiles (23, 25-29), uncovered metal turning stockpiles (slide 22) and uncovered oil storage containers (20, 21 35, 45, 46 and 48).

The stormwater from this area discharges from the property at three possible outfalls along the eastern fence line (see points marked ‘Possible Outfall 1’, ‘Possible Outfall 2’, and ‘Possible Outfall 3’ on slide 2). Inspectors recommended removing unused and empty oil storage containers.

- Stormwater flow from the loading dock area, weigh scale and parts of the eastern fence line (slide 24) discharge into the wetland pond (slide 17 – flow path, slide 21 – banks of pond) within Area 1 (see slide 2).
- The wetland pond discharges via a culvert at the southeast corner (slide 42-44 – intake, slide 40 – outflow). Outflow then appears to discharge underneath the eastern property fence at the location labeled Possible Outfall 3 on slide 2 (slide 41). This outfall might also collect flow from the entire rest of the eastern fenceline to the north (slides 45-49). Large rip-rap boulders at the beginning of this flowpath (slide 49, 50) made it

difficult to identify how flow travels to the south along the property boundary.

- Stormwater flow from the scrap metal piles (28, 29, 33, 35) to the south of the pond, also in Area 1, likely discharge beneath the fenceline (slide 31 – Possible Outfall 2) at the end of a southern flowing swale along the eastern fenceline (slides 32, 35 37, 38, 39). A drainage pipe helps carry flow along the eastern fenceline and contributes additional flow into the swale (slide 36 – see black corrugated pipe). Inspectors were unable to walk the full perimeter of the site due to the piles of material blocking the path. Inspectors recommended clearing material away from the eastern fenceline in order to more clearly understand and manage stormwater flow and discharges.
 - Stormwater flow from the scrap metal piles (slides 25-27) at the southern-most extent of the site, also in Area 1, likely discharge behind the piles (Possible Outfall 1). Due to safety concerns, inspectors were unable to observe the backside of these piles. Inspectors recommended cleaning up this area of the site to be able to inspect and manage stormwater runoff.
- A dust collection system (slides 14, 15) is located outside along the western wall of the building (slide 7 - exterior, slide 4 - inside) where non-ferrous metal is sorted and recycling materials are collected and bailed. Ms Abate explained that the system was not currently operational. Inspectors described potential for stormwater pollution when in use.
 - The Eastern section of the property ('Area 2' on slide 2) contains scrap metal and used equipment (slide 53, 54), and loading bays (slide 53). The stormwater from this area discharges at the eastern most spot of the property (slide 51 - see point marked 'Possible Outfall 4' on slide 2). Stormwater from the area flows along the portion of the fence-line that runs east-west (slides 50-53).

C. Records Review

No records were reviewed.

D. Closing Conference

Inspectors conducted a closing conference with Ms. Abate. After mentioning there is still the need for the Facility to respond to the August 2021 information request letter that was sent to the owner, Mr. Abate, the following areas of concern were discussed:

1. The Facility is primarily engaged in industrial activity classified under SIC Code 5093 (Scrap and Waste Materials), an industrial activity regulated under 40 C.F.R. § 122.26.

2. Stormwater from the Facility associated with industrial activity discharges into the wetlands and tributaries of Kirby Brook through multiple discharge points along the property boundary.
3. The Facility does not have coverage under the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities, nor had it applied for coverage under the previous 2015 permit.
4. The Facility maintains aggregate aboveground oil storage capacity in excess of 1,320 gallons including a tank-truck, and various drums and totes. A Facility Spill, Prevention, Control and Countermeasure (SPCC) plan was requested during the inspection, but the Facility representative did not believe the Facility had developed an SPCC plan.

The 2021 MSGP Part 8.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor) states the following:

Minimize contact of stormwater with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures such as the following, where determined to be feasible (list not exclusive): permanent or semi-permanent covers; sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; dikes, berms, containment trenches, culverts, and surface grading to divert stormwater from storage areas; silt fencing; and oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

No such control measures were observed.

The 2021 MSGP Part 8.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage) states the following:

Minimize contact of stormwater with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater from these areas can be discharged, provided that any stormwater is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent).

No such control measures were observed.

Inspectors departed at approximately 11:20 am. Inspectors drove south on Macaday Ct. (off of American Legion Highway) approximately ½ mile to the east of the site and observed a large culvert that passes flow from the west (where the facility lies) to the East (towards Kirby Brook).

Unless otherwise noted, this report describes conditions at the facility as observed by EPA inspectors, and/or through records provided to and/or information reported to EPA inspectors by facility representatives and as understood by the inspectors. 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.

Attachment – Photo Album