



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Crosby Martin, General Manager
McConnell Enterprises, Inc.
10 Icehouse Lane, PO Box 187
Essex, MA 01929
mcc.demo@verizon.net

Subject: November 7, 2023, EPA Inspection

Dear Mr. Martin:

On November 7, 2023, the U.S. Environmental Protection Agency ("EPA") performed an inspection at McConnell Enterprises, Inc. ("McConnell") located at 60 Garden Park in Braintree, Massachusetts (the "Facility"), to evaluate the Facility's compliance with the National Pollutant Discharge Elimination System ("NPDES") Program, specifically, but not only, the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") and the Oil Pollution Prevention Regulations promulgated by EPA under the Clean Water Act (the "Act"). A copy of the inspection report is enclosed with this letter.

Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the owner or operator of a point source discharge of stormwater to provide information needed to determine whether there has been a violation of the Act. EPA is requesting the below information pursuant to its authority under Section 308(a) of the Act. Provide the information requested below within **30 calendar days of receipt of this letter**.

Information submitted pursuant to this request shall be in writing and **shall be provided in an electronic format** to EPA at the following email address:

Alex Rosenberg
rosenberg.alex@epa.gov

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret," "proprietary," or "company confidential." These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email, at the address listed below. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you. If you choose to electronically submit information claimed as CBI, you may arrange for secure measures for submittal (e.g., a File Transfer Protocol ("FTP"), or third-party file transfer websites) or contact Mr. Rosenberg to discuss EPA-approved tools for electronic submission.

U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Attn: Alex Rosenberg
Mail Code 04-4
Boston, MA 02109-3912

Begin Information Request:

1. After the Facility submitted a copper concentration of 40 micrograms per liter for the monitoring period ending March 31, 2022, the Facility's entries for the following four quarters reported copper concentrations as either zero or one microgram per liter.
 - a. **Provide** the lab analysis documentation for the last four quarters. Note that when a laboratory result is below the laboratory reporting limit, the value that should be entered on the DMR is the reporting limit with a less than symbol, i.e., "<."
2. Beginning in the monitoring period that ended March 31, 2022, the Facility triggered Additional Implementation Measure (AIM) Level 3 for the pollutant zinc for the outfall the Facility identified as Outfall 001. Part 5.2.5 of the MSGP directs the Facility to, among other things, install structural source controls which are permanent controls such as permanent cover, berms, and secondary containment; and/or treatment controls such as sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures. Additionally, the controls or treatment technologies or treatment train the Facility installs should be appropriate for the pollutants that triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type stormwater control measures implemented under AIM Level 2.
 - a. **Provide** all documentation for all AIM level responses planned and/or implemented pursuant to Part 5.2.3., 5.2.4., and 5.2.5. of the MSGP. Under Part 5.2.5.2, McConnell was required to identify the schedule for installing the appropriate control measures within 14 days and was required to complete installation within 60 days (by June 1, 2022) of entering AIM Level 3.
 - b. Because the Facility has not yet implemented structural or treatment controls, **provide** the following corrective action documentation:
 - i. Lab test results showing the hardness of the receiving water body (i.e., Monatiquot River);
 - ii. A plan and implementation schedule for structural source or treatment controls; and
 - iii. A rationale for an extension of the completion deadline described within Part 5.2.5.2. that requires the installation of source control measures within 60 days of the triggering event, or if not feasible, within 90 days of the triggering event with EPA approval.

3. **Provide** an inspection report documenting any and all newly identified discharge points along the Facility's perimeter, including but not limited to the discharge point shown to the Facility representative by inspectors during the inspection. Provide a copy of the Change NOI that the Facility submits via net MSGP to memorialize the discharge point(s).

End of Request

Legal issues may be directed to Sam Horowitz, Enforcement Counsel, at (617) 918-1512, or at horowitz.samuel@epa.gov.

Sincerely,

Todd Borci, Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for November 7, 2023, EPA Inspection

CCs (electronic only):

Susannah King, MassDEP
Sam Horowitz, US EPA
Alex Rosenberg, US EPA