



**U.S. ENVIRONMENTAL PROTECTION AGENCY
 REGION III WATER BRANCH, ENFORCEMENT
 AND COMPLIANCE ASSURANCE DIVISION
 CLEAN WATER ACT
 COMPLIANCE INSPECTION REPORT**

for

Name of Facility: Piney Point Aquaculture Center
Facility Address: 17996 Piney Point Road, Piney Point, MD 20674
Mailing Address: PO Box 150, Piney Point, MD 20674

Report Prepared on: 7/16/2021 By: *Michelle Spiveo*, Chemical Engineer (ERG)
Date *Signature*

Report Final as of: _____ By: _____, EPA
Date *Signature*

General Information

Type of Inspection: Industrial Wastewater CEI
Owner: Maryland Department of Natural Resources
Operator: Maryland Department of Natural Resources
Permittee: Maryland Department of Natural Resources
NPDES Permit No: MD0063843
NPDES Permit Effective Date: March 1, 2019
NPDES Permit Expiration Date: February 29, 2024
Receiving Water: St. George Creek
Latitude and Longitude: 38.16485, -76.52034

On-Site Facility Inspection Overview

On June 24, 2021, representatives from U.S. Environmental Protection Agency (EPA) Region III and EPA’s contract inspector from Eastern Research Group, Inc. (ERG) (hereinafter, the EPA Inspection Team), conducted a compliance evaluation inspection at the Piney Point Aquaculture Center in Piney Point, Maryland. The Piney Point Aquaculture Center (hereinafter, the Facility) is owned and operated by the Maryland Department of Natural Resources (hereinafter, DNR or the Permittee). Representatives from the Maryland Department of the Environment (MDE) attended the inspection.

Approximate Entry Time: 10:00 AM (EDT) **Approximate Exit Time:** 2:00 PM (EDT)

Unique Project Identifier (UPI): 3E21WN084A

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List of Attachments

Appendix A: Photograph Log

Appendix B: Exhibit Log

- Exhibit 1 – EPA ICIS Data (May 2016 through April 2021)
- Exhibit 2 – Sampling Records (2018 through 2020)
- Exhibit 3 – EPA ECHO Detailed Facility Report
- Exhibit 4 – DMR for March 2019
- Exhibit 5 – Facility SOP

Appendix C: NPDES Permit No. MD0063843

I. INTRODUCTION

On June 24, 2021, representatives from U.S. Environmental Protection Agency (EPA) Region III and EPA’s contract inspector from Eastern Research Group, Inc. (ERG) (hereinafter, the EPA Inspection Team) inspected the Piney Point Aquaculture Center (hereinafter, the Facility) in Piney Point, Maryland. Maryland Department of Natural Resources (DNR) is identified as the Permittee and owns and operates the Facility. The EPA Inspection Team was joined on the inspection by representatives from Maryland Department of the Environment (MDE) and the Facility Manager. The primary purpose of the inspection was to review industrial processes at the Facility, review the accuracy and reliability of the Permittee’s self-monitoring and reporting program, and to obtain information that will assist EPA in assessing the Permittee’s compliance with the requirements of the Permit. The weather at the time of the inspection was sunny and warm.

The Facility is an oyster hatchery that breeds oysters, hatches larvae, rears larvae, and sets larvae onto oyster shells. Once the larvae are set onto shells, they are shipped off-site for use in bay restoration activities or for raising for eventual human consumption. The Facility generally operates between April and August. Operations do not occur during the rest of the year because temperatures are too cold.

The main sources of wastewater at the Facility are from water flow through oyster cultivation tanks and oyster shell washing. The only wastewater treatment that occurs at the Facility is sedimentation of shell washing wastewater in one pond and four concrete basins. All wastewater at the Facility is discharged through Outfall 001 to St. George Creek. The Facility’s other permitted outfall, Outfall 002, has been capped for the past five years and thus has no discharge. The Facility’s domestic wastewater goes to a septic system. Additionally, according to MDE, stormwater discharges from the Facility do not require permit coverage (based on the Facility’s SIC code 0921 – Fish Hatcheries and Preserves).

The Permittee’s activities are regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. MD0063843 (hereinafter, Permit), which became effective on March 1, 2019, and is scheduled to expire on February 29, 2024 (refer to Appendix C).

II. INSPECTION PROCESS

Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at 10:00 AM (EDT) for the inspection. Michelle Spiezio of ERG displayed her Clean Water Act inspector credential to the Facility Manager at the outset of the inspection and explained the purpose of the inspection was to observe compliance with the Permit. The EPA Inspection Team informed the Permittee that any information that the Facility 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. Table 1 describes the individuals that participated in the inspection.

Table 1. Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Michelle Spiezio	ERG	(703) 633-1709	michelle.spiezio@erg.com
Erin Trouba	EPA Region III	(215) 814-2023	trouba.erin@epa.gov
Maryland Department of the Environment			
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Name	Affiliation	Telephone	Email
Lillian Myers	MDE	(410) 537-3642	lillian.myers@maryland.gov
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Site/Facility Representative			
James Dumhart II, Facility Manager	Maryland Department of Natural Resources	(443) 758-7594	james.dumhart@maryland.gov

Facility Site Walk

As part of the inspection process, the EPA Inspection Team visually observed the Facility operations and site conditions in the presence of the Facility Manager. The Facility walk through consisted of:

- Surface water intake and pretreatment
- Outfall 001 and 002
- Broodstock conditioning
- Spawning
- Larvae hatching and rearing
- Larvae setting into oyster shells
- Shell washing and storage
- Shell washing wastewater treatment
 - Sedimentation pond with baffle
 - Four concrete sedimentation basins (labeled A9 through A12)

The Facility uses two sources of water for its process operations, surface water from St. George Creek (also the receiving water) and groundwater. Surface water is pumped from St. George Creek at a location that is upstream of Outfall 001 and about 200 feet into the stream (refer to [Appendix A, DSCN2401](#)). Depending on the stage of operation, the surface water may be pretreated with sand and bag filters (0.5 to 1 microns), carbon filters, and/or ultraviolet (UV) treatment before use (refer to [Appendix A, DSCN2442](#)). Sand filters are backwashed once per week and the backwash is discharged through Outfall 001 without treatment. Bag filters are cleaned out in the grass outside the buildings. At the time of the inspection, all discharge was through Outfall 001 (refer to [Appendix A, DSCN2429](#)). Outfall 002 had been capped and not in use for the past five years. The Facility Manager indicated Outfall 002 may be used again in the future if operations increase. The Facility Manager estimated that the discharge through Outfall 001 is about 0.5 million gallons per day (MGD). A summary of the operations with respect to the type of influent process water used and wastewater produced is shown in Table 2. These operations are described below.

With respect to oyster production, the Facility's operations begin with broodstock conditioning. Broodstock, which are oysters used for breeding, are received from offsite and placed into tanks where they are kept for two months in water kept at specific conditions (e.g., 20 degrees C) to prepare for breeding. Pretreated surface water from St. George Creek continuously flows through the broodstock tanks with a portion recirculated and a portion continuously discharged without treatment (refer to [Appendix A, DSCN2447](#)). The broodstock tanks are drained and cleaned by manual spraying with water and scrubbing each tank weekly, according to the Facility's Standard Operating Procedure (SOP) (refer to [Appendix B, Exhibit 5](#)).

After broodstock conditioning, the oysters are spawned. During spawning, the oysters are placed on a shallow spawning table and submerged in water heated to 27 degrees C to induce spawning. Once an oyster begins to spawn it is moved from the spawning table to an individual container, where eggs from females can be fertilized by introducing sperm from males. Fertilized eggs are collected, oysters are removed, and the spawning table and containers are drained and cleaned by rinsing with water, scrubbing, and squeegee. The drained water and rinse water are discharged without treatment. Spawning occurs twice per week.

After the fertilized eggs are produced during spawning, they are sent to the larvae hatching process. The fertilized eggs are placed in hatching tanks that are filled with water that is heated to at least 23 degrees C (refer to [Appendix A, DSCN2444](#)). The eggs remain in these tanks until they are hatched and are then transferred to larvae tanks to continue to grow for three weeks, being feed with algae, until the larvae are sufficient size. The larvae are then removed from the tanks through sieving and either stored before being set into shells at the Facility or shipped to offsite facilities. During the hatching and rearing period, the larvae are switched between tanks so that each tank can be cleaned every other day. During the cleaning process, tanks are drained, scrubbed, and sprayed with a diluted bleach solution, which sits in the tanks for at least 24 hours. According to the Facility Manager, the tanks are then refilled with water without draining the cleaning solution, and larvae are added back. The Facility will sometimes use muriatic acid for cleaning at the end of the operational season, but this washwater is disposed of off-site and is not discharged.

After the larvae rearing, the larvae are set into shells. The larvae and shells are added to buckets in a down-weller, which is a shallow tank that allows water to continuously flow down through the buckets, and fed with algae concentrate (refer to [Appendix A, DSCN2448](#)). After two days, the larvae and shells are moved to buckets in an up-weller, which is a shallow tank that allows water to continuously flow up through the buckets (refer to [Appendix A, DSCN2432](#) and [DSCN2435](#)). The setting process in the up-weller typically takes two weeks. During both the down-welling and up-welling processes, water continuously flows through the tanks and is discharged without treatment. Every Monday, Wednesday, and Friday, one tank is drained and mud/sediment buildup on the bottom is removed. Drained tank water is discharged without treatment. Once the larvae are attached to the shell, they are referred to as “spat on shell” and are shipped to off-site customers for use in restoration or growing for consumption.

Shells used in the setting process are received from off-site and need to be cleaned before setting. During the shell washing process, the shells are placed in a tumble washer where they are rinsed and tumbled to remove any sediment (refer to [Appendix A, DSCN2403](#)). The Facility uses groundwater for the shell washing process. The shell washing wastewater from this process first collects in an in-ground sedimentation pond with an improvised wooden baffle, then is pumped to one of four improvised concrete sedimentation basins (labeled A9 through A12) for settling (refer to [Appendix A, DSCN2405](#)). The Facility uses all four concrete sedimentation basins at once (as opposed to in series or parallel), with wastewater dripping from standpipes into secondary concrete basins, onto the concrete pad floor, into one central floor trench, and through a nearby floor drain, then comingling with the oyster growing wastewater before discharge through Outfall 001 (refer to [Appendix A, DSCN2412, DSCN2414, DSCN2415, DSCN2417, DSCN2418, DSCN2421, and DSCN2424](#)). Shell washing occurs over 5 hours/day and 3 days/week. The Facility cleans out the pond monthly and the concrete basins at the start of each production season (generally in April). Cleaned out sediment is stored in piles on the property far from the edge of the water and is used by local gardeners (refer to [Appendix A, DSCN2451](#)).

Table 2. Influent Water Used and Wastewater Produced for Facility Process Operations

Stage of Operations	Source of Influent Water	Pretreatment of Influent Water	Wastewater Produced	Wastewater Discharge Frequency	Wastewater Treatment before Discharge (Outfall 001)
Intake from St. George Creek	St. George Creek	Sand and bag filtration, carbon filtration, and/or UV treatment	Bag filter backwash	Once per week	None
Broodstock conditioning	St. George Creek	Sand and bag filtration, UV treatment	Continuous flow through tanks	Continuous	None
			Tank draining and cleaning	Tanks are cleaned once per week throughout the week	None

Stage of Operations	Source of Influent Water	Pretreatment of Influent Water	Wastewater Produced	Wastewater Discharge Frequency	Wastewater Treatment before Discharge (Outfall 001)
Spawning	St. George Creek	Sand and bag filtration	Spawning table and container draining and cleaning	Twice per week	None
Larvae hatching and rearing	St. George Creek	Sand and bag filtration, carbon filtration, UV treatment	Tank draining and cleaning	Tanks are cleaned every other day throughout the week	None
Larvae setting	St. George Creek	None	Continuous flow through tanks	Continuous	None
			Tank draining and cleaning	Every Monday, Wednesday, and Friday	None
Shell washing	Groundwater	None	Shell washing wastewater	Three days per week	Sedimentation through one baffled settling pond and one concrete sedimentation basin

Records Review

The EPA Inspection Team conducted a records review to evaluate the Permittee’s compliance with the Permit. Sampling records were reviewed onsite. The Facility’s SOP and discharge monitoring reports (DMRs) were obtained electronically and reviewed offsite after the onsite inspection. The following were reviewed:

- EPA Integrated Compliance Information System (ICIS) data (May 2016 through April 2021)
- DMRs (May 2017 through April 2021)
- Sampling records (2018 through 2020)
- Facility SOP

III. SUMMARY OF OBSERVATIONS

The following section summarizes the EPA Inspection Team’s observations relative to the Permit requirements, including the status of certain treatment units, operation and maintenance practices, and the Permittee’s monitoring and reporting documentation.

Effluent Exceedances (Permit Part I.A)

Part I.A of the Permit defines effluent limitations and monitoring requirements for Outfall 001 discharges.

Observation 1. According to EPA’s ICIS database and DMRs provided by the Facility, the Facility experienced 18 effluent limit exceedances from Outfall 001 between May 1, 2016 and April 30, 2021 (i.e., the last 5 years, refer to Table 3 below and Appendix B, Exhibit 1). All effluent limit exceedances were for total suspended solids (TSS) concentration. Note that the current Permit was issued on March 1, 2019, so five of the 18 exceedances occurred under the current version of the Permit. The Facility Manager noted that sometimes the receiving water TSS concentration is greater than that of the Facility’s discharge – the Facility Manager monitors both the receiving water and Outfall 001

(referred to as “Ambient” and “Outflow” on the Facility sampling records in [Appendix B, Exhibit 2](#)).

EPA’s Enforcement and Compliance History Online (ECHO) database indicates the Facility was in a state of significant noncompliance (SNC) from July 1, 2018 through December 31, 2018 and from July 1, 2020 through December 31, 2020, with additional violations noted for the periods of April 1, 2018 through June 30, 2018, July 1, 2019 through September 30, 2019, and April 1, 2020 through June 30, 2020 (refer to [Appendix B, Exhibit 3](#)).

Table 3. Outfall 001 Final Effluent Exceedances (May 2016 through April 2021)

Permit #	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Limit Type
MD0063843	6/30/2017	Solids, total suspended	34.7	30	mg/L	Monthly Average
MD0063843	7/31/2017	Solids, total suspended	86.1	60	mg/L	Daily Maximum
MD0063843	7/31/2017	Solids, total suspended	77.94	30	mg/L	Monthly Average
MD0063843	8/31/2017	Solids, total suspended	32.35	30	mg/L	Monthly Average
MD0063843	9/30/2017	Solids, total suspended	96.38	60	mg/L	Daily Maximum
MD0063843	9/30/2017	Solids, total suspended	86.75	30	mg/L	Monthly Average
MD0063843	10/31/2017	Solids, total suspended	96.38	60	mg/L	Daily Maximum
MD0063843	10/31/2017	Solids, total suspended	75.885	30	mg/L	Monthly Average
MD0063843	5/31/2018	Solids, total suspended	39.6	30	mg/L	Monthly Average
MD0063843	6/30/2018	Solids, total suspended	39.6	30	mg/L	Monthly Average
MD0063843	8/31/2018	Solids, total suspended	44.8	30	mg/L	Monthly Average
MD0063843	9/30/2018	Solids, total suspended	46	30	mg/L	Monthly Average
MD0063843	10/31/2018	Solids, total suspended	34.8	30	mg/L	Monthly Average
MD0063843	9/30/2019	Solids, total suspended	63.6	60	mg/L	Daily Maximum
MD0063843	9/30/2019	Solids, total suspended	63.6	30	mg/L	Monthly Average
MD0063843	6/30/2020	Solids, total suspended	43.2	30	mg/L	Monthly Average
MD0063843	8/31/2020	Solids, total suspended	53.2	30	mg/L	Monthly Average
MD0063843	9/30/2020	Solids, total suspended	56.4	30	mg/L	Monthly Average

Observation 2. Based on a review of EPA’s ICIS database, it appears the Permittee submitted late DMRs for the months of October 2016, April 2017, May 2017, June 2017, July 2017, August 2017, and September 2017. The Facility Manager indicated that on some occasions, the Facility does not get sample analysis results from the laboratory for as long as two months after the lab receives the samples (refer to [Appendix B, Exhibit 2](#)).

Observation 3. During the months in which operations do not occur (generally September through March), the Facility reports “No Discharge” on all DMRs. The Facility Manager indicated that they do not typically check Outfall 001 during these months to verify that there is no discharge. The EPA Inspection Team observed that many of the processes are uncovered and could receive and discharge rainwater (refer to [Appendix A, DSCN2405, DSCN2412, DSCN2414, DSCN2415, DSCN2417, DSCN2421, and DSCN2432](#)). Additionally, as previously discussed, the Facility does not clean out the concrete sedimentation basins until the start of the production season, meaning that accumulated sediment from the previous production season remains in the basins during the off months.

Part I.A of the Permit states that “As specified below, such Outfall 001 discharge shall be limited and monitored by the permittee at the 10-inch plastic pipe located at the northeast side of the facility, and Outfall 002 discharge shall be limited and monitored by the permittee at the 10-inch plastic pipe at the southeast side of the facility.”

Observation 4. The Facility Manager explained that the Facility typically measures receiving water temperature (St. George Creek) and the temperature of the water within the Facility broodstock operations. The Facility reports the temperature of the water in the broodstock operations on DMRs and not the temperature of the discharge at Outfall 001, as required in Part I.A of the Permit.

Part I.A, Note 1 of the Effluent Limitations and Monitoring Requirements table in the Permit states that “Shell washing wastewater shall be monitored for total suspended solids at the outlet of its solids removal system.”

Observation 5. At the time of the inspection, the Facility was monitoring TSS at the Outfall 001 pipe and not at the outlet of the solids removal system. The outlet of the solids removal system was an open-air well that was surrounded by tall vegetation and was difficult to access (refer to [Appendix A, DSCN2430](#)). Additionally, due to the tidal influence of St. George Creek, the pipe of Outfall 001 is occasionally underwater and inaccessible for sampling (refer to [Appendix A, DSCN2429](#)).

Part I.A, Note 1 of the Effluent Limitations and Monitoring Requirements table in the Permit states that “Sampling shall coincide with shell washing, de-sanding, or vessel cleaning operations, in that order or priority.”

Part II.A.1 of the Permit states that “Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.”

Observation 6. The Facility Manager explained that effluent monitoring is conducted once per month during shell washing operations, consistent with Permit requirement Part I.A, Note 1. He explained that effluent TSS concentration is the highest during shell washing; however, the Facility does not conduct shell washing every day, so the TSS concentration is lower on days when shell washing does not occur. The Facility Manager explained that only sampling during shell washing may make the TSS average concentration appear higher than it actually is for all the Facility operations on average.

Other Special Permit Conditions (Permit Part I.B-Q)

Part I.G of the Permit states “In lieu of providing measured flow (defined in the Special Conditions Definitions section) at Outfall 001 and 002, the permittee may estimate flows and submit the following information at the time of submission of the initial discharge monitoring report and/or upon any change in the methodology:

1. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
2. Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made,

a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided.

3. A description of the factors (e.g., batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.”

Observation 7. The Facility Manager indicates that flow is not measured but is estimated. The Facility did not provide flow estimation methodology at the time of submission of the initial discharge monitoring report per Part I.G of the Permit (refer to [Appendix B, Exhibit 4](#)). In addition, the Facility did not have any written flow methodology at the time of the inspection. The Facility Manager explained that flow is reported based on the amount groundwater used (measured by a flow meter) and based on the surface water intake pump capacity and operating time (surface water is used for all operations apart from shell washing). The Facility Manager indicated that reporting based on the intake pump capacity likely overestimates the flow of the Facility’s effluent because a portion of the capacity is lost to pump head.

Part I.O of the Permit states “If water potentially containing chlorine or chlorine compounds (that have been used for disinfection of aquatic organism holding tanks or other equipment) is to be discharged via Outfall 001 or 002, the water shall be chemically dechlorinated or held for at least 24 hours after application of the chlorine before being discharged to State waters. The wastewater shall be subject to a total residual chlorine limit of <0.1 mg/L, verified before discharge by taking an individual sample collected in less than 15 minutes, which shall be analyzed within 15 minutes of retrieval. The results shall be recorded and made available to Department personnel upon request.”

Observation 8. The Facility Manager explained that the Facility uses a dilute solution of bleach in water for disinfection of hatching tanks between hatching batches, which occurs twice per week. After disinfection, the cleaning wastewater is allowed to sit in the hatching tanks until the next batch, at which time the batch contents are added directly to the tanks containing the cleaning wastewater. The cleaning wastewater therefore becomes a part of the batch. At the end of each batch, the batch is drained, and the wastewater is discharged through Outfall 001. The batch wastewater is not sampled to verify that the total residual chlorine (TRC) of the wastewater is below the limit of <0.1 mg/L. The Facility Manager explained that there must be little to no TRC for the spawning to occur; therefore, they do not sample for TRC in the batch wastewater and report “No Discharge” for TRC on their DMRs (refer to [Appendix B, Exhibit 1](#)). Additionally, the Facility Manager explained that their laboratory cannot measure for TRC in saltwater (which is what the Facility uses for the spawning batches). MDE representatives indicated that field kits may be available for the measurement of TRC in the batch wastewater.

Part I.P of the Permit requires that “The permittee shall maintain a Facility Management Plan to address BMPs for aquaculture facilities which must include, at a minimum, those outlined below. The initial plan shall be provided to the Department within 6 months of the effective date of this permit. Updated copies should be made available to Department personnel upon request.

1. Solids Control Management - The permittee shall employ efficient feed strategies that limit feed input to the minimum necessary to achieve production goals and sustain targeted rates of shellfish growth. The permittee shall identify and implement procedures to minimize discharge of accumulated solids to surface waters.
2. Structural Maintenance - The permittee shall routinely inspect and maintain the production and wastewater treatment systems and repair as needed.

3. Recordkeeping - The permittee shall document in an organized format the feed amounts, cleaning, chemicals, inspections, maintenance and repairs.
4. Training - The permittee shall train staff on the proper operation and maintenance of production and wastewater treatment systems, and feeding procedures.”

Observation 9. The Facility Manager indicated that they do not have a plan called “Facility Management Plan,” but they do have a SOP (refer to Appendix B, Exhibit 5). The Facility provided their SOP after the inspection, which contains procedures for each operation of oyster production at the Facility. With respect to the Facility Management Plan requirements in the Permit, the EPA Inspection Team has the following observations:

- Solids Control Management: The SOP contains feed tables to ensure proper feeding input. The SOP lists out procedures for how to handle product, wastewater, and equipment cleaning procedures. The SOP contains procedures intended to minimize product loss but does not specifically have procedures to minimize discharge of solids or explain how the current procedures meet this requirement.
- Structural Maintenance: The SOP does not contain inspection and maintenance procedures for the wastewater treatment system.
- Recordkeeping: The SOP documents feeding amounts, cleaning procedures, and chemicals used; however, the SOP does not document inspection, maintenance, and repair procedures.
- Training: The SOP does not include training procedures.

General Permit Conditions (Permit Part II)

Part II.A.4 of the Permit requires “For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.”

Observation 10. The Facility provided sampling records for the years 2018 through 2020, which only included the sample results from the Facility’s contracted lab (refer to Appendix B, Exhibit 2). These sampling records include date and times the analyses were performed, the person who performed the analyses, the analytical methods used, and the results of the analyses (Permit Part II.A.4.c through f). The Facility did not have any records of the place, date, and time of sampling or the person who performed the sampling (Permit Part II.A.4.a and b).

Part II.B.3 of the Permit states “All treatment, control and monitoring facilities, or systems installed or used by the permittee, are to be maintained in good working order and operated efficiently.”

Observation 11. At the time of the inspection, the sedimentation pond had accumulated sediment and all four concrete sedimentation basins contained very murky water (refer to Appendix A, DSCN2405, DSCN2414, DSCN2415, DSCN2417, and DSCN2421). The Facility Manager indicated that the pond and concrete basins had been cleaned out at the start of the production season in April. Additionally, three of the four concrete sedimentation basins had marsh grass vegetation growing within them that the Facility Manager

indicated he had not removed thinking that the vegetation might improve settling (refer to Appendix A, DSCN2415, DSCN2417, and DSCN2421). The EPA Inspection Team observed tadpoles and algal growth in the secondary settling basins. The EPA Inspection Team also observed that the ground and floor drain through which the concrete sedimentation basins discharge had deposited sediment and unintended algal and vegetation growth (refer to Appendix A, DSCN2412, DSCN2414, and DSCN2418). Further, the area where the concrete sedimentation basins are located was uncovered and open to rainwater (refer to Appendix A, DSCN2424).

Closing Conference

After the Facility site walk, the EPA Inspection Team met with the Facility Manager for a closing conference and shared preliminary observations. The EPA Inspection Team reiterated that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by the EPA Inspection Team 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 the additional review of materials following the inspection.

The inspection concluded at approximately 2:00 PM (EDT).