



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1600 JFK Boulevard
Philadelphia, Pennsylvania 19103-2029**

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/04/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Stormwater
Site/Facility Name: Lindy Paving – Erie Asphalt Plant
Permittee(s): Lindy Paving Incorporated
Site/Facility Operator: Lindy Paving Incorporated
Site/Facility Address: 2002 Pittsburgh Ave
Erie, PA 16502
Latitude: 42.09843 **Longitude:** -80.12689
County/Parish: Erie
Permit Number: PAG038348 A-1
NAICS Code: 324121 **SIC:** 3295
Unique Project #: 3E23WN080A

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

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**Report Preparer
Signature/Date**

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I. Introduction

On May 4, 2023, an inspection team composed of staff from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, “EPA Inspection Team”) conducted an Industrial Stormwater Inspection of the Lindy Paving facility (hereinafter, “the facility”) located at 2002 Pittsburgh Ave, Erie, PA 16502. 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. PAG038348 A-1 (hereinafter, the “Permit”) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the facility at est. 11:20 AM for the inspection. Inspectors met with the following facility representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Angela Weisel	Lead EPA Inspector	215-814-2124	Weisel.angela@epa.gov
Ingrid Hopkins	EPA Inspector	215-814-5437	Hopkins.ingrid@epa.gov
Allison Gieda	EPA Inspector	304-234-0232	Gieda.allison@epa.gov
Site/Facility Representatives			
Ryan Mitchell	Lindy Paving	724-333-2950	Ryan.mitchell@lindypaving.com
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Jake McGhee	Lindy Paving	724-647-7474	Jacob.mcghee@lindypaving.com
Mark Samsa	Lindy Paving	724-651-0366	Mark.samsa@lindypaving.com

Angela Weisel displayed her credentials to facility representatives 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 A. The EPA Inspection Team informed facility representatives 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.

B. Weather and Precipitation Conditions

During the inspection, weather was overcast. 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)
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	04/29/23	0.09
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	04/30/23	0.01
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	05/01/23	0.19
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	05/02/23	0.50
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	05/03/23	0.32
ERIE INTERNATIONAL AIRPORT, PA US USW00014860	05/04/23	T

C. Summary of the Facility

The facility is located at 2002 Pittsburgh Avenue on the southwest side of the road, adjacent to a railroad line. The facility produces asphalt for commercial and residential use, including state and municipal projects. The facility stores approximately 6 petroleum and non-petroleum related tanks at the facility, as well as various tanker trucks, totes, and drums. Facility activities include, but are not limited to, product shipping/receiving, maintenance, administrative offices, and fleet vehicle and employee parking areas.

According to the PPC Plan provided by the facility, the property is approximately 5.5 acres and approximately 5 percent of this area is covered by concrete/asphalt or structures and the remainder is either unpaved or vegetated. The facility operates roughly from Mid-April to Mid-November each year manufacturing asphalt. The facility employs approximately 3-6 employees daily and operates from 7 AM – 4 PM, Monday to Friday. The majority of employees work in manufacturing operations. The asphalt plant is operated by one person from a control tower. Another individual operates a wheel loader to feed the aggregate into the bins of the plant for mixing. At least one laborer is onsite to maintain the plant and property. A lab technician is also available to complete quality control testing of the materials.

II. Facility Activity and Walkthrough

As part of the inspection process, the EPA Inspection Team visually observed the facility conditions in the presence of the facility representatives. The primary purpose of the inspection was to assist EPA in assessing the facility's compliance with Permit requirements.

The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Ingrid Hopkins of EPA, and are provided in Attachment B, Photograph Log. Documents used to support the observations in this report are included in Attachment C, Exhibit Log.

The EPA Inspection Team began the walk-through of the asphalt plant where the aggregate is brought in on tri-axle trucks from various local vendors to stockpiles around the yard. Trucks receiving asphalt receive pre-mixed asphalt from the batch plant (Attachment B, Photographs

005 and 006). The batch plant mixes various aggregates with virgin liquid asphalt to make a finished asphalt pavement product. The liquid asphalt is delivered in tanker trucks from various refineries to one of the liquid asphalt tanks. Excess asphalt is stored in silos that are connected to the main batch plant.

Stockpiles are sorted based on aggregate content. There is a secondary storage area, named the “scrap area” in the southwest corner of the property containing more aggregate piles (Attachment B, Photographs 031 and 032). This area also houses “RAP” or recycled asphalt pavement.

Adjacent to the office, there is a pallet of tack coat buckets which are sold to the public by the facility (Attachment B, Photograph 003). Facility representatives stated that this has been a temporary storage location as tack coat buckets are sold frequently. The EPA Inspection Team also observed a temporary storage area for spare metal parts for the plant (Attachment B, Photograph 007). Facility representatives stated that spare parts are temporarily stored in this area due to the plant just opening back up for the season.

A maintenance garage is located in the western portion of the facility. The garage is covered and houses equipment, various drums containing oils, and spare parts (Attachment B, Photographs 011, and 0013 through 0017). There is one trench drain within the garage, that has been capped off by the facility (Attachment B, Photograph 012).

The EPA Inspection team observed a water truck adjacent to the maintenance garage (Attachment B, Photograph 018). This truck is used for dust control, particularly during the summer months. However, facility representatives stated that it can be used as needed. The EPA Inspection Team also observed a metal storage area behind the maintenance garage (Attachment B, Photographs 020 and 021) in addition to a 1000-gallon diesel fuel storage tank (Attachment B, Photograph 022).

The EPA Inspection Team observed a filter sock that lines the perimeter of the central portion of the facility (Attachment B, Photograph 004). The EPA Inspection Team also observed concrete blocks used as berms for stockpiles intended to prevent stormwater runoff from entering catch basins on the perimeter of the property along W 21st Street (Attachment B, Photograph 45), and along the perimeter of the scrap area (Attachment B, Photographs 033 through 037).

The stormwater conveyance system onsite includes various inlets that drain to one outfall, Outfall 001. Outfall 001 discharges to the West Branch of Cascade Creek. Outfall 001 is located on the northwestern corner of the property, next to the rail line (Attachment B, Photographs 041 and 042). Sampling is conducted at the inlet right before the discharge pipe into the West Branch of Cascade Creek (Attachment B, Photograph 040).

Facility representatives stated that the catch basins along W 21st Street (bordering the southern perimeter of the facility) are maintained by the City of Erie and/or the railroad owners. There are eight catch basins in the vicinity of the facility that are not maintained by Lindy Paving but can

be subject to stormwater discharges from the facility (Attachment B, Photographs 027 through 030).

II.Observations

The inspection observations below are made pursuant to the requirements of the Permit.

Good Housekeeping

Part C.II.C. of the permit states, “The permittee shall perform good housekeeping measures in order to minimize pollutant discharges including the routine implementation of the following measures, at a minimum:

1. Implement a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.”

Observation 1: The EPA Inspection Team observed an oil sheen on the main roadway of the plant (refer to Attachment B, Photographs 008 through 010).

Pollution Prevention and Exposure Minimization

Part C.II.B of the permit states, “The permittee shall 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 in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings, unless determined by the permittee to be infeasible. The permittee shall implement and maintain the following measures:

- 1. Use grading, berming, or curbing to prevent runoff of polluted stormwater and divert run-on away from areas that contain or have the potential to generate polluted stormwater.*
- 2. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge to surface waters...”*

Observation 2: The EPA Inspection Team observed a pallet of tack coat buckets located outside of the main office (refer to Attachment B, Photograph 003).

Observation 3: The EPA Inspection Team observed a storage area for spare metal parts near the asphalt plant storage silos (refer to Attachment B, Photograph 007). Facility representatives claimed the storage of these parts was temporary as the asphalt plant had recently opened back up for the season and parts were used for recent facility repairs.

Observation 4: Various scrap metal and machinery was observed behind the maintenance garage at the facility, exposed to stormwater (refer to Attachment B, Photographs 020 and 021). The scrap metal appeared to be rusted.

Observation 5: The EPA Inspection Team observed aggregate that had exceeded the height of the facility’s concrete berms, and aggregate was observed outside of the

facility's perimeter fencing along W 21st Street (refer to Attachment B, Photograph 045). Aggregate was observed in the catch basins on W 21st Street (refer to Attachment B, Photographs 043 through 047).

Observation 6: The EPA Inspection Team observed several areas within the scrap area where aggregate and debris were beyond the perimeter of the facility's concrete berms installed (refer to Attachment B, Photographs 034 through 037). One length along the western perimeter of the scrap yard had a filter sock installed (refer to Attachment B, Photographs 033). Directly behind the scrap area, the EPA Inspection Team observed what appeared to be an unnamed tributary that leads to Cascade Creek.

Spill Prevention and Responses

Part C.II.E. of the permit states, "The permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop a plan consistent with Part C IV for effective responses to such releases. The permittee shall conduct the following spill prevention and response measures, at a minimum:

...Keep spill kits on-site, located near where spills may occur or where a rapid response can be made."

Observation 7: A new spill kit was observed in the maintenance garage. At the time of the inspection, the spill kit was not easily accessible and was wrapped in plastic (refer to Attachment B, Photograph 017).

Preparedness, Prevention, and Contingency (PPC) Plan

The facility's stormwater management practices are identified in the PPC Plan. The PPC Plan is attached as Attachment C, Exhibit 2.

Part C.IV.A of the permit states, "The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), its NPDES-specific addendum, and the minimum requirements below...

The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants...

The PPC Plan must include a plan for training employees and contractors on pollution prevention, BMPs, and emergency response measures. This training must be conducted in accordance with Part C II.E.3."

Observation 8: The PPC Plan provided by the facility does not address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants (refer to Attachment C, Exhibit 2).

Observation 9: The PPC Plan provided by the facility did not include a training log documenting training at the time of the Inspection.

Routine Inspections

Part C.III.A of the permit states, “The permittee shall visually inspect the following areas and BMPs on a semiannual basis (calendar periods), at a minimum:

- 1. Areas where industrial materials or activities are exposed to stormwater.*
- 2. Areas identified in the Preparedness, Prevention and Contingency (PPC) Plan required in Part C IV as potential pollutant sources.*
- 3. Areas where spills or leaks have occurred in the past three years.*
- 4. Stormwater outfalls and locations where authorized non-stormwater discharges may commingle with stormwater discharges.*
- 5. Physical BMPs used to comply with this General Permit.*

At least once each calendar year, the routine inspection must be conducted during a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1-inch rainfall) storm event, when a stormwater discharge is occurring.”

Observation 10: The PPC Plan (or SWPPP) provided by the facility included inspection forms used for quarterly visual inspections that differed than those used by the facility (refer to Attachment C, Exhibit 2). To meet the requirements of at least one inspection per calendar year to be conducted during a storm event, the SWPPP inspection forms provide a section for the weather conditions. However, the facility provided different visual inspection forms during the record review that did not indicate the weather during the inspection (refer to Attachment C, Exhibit 4).

IV. Records Review

The EPA Inspection Team reviewed documentation including: the PPC Plan (or SWPPP), 2022 Annual Report, and most recent Self- Inspection Reports. Documents were sent to the EPA Inspection Team after the inspection and received on May 25, 2023. A copy of these attachments is provided under Attachment C, Exhibit Log. The EPA Inspection Team also reviewed reparative measures taken at the facility following the inspection.

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 2:00 PM.

VI. List of Attachments

Attachment A: Permit No. PAG038348 A-1

Attachment B: Photograph Log

Attachment C: Exhibit Log

Exhibit 1: Site Plan

Exhibit 2: PPC Plan

Exhibit 3: 2022 Annual Report

Exhibit 4: Self-Inspection Reports