



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*)

Michael Merullo, Owner
Capitol Waste Services, Inc.
1222 Bennington Street
East Boston, MA 02128
merullo@icloud.com

Subject: November 22, 2023 EPA Inspection

Dear Mr. Merullo:

On November 22, 2023, the U.S. Environmental Protection Agency Region 1 ("EPA") performed an inspection at Capitol Waste Services, Inc. ("Capitol Waste") located at 20 Railroad Street in Revere, Massachusetts (the "Facility"). The purpose of the inspection was to evaluate the Facility's compliance with the National Pollutant Discharge Elimination System ("NPDES") Program and the Oil Pollution Prevention regulations of the Clean Water Act (the "Act"). A copy of the inspection report is enclosed with this letter in addition to Small Business Fact Sheet

On November 22, 2023, the U.S. Environmental Protection Agency Region 1 ("EPA") performed an inspection at Capitol Waste Services, Inc. ("Capitol Waste") located at 20 Railroad Street in Revere, Massachusetts (the "Facility"). The purpose of the inspection was to evaluate the Facility's compliance with the National Pollutant Discharge Elimination System ("NPDES") Program and the Oil Pollution Prevention regulations of the Clean Water Act (the "Act"). A copy of the inspection report is enclosed with this letter.

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 Activity ("MSGP"). EPA's inspector observed two catchment areas from which stormwater contacting industrial activities would be discharged during rain events. These stormwater discharges are not authorized unless and until the Facility obtains coverage under the 2021 MSGP (resources can be found here: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>) and complies with all terms and conditions of the permit.

As inspectors discussed with you on-site during the inspection, the Facility is primarily engaged in industrial activity classified under SIC Code 4212 (Local Trucking without Storage) which falls under Sector P – Motor Freight Transportation and Warehousing of the 2021 MSGP. Because stormwater associated with this industrial activity at the Facility ultimately discharges to a surface water of the U.S., discharge of stormwater is regulated under the Act and applicable regulations found at 40 C.F.R. § 122.26.

Please be aware that as part of the application process for MSGP coverage, you must first prepare a Stormwater Pollution Prevention Plan (“SWPPP”). **Provide a copy of your SWPPP** to Mr. Rosenberg upon its completion.

In addition, during EPA’s inspection, you informed the inspector that wash water from truck washing is discharged into the stormwater conveyance system. Such process water discharges are prohibited unless individual NPDES permit authorization is obtained. Because these discharges are not authorized, you must cease all wastewater discharges immediately. To be clear, even if you obtain MSGP coverage for stormwater discharges, wash water may not be discharged under the MSGP. Typically, truck washing operations either collect such wash water through a filtered recycling system and periodically truck filtered particulate offsite for proper disposal or discharge into a sanitary sewer.

Finally, **identify and report to EPA** the Facility’s total aggregate aboveground oil storage capacity of all tanks and drums with individual capacities equal to or greater than 55-gallons (including empty containers). If the Facility’s total aboveground oil storage capacity is above 1,320 gallons, **provide a schedule** for drafting and implementing a Spill Prevention, Control, and Countermeasure (“SPCC”) Plan, as well as the final signed plan when it is complete.

Where applicable, provide a response to the issues addressed in this letter in an electronic format **within 30 days** to Alex Rosenberg at rosenberg.alex@epa.gov. If you are or wish to be represented by an attorney, your attorney may contact Samuel Horowitz, Enforcement Counsel, at horowitz.samuel@epa.gov or at (617) 918-1512.

You may contact the following individual for assistance with the electronic permitting process via EPA electronic Central Data Exchange NeT-MSGP application: Abdulrahman (Abed) Ragab, ragab.abdulrahman@epa.gov. General information on e-reporting can be found here: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-ereporting#accessingmsgp>. Steps include:

1. Signing up for an account on CDX – see Fact Sheet #1, and also available at: <https://cdx.epa.gov/about/userguide>.
2. Adding Net-MSGP program service within CDX – see Fact Sheet #2.
3. Submitting an NOI – see Fact Sheet #3; and
4. Adding NeTDMR account for monitoring data submission – see Fact Sheet #4.

Upon submission of your Facility’s NOI, notify Mr. Rosenberg at the email address above indicating the date of such submission.

Enclosed with this letter and available at the following link is the U.S. EPA Small Business Resources Information Sheet.¹

¹ <https://www.epa.gov/compliance/small-business-resources-information-sheet>

Sincerely,

TODD BORCI

Digitally signed by TODD
BORCI
Date: 2023.12.19 16:31:48
-05'00'

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

Enclosures:

Inspection Report for November 22, 2023, EPA Inspection

Attachment A – Photo album

Fact Sheet – Applying for MSGP Coverage Step 1 (CDX)

Fact Sheet – Applying for MSGP Coverage Step 2 (Adding NeT-MSGP Program

Service)

Fact Sheet – Applying for MSGP Coverage Step 3 (NOI & SWPPP)

Fact Sheet – Applying for MSGP Coverage Step 4 (NetDMR)

CCs (electronic only):

Susannah King, Mass DEP

Samuel Horowitz, Counsel, US EPA

Alex Rosenberg, US EPA