



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Enforcement & Compliance Assurance Division
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Subj: Inspection Report - Clean Water Act

Inspector: Joseph Canzano, Clean Water Act Inspector
Enforcement & Compliance Assurance Division (ECAD-EWC)
Water Compliance Section (WCS)

**JOSEPH
CANZANO** Digitally signed by
JOSEPH CANZANO
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I. Facility Information

- A. *Facility Name:* Tradebe Treatment and Recycling Northeast, LLC
- B. *Facility Location/s:* 410 Shattuck Way
Newington, NH 03801
43.1145 ° N
70.8168 ° W
- C. *Facility Contact/s:* Amy Bassilakis, Environmental Compliance Manager
amy.bassilakis@tradebe.com
(203) 464-6022
- Dave Burditt, Facility Manager
dave.burditt@tradebe.com
(603) 431-3806
- Jared Scata, Environmental Compliance Engineer
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(203) 238-6744
- D. *ID No(s):* ICIS-NPDES MSGP (NHR05J00C)
National Oil Data Base (R1-NH-00289)
Facility Registry Service ID (110000800991)

II. Background Information

- E. *Date(s) of inspection:* March 30, 2023

- F. Weather Conditions:* Sunny, 40-degree Fahrenheit
Previous 30-Day Rainstorm Events¹:
March 14th - .79”
March 15th - .94”
- G. US EPA Inspector(s):* Joseph Canzano
- H. State/Local Representative(s):* None
- I. Federally Enforceable Requirements Covered During the Inspection:*
- 40 C.F.R. Part 112, Oil Pollution Prevention Regulations
 - 40 C.F.R. Part 403, General Pretreatment Regulations
 - 40 C.F.R. Part 122, NPDES² Industrial Stormwater Regulations

III. Type and Purpose of Inspection

The purpose of the site inspection is to view Facility operations, and wastewater collection, treatment systems and discharge monitoring locations, areas for industrial materials and activities exposed to precipitation, and oil and chemical storage and transfer areas. EPA’s inspector also reviewed site conditions for potential slug loadings to the municipal wastewater treatment works.

IV. Disclaimer:

Unless otherwise noted, this report describes conditions at the Facility as observed by EPA inspector/s, and/or through records provided to and/or information reported to EPA by Facility and as understood by EPA. This report may not capture all operations and activities ongoing at the Facility. This report does not make final determination/s on potential areas of concern and/or deficiencies. Nothing in this report affects EPA’s authorities under federal statutes and regulations to pursue further investigations.

V. Facility File Review

According to Federal Emergency Management Agency (“FEMA”) flood information³ the Facility is not identified in a Flood Hazard Zone. However, based on the Facility location, the Facility has reasonable potential to discharge pollutants including oils directly and/or indirectly to the Piscataqua River and/or Pickering Brook. According to the Facility’s SWPPP, during times of major storm events, the Facility will temporarily store materials and waste above base flood

¹ <https://www.wunderground.com/history/monthly/us/nh/newington/KPSM/date/2023-3>. The inspector selected days when daily rainfall amount recorded greater than ½-inch.

² National Pollutant Discharge Elimination System

³ <https://msc.fema.gov/portal/home>

elevation, reduce or eliminate outdoor storage and relocated mobile vehicles and equipment to higher ground. For more information about preparing for natural disasters and resilience go to: <https://www.epa.gov/natural-disasters/flooding>, and https://www.epa.gov/sites/default/files/2015-08/documents/flood_resilience_guide.pdf.

On May 28, 2021, the Facility applied for coverage under EPA's March 1, 2021, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("2021-MSGP") by submitting a Notice of Intent ("NOI") to EPA to discharge stormwaters and allowable non-stormwaters associated industrial activities from the Facility to surface waters. The EPA authorized discharge/s on June 27, 2021. Coverage under the 2021-MSGP is scheduled to expire on February 28, 2026.

The Facility reported on its NOI, a primary standard industrial classification ("SIC") code of 5171⁴, and identified its primary and co-located applicable sectors within the 2021-MSGP as Sector P (Land Transportation and Warehousing) and Sector K (Hazardous Waste Treatment, Storage, or Disposal Facilities), respectively. Additionally, the Facility identified five stormwater outfalls, i.e., Outfall 001, Outfall 002, Outfall 003, Outfall 004, and Outfall 005. Outfall 003, Outfall 004, and Outfall 5 are reported to be substantially identical discharge point/s ("SIDP")⁵ to Outfall 001. The Facility is reporting monitoring data at Outfall 001 and Outfall 002.

Under Part 7.2 of the 2021-MSGP, facilities must submit to EPA an annual report by January 30th of each year for the previous calendar year activities. The Facility submitted annual reports to EPA January 29, 2021 for reporting year 2020, January 31, 2022, for year 2021, and January 20, 2023, for year 2022. Next annual report is due no later than January 30, 2024, for reporting year 2023. The Facility's annual report for reporting year 2022 did not include a summary documentation for routine facility inspections, including dates. For more information on the minimum information required in an annual report review Part 7.4 of the 2021-MSGP.

EPA reviewed stormwater discharge monitoring data submitted by the Facility to EPA pursuant to Part 7.3 of the 2021-MSGP. Under Part 7.3.4 of the 2021-MSGP, facilities are required to submit sampling data no later than 30-days after receiving results from the laboratory. The Facility received monitoring data, collected during 4th quarter 2021, from its laboratory on December 17, 2021, and then submitted the data to EPA on March 18, 2022. Submission of information late is a deficiency of the 2021-MSGP.

The requirement in Part 2.2.1 of the 2021-MSGP requires stormwater discharge be controlled as necessary to meet applicable water quality standards of all states. The federal surface water quality standard for receiving streams for hydrogen-ion concentrations ("pH") is between 6.0 and 9.0 Standard Units ("S.U."). The Facility reported pH data of 3.36 S.U. and 3.39 S.U. at Outfall 001 and Outfall 002 respectively for stormwater sampling conducted on April 19, 2022. No

⁴ Petroleum Bulk Stations and Terminals, <https://www.osha.gov/sic-manual/5171>. Establishments primarily engaged in the *wholesale* distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities.

⁵ Part 3.2.4.5 in the 2021-MSGP.

investigation into the potential cause/s for such low pH results was documented by the Facility. The inspector recommends an investigation and its outcome be documented in the 2023 MSGP annual report.

Part 8 in the 2021-MSGP, Table 8.K-1, includes benchmark monitoring for certain pollutants of concern including, but not limited to, total cyanide. The total cyanide benchmark threshold value for stormwater discharges into saline waters is 1-microgram per liter (“ug/L”). Facility industrial stormwaters ultimately discharge into the Piscataqua River and/or Pickering Brook, i.e., saline waters.

The Facility is submitting discharge monitoring data/results for total cyanide between 5 ug/L and 10 ug/L, which is above the benchmark threshold value of 1 ug/l. Facility annual reports from 2021 and 2022 state “cyanide levels remain above benchmarks, but Tradebe consulted outside labs who believe the detection limit is unattainable due to interferences that can arise for a multiple of factors.” Because the data is above the benchmark threshold value, the Facility received an auto-generated notification⁶ from EPA’s NeT-MSGP data system instructing the Facility to implement additional implementation measure/s (“AIMs”). EPA reviewed the notification and Facility laboratory reports. The laboratory reports demonstrate that an EPA approved test method with a minimum detection level (“MDL”) at or below 1 ug/L is being used (sufficiently sensitive). EPA recommends that the Facility try and work with the lab to minimize factors that can lead to interference and detection levels above the benchmark threshold. The Facility is not expected to implement AIMs for total cyanide pursuant Part 5.2.5.1 of the 2021-MSGP. Additionally, EPA is recommending the Facility discontinue sampling for total cyanide until the fourth year of permit coverage. The Facility should enter the no discharge (“NODI”) code “A” (General Permit Exemption) into NeT-MSGP data system on discharge monitoring reports (“DMRs”). The Facility will recommence sampling for total cyanide in year four of permit coverage pursuant to Part 4.2.2.3.b. in the 2021-MSGP. In year four EPA is instructing the Facility to enter the NODI code “B” (Below Detection Limit/No Detection) into NeT-MSGP data system if the laboratory Detection Limit remains greater than total cyanide benchmark parameter. When completing DMRs include the laboratory’s sufficiently sensitive test method MDL, the actual detection limit value and a statement explaining the use of the NODI code/s being used. This matter should also be discussed in annual reports pursuant to Part 7.4 in the 2021-MSGP.

Stormwater monitoring data submitted for other benchmark parameters pursuant to Table 8.K-1 of the 2021-MSGP did not exceed, in year one of permit coverage, the annual average. The 2021-MSGP indicates, pursuant to Part 4.2.2.3.a.i., if the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years. However, you must conduct benchmark monitoring for all parameters for four quarters in your fourth year of permit coverage, and if the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter, including cyanide, for the remainder of your permit coverage.

⁶ On January 6, 2023.

Prior to the site inspection, the Facility provided EPA with a copy of the Stormwater Pollution Prevention Plan (“SWPPP”), and oil Spill Prevention Control and Countermeasure (“SPCC”) plan. The SWPPP date is January 24, 2018, revised May 2021. The SPCC plan date is January 31, 2018, revised September 2021. The SWPPP, Section 7, did not include a signature of a responsible corporate official. Part 6.2.7 of the 2021-MSGP requires a facility sign and date its SWPPP. The inspector did not request additional SWPPP documentation listed under Part 6.5 of the 2021-MSGP, or certain SPCC implementation records required under Part 112, i.e., employee training and tank inspection records.

The Facility’s total oil aboveground storage capacity is 78,755-gallons and the volume of the largest-single tank is 39,000-gallons. The Facility operates two 39,000-gallon used-oil tanks. The tanks are located in spill containment area/s with a capacity equal to 199,079-gallons and 239,542 gallons. The spill containment volume/area used for storage of smaller portable nonhazardous oil containers (between 55-gallons and 550-gallons), transfer activities and tanker truck parking area are reported to be about 3,450-gallons, and for the area used for storing hazardous waste/s containers is 12,000-gallons.

The EPA has no record from the Town of Newington and/or the Department of Environmental Services that industrial wastewaters are introduced into the publicly owned wastewater treatment works from the Facility are permitted. The Facility informed EPA the Facility doesn’t introduce non-domestic wastewaters into the publicly owned wastewater treatment works (“POTW”). Industrial wastewaters from non-domestic sources into the POTW are required to comply with, at a minimum, federal General Pretreatment Regulations. Specifically, the general and specific prohibitions found at 40 C.F.R §403.5(a) and (b).

VI. In-Briefing

On March 10, 2023, the inspector contacted Facility representatives (Mr. Jared Scata, Environmental Compliance Engineer; Dave Burditt, Facility Manager; and Amy Bassilakis, Environmental Compliance Manager) and announced EPA would be conducting a site inspection on March 30, 2023. Facility representatives agreed to the date.

The inspector arrives at the site at ~9:00 a.m. and greeted by Facility representatives. The inspector presents credentials and requests permission to conduct site inspections. Facility representative grant access. Facility representatives and the inspector reviews health and safety protocol and logistics for conducting the inspection. The inspection will include, but is not limited to, a review of industrial material and activities, material storage/stockpile areas, oil and/or liquid chemical storage and transfer operations, runoff discharge points/outfalls, and sources for wastewaters introduced into the sanitary sewer system. Pictures may be taken.

Facility personnel explain, among other things, industrial operations and activities conducted on site, storm water monitoring outfall locations and sample results, and drainage areas contributing runoff flow to outfalls. Processes conducted at the Facility include filtering, blending, decanting, storing, and marketing of used oil fuels and virgin oils; as well as temporary storage, vehicle-to-vehicle transfer, and bulking of hazardous wastes; and temporary storage, transfer, and processing

of non-hazardous (non-RCRA) industrial solid wastes. Oil storage includes lubrication, used and diesel. Aboveground oil tanks on site include: two 39,000-gallon tanks containing used oil, one 384-gallon tank for lubrication oil and one 275-gallon tank for heating oil, and one 96-gallon tank for diesel oil.

The operational areas contribute runoff to one of five outfalls which two are monitored under the 2021-MSGP, i.e., Outfall 001 and Outfall 002. The Facility includes an office building, several mobile trailer units used for various operations including a laboratory, a covered loading dock used for hazardous waste storage, and an equipment garage used for nonhazardous waste storage. The Facility occupies an approximately 1.5-acre parcel of land leased from Sprague Energy, employs approximately 6 people, and operates between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Facility personnel informed the inspector the Facility operates an active and similar facility in Stoughton, Massachusetts, and a third inactive facility in Northboro, Massachusetts. The EPA has no record of the Stoughton or Northboro facilities applying for coverage under EPA's 2021-MSGP. The inspector recommends the company, if it hasn't done so already, document determination for non-applicability under EPA's stormwater regulations.

Facility personnel informed the inspector the Facility periodically experiences spills to the pavement during transfer activities, but spills are captured and cleaned-up. The SWPPP reports spills in March 2008 and in October 2016. Regardless of the amount/quantity of material spilled the inspector recommends documenting all spill events in the SWPPP and SPCC plan and use circumstances surrounding the spill for training purposes.

In May of 2021, the Facility conducted an evaluation for unauthorized non-stormwater discharges and affirmed in the SWPPP none are present or being discharged from the Facility to outfalls. The inspector informs Facility personnel the 2021-MSGP doesn't authorize the discharge of wastewaters from vehicle/equipment cleaning including tank or container cleaning/rinsing. Facility personnel affirms the Facility doesn't perform tank truck, container or equipment cleaning/washing or rinsing operations or any of the operations prohibited pursuant to the 2021-MSGP on the property. Company truck washing is performed off-site at commercial truck washing facilities.

Facility representative explained the solid waste bulking process which involves non-hazardous waste being mixed with solidification material/wood in solid waste-bulking tanks. Following the bulking process, the mixture is removed and placed in sealed bag/s that is placed in covered roll-off waste containers. Containers are labeled non-hazardous solid waste.

VII. Site Inspection

Outfall 001

The inspection team walks to stormwater monitoring point Outfall 001 and drainage area/s contributing runoff flow to the outfall. The monitoring point represents drainage waters released from an oil tank farm containment/earthen dike system, a.k.a., Containment Area B. According to

the Facility SPCC plan, the estimated spill containment capacity for Containment Area B is 239,542-gallons.

Industrial operations and materials observed in the area include, but not limited to, several aboveground oil storage tanks and associated oil piping. Facility personnel indicate certain tanks are owned and operated by Sprague Energy while the Facility operates a 39,000-gallon oil tank (Tank 3005). The area is also used for parking vehicles and material storage for scrap metal/s.

According to Facility personnel, runoff flows from Containment Area B through Outfall 001 pipe onto Sprague Energy's property where it eventually discharges to Piscataqua River and/or Pickering Brook. The inspector recommends site diagrams be created that clearly show the entire flow path for drainage waters and/or potential spill path/s from Facility drainage system/s to receiving streams. Drainage waters from Containment Area B is released using a manually controlled gate valve. The gate valve is maintained closed and locked until the area has been inspected. If an oily sheen is visible on accumulated stormwater within the containment area, water is containerized. Stormwater sampling at Outfall 001 is collected from the from the discharge side of the gate valve.

Outfall 002

The inspection group walks to stormwater monitoring point Outfall 002 and drainage area/s contributing runoff flow to the outfall. Runoff flow to Outfall 002 originates from three areas and combines in a common oil-water separator unit prior to being released to Outfall 002. The areas contributing flow is from oil tank farm Containment Area A, which is shared with Sprague Energy, pavement area/s around the Facility vehicle maintenance garage building and nonhazardous waste solidification process, and certain areas at the transfer loading dock.

According to the Facility personnel, the Facility operates in Containment Area A, an aboveground 39,000-gallon oil tank (Tank 3004). The SPCC plan indicates the estimated spill containment capacity for Containment Area A is 199,079-gallons.

Stormwaters that collect in Containment Area A is released using manually controlled gate valve. Flow travels into a pipe that is connected into the oil-water separator unit. The gate valve is maintained closed and locked until the area has been inspected. Facility personnel did not know the oil spill capacity for the oil-water separator, and technical specifications for the unit do not appear to be described in the SPCC plan or the SWPPP.

An open perimeter asphalt trench drains and/or berm (which channels runoff into the trench drain) surrounds the vehicle maintenance building/garage and nonhazardous waste solidification process area. Industrial materials and activities in the area include, but is not limited to, oil transfer piping and connections, parking for tanker tractor and trailers, and other vehicles, and waste storage containers (empty or potentially full), solid waste bulking tanks and equipment, and an oil loading rack operated by Sprague Energy. Runoff from the area flows into the trench drain system which directs flow to the oil-water separator unit. The trench drain system is valved and locked until the area has been inspected. The trench drain system spill containment capacity is reported to be about 3,450-gallons.

Facility personnel explained the uses of two tanks used for bulking/mixing waste. The operation involves combine solidification material (wood) with nonhazardous wastes, oil filters and oily debris in bulking tanks that are 14,400-gallons in size and are double-walled. Mixing and transfer waste to and from tanks is performed using an excavator. Once complete, the excavator transfers final bulked material waste into watertight covered container/s for disposal. Facility personnel inform the inspector the excavator and transfer equipment are not washed or rinsed.

The inspector informs Facility personnel spilling of residual liquids or drag-out wastewaters from the operation by the excavator during transfer to the pavement must be contained. While the tanks have covers, there is potential for wind driven rain/snow to enter and accumulate in the tanks. Free liquids (process wastewaters) are periodically removed from the tanks and placed in container. Facility personnel inform the inspector the excavator and equipment are not washed or rinsed. The inspector recommends the operation not be performed during a rain/snow event, and the Facility amend inspection documents to include time period/s when the operation occurs, or not, relative to precipitation events and runoff flows to outfall/s.

Certain areas around the hazardous waste loading dock flow to a perimeter trench drain system and/or toward the asphalt perimeter trench system for the vehicle maintenance building/garage. Runoff and/or spilled materials occurring at the loading dock enters the trench and flows to one of two 12,000-gallon underground storage tanks ("USTs"). The USTs are primarily used to capture and contain chemical spills at the dock. According to Facility personnel, the USTs are periodically pumped manually to the oil-water separator unit. Because the discharge from the tank/s is manually controlled and may occur during dry weather, sampling at Outfall 002 may not be representative. The discharge and sampling at Outfall during a wet weather may not include pumped drainage flows from the tanks. The inspector recommends, the Facility maintain pump records for the tank/s and coordinate monitoring at Outfall 002 during times when the tank/s are pumped. Additionally, if not already occurring, waters in the tank/s be visually inspected/recorded and sampled for pH prior to pumping to the oil-water separator. The SWPPP should be amended to include inspection/documentation records for pumping tank/s.

At the loading dock several tractor-trailers were docked. The trailers contained various types of hazardous waste containers in 55-gallon drums. Any spills that do not enter the dock's perimeter trench drain system has potential to be captured by flowing toward the perimeter drain for the vehicle maintenance garage.

Outfall 003

The inspection group walks to stormwater monitoring point Outfall 003 and drainage area/s contributing runoff flow to the outfall. Stormwater monitoring is not performed at Outfall 003 because it is reported to be SIDP to Outfall 001. The drainage area for Outfall 003 includes an access road shared with Sprague Energy, storage bin for solidification material/wood, parked roll-off trucks, tractor trailer/s, and covered bulk waste storage containers, and certain equipment.

Runoff from the area flows to a road-side channel/swale which then flows into raised manhole structure. The raised manhole structure is the designated outfall location, i.e., Outfall 003. Water

entering the manhole structure flows to a pipe that discharges to Pickering Brook. The discharge pipe is located across the street from the manhole. The inspector recommends the SWPPP and SPCC plan and associated site diagram/s clearly shows the discharge pipe location from the raised manhole structure location. Facility personnel inform the inspector a release of runoff water from the manhole structure to Pickering Brook is manual using a control valve. The valve is opened/closed using an adjustable operating wrench and the valve is not opened until waters have been inspected. The wrench was laying on the ground. The inspector recommends it be marked/painted and hung on a post next to the manhole structure.

Outfall 004

The inspection group walks to stormwater monitoring point Outfall 004 and drainage area/s contributing runoff flow to the outfall. Stormwaters from the area flow toward a grassy vegetated area. The area is paved and is used for parking chemical and oil tanker and non-tanker tractor-trailers, and storage for empty waste containers/plastic totes and miscellaneous equipment. The area is adjacent to the hazardous waste loading dock but not connected hydrologically.

Runoff from the area sheet flows toward a grass/vegetated area where it eventually drains toward a wet/wooded area that abuts Pickering Brook. Stormwater monitoring is not performed at Outfall 004 because it is reported to be SIDP to Outfall 001.

Outfall 005

The inspection group walks to stormwater monitoring point Outfall 005 and drainage area/s contributing runoff flow to the outfall. Runoff from the area flows toward a grassy vegetated area. The area includes a small section next to the hazardous waste transfer dock and employee parking. Runoff and/or a spill in the area has potential to flow to Outfall 005. Outfall 005 discharges to a grass/vegetated area that is hydrologically connected to Pickering Brook. Stormwater monitoring is not performed at Outfall 005 because it is reported to be SIDP to Outfall 001.

VIII. Closing Conference

Following the site walk the inspector reviews certain issues and observations with Facility representatives, and recommends the following:

- Stormwater outfall and monitoring locations be clearly labeled and marked in the field. Use same nomenclature in SPCC plan and SWPPP. Certain outfalls may be similar in name to outfalls used by Sprague Energy.
- Facility personnel did not know the oil spill containment capacity for the oil-water separator, and specifications for the unit do not appear to be described in the SPCC plan or the SWPPP. Also, the plans do not include inspection records/documentation for oil-water separator.

- Clearly show on site diagrams complete drain/spill path from Facility property and operations to Sprague Energy property and/or ultimate discharge location to Piscataqua River and/or Pickering Brook. Show location of surface waters and/or wet areas (wetlands) and all hydrological connections.
- Facility may want to consider developing an integrated stormwater and oil spill prevention plan. Include in spill plan/s spill notification information to local wastewater treatment plant, i.e., Town of Newington.
- When sample stormwater discharges at Outfall 001 and Outfall 002 for total cyanide continue to use a laboratory that can achieve lowest possible analytical detection level and ensure proper/clean sampling techniques are implemented when collecting stormwater samples.

The inspector exited the Facility at ~12:30 p.m.

End of report.