

INDUSTRIAL FACILITY STORMWATER INSPECTION

Inspection Date(s):	11/14/2023	
Time:	Entry: 10:35 AM	Exit: 1:45 PM
Weather Conditions:	Sunny with temperatures of approximately 54° F	
Media/Program:	Water – CWA § 301, 402 – Industrial SW/NEC	
Operator Name:	Vulcan Materials Company	
Facility or Site Name:	Skiffes Creek Sales Yard	
Permit ID or Tracking #:	N/A, no Clean Water Act permit	
SIC Code:	5032: Brick, Stone, and Related Construction Materials The Facility representative was unsure of the Facility's SIC code. The SIC code was provided via email by Tom Foley Environmental Manager Vulcan Materials Company – Northeast Division on November 20, 2023.	
Facility Address:	313 O'Hara Lane	
(city, state, zip code)	Newport News, VA 23603	
Geographic Coordinates:	37.194360°, -76.574410°	
Mailing address:	313 O'Hara Lane	
(city, state, zip code)	Newport News, VA 23603	
County:	N/A, Independent City of Newport News	
Regular Days/Hours of Operation:	Monday – Friday, 7:00 AM – 4:00 PM	
# of Employees at location:	5 on average	
Size of Facility (in acres):	Approximately 18 acres	
Receiving Water(s):	Skiffes Creek, bordering the west side of the Facility	
Date facility est. @ location:	According to the Facility representative, Vulcan bought the Facility between 2000 and 2001.	
Onsite Representatives:		
Name: Ken Wolfe	Title: Site Superintendent/Loader	Phone: (757) 888-2982
	Email: Not provided	
Name: Markus Giacomani	Title: Area Supervisor	Phone: (757) 297-2293
	Email: giacomani@vmcmail.com	
Authorized Official: Contacted? ☒ Yes ☐ No		
Name: Markus Giacomani	Title: Area Supervisor	Phone: (757) 297-2293
	Email: giacomani@vmcmail.com	
Inspector(s):		
Taylor Fontaine (PG Environmental)	Title: Lead Inspector	Phone: (703) 956-1977
Chris Pardo (PG Environmental)	Title: Inspector	Phone: (703) 398-4251
Sean Ireland (EPA)	Title: Inspector	Phone: (202) 564-2923
Rachel Olugbemi (EPA)	Title: Inspector	Phone: (202) 564-2081

Inspection Report Author:		
Name: Taylor Fontaine (PG Environmental)	Signature: <i>Taylor Fontaine</i>	Date: 1/24/2024
Supervisor Review:		
Name: Sean Ireland (EPA, Senior Inspector)	Signature: <i>Sean Ireland</i>	Date: 1/24/2024

SECTION I – INTRODUCTION

Purpose of the Inspection

The purpose of the inspection was to determine compliance with the industrial stormwater requirements under §§ 301 and 402(p) of the Clean Water Act (CWA) and its implementing regulations found at 40 CFR Part 122.26. The inspection was unannounced and consisted of interviewing facility representatives, recording field observations, and taking photographs to document site conditions throughout the facility at the time of the inspection.

Opening Conference

- 1) Brief narrative documenting those present, introductions, presentation of credentials, and explanation of the purpose of the inspection.

On November 14, 2023, U.S. Environmental Protection Agency (EPA) contractor, PG Environmental, conducted an industrial stormwater inspection at Vulcan Materials Company – Skiffes Creek Sales Yard located in Newport News, Virginia (Facility). At the time of the inspection, the Facility did not have coverage under EPA’s 2021 Multi-sector General Permit (MSGP) for Stormwater Discharges from Industrial Facilities (Permit).

Mr. Sean Ireland of U.S. EPA Headquarters, Ms. Rachel Olugbemi of EPA Headquarters, Mr. Taylor Fontaine of PG Environmental, and Mr. Chris Pardo of PG Environmental (collectively the EPA Inspection Team) met with the Facility representative and conducted an opening conference upon arrival at the Facility. The EPA Inspection Team explained to Markus Giacomani, the Area Supervisor (Facility representative) that the purpose of the inspection was to document the Facility’s industrial activity and evaluate the requirement to apply for a Permit. The Facility representative accompanied the EPA Inspection Team throughout the duration of the inspection.

Weather conditions were sunny skies, with temperatures of approximately 54° F. According to precipitation data from the National Oceanic and Atmospheric Administration (NOAA)¹, the Newport News, Virginia area received no rain the morning of the inspection.

¹Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

- 2) Credentials presented to: Ken Wolfe – Site Superintendent/Loader and Markus Giacomani – Area Supervisor
- 3) Facility acknowledged receiving previous outreach materials or correspondence on Permit requirements? ☐ Yes ☒ No

The Facility representative stated that he was unaware of any previous outreach regarding the requirement to apply for and obtain a permit.

- 4) Facility has been individually notified by permit authority or EPA that it is subject to stormwater requirements? ☐ Yes ☒ No

The Facility representative stated that he was unaware of any notification by EPA or the State of Virginia regarding stormwater Permit requirements.

FACILITY'S OPERATION & PRODUCT DESCRIPTION

Description of business and industrial activities occurring throughout the site. (Include operator's description and note any documentation that further establishes SIC code (permit applications, reports, business registries, website...)).

The Facility is in the City of Newport News, Virginia. The Facility is bordered by Skiffes Creek to the west and south, and the Martin Marietta - Lee Hall Yard to the north and east as well as residential and commercial property to the east. The Facility was comprised of a dock on Skiffes Creek, a truck scale house and office, a working pug mill, an unused maintenance building, and various piles of aggregate materials (refer to Appendix B, Photographs 1 through 3, 5, 41, 55, and 59). The Facility maintains a gravel berm along the northern, eastern, and southern boundaries to control the direction of stormwater around the site (refer to Appendix B, Photographs 1 through 4, 6 through 8, 11, 12, 16 through 18).

According to the Facility representative, the Facility receives some aggregate material (e.g., #21A gravel, #57 stone, #8 stone/gravel, masonry sand, etc.) via truck, but most of its aggregate materials are received via barge on Skiffes Creek. The Facility representative stated that materials are brought in from Vulcan quarries in Virginia or Maryland.

Aggregates are transferred from barges to dump trucks using a large crane. Dump trucks transport aggregates from the Skiffes Creek dock to the sales yard where aggregates are piled for sale commercial and public customers. Purchased materials are shipped out via truck.

Aggregate piles in the sales yard are exposed to stormwater. According to the Facility representative, all industrial activity (e.g., loading/unloading) occurs outside and is exposed to stormwater. The Facility representative stated that the Facility solely serves as a sales yard and does not conduct manufacturing or processing operations.

Other industrial facilities owned/operated by same business entity? ☒ Yes ☐ No Describe:

The Facility is owned/operated by Vulcan Materials Company, a national organization with locations across the southern United States including 69 facilities in Virginia according to the Vulcan website, <https://www.vulcanmaterials.com/construction-materials/facilities-map/find-by-state>.

SECTION II – OBSERVATIONS

SITE EVALUATION	
Pollutant Sources	
Loading/Unloading Operations	The Facility had one (1) entrance off O’Hara Lane (refer to <u>Appendix B, Photograph 1</u>). The EPA Inspection Team observed barge unloading operations using a large crane (refer to <u>Appendix B, Photographs 38 through 40</u>). The Facility representative stated that most materials are brought in via barge and that on occasion, due to spillage during the transfer of materials into the large dump truck, the Facility has had to scoop out sediment and aggregate from the creek that accumulated in front of the dock at the Facility, (Discharge Point #3) (refer to <u>Appendix B, Photographs 38 and 39</u>). During the unloading from the barge to the Facility, The EPA Inspection Team observed aggregate material spilling from the crane directly into Skiffes Creek (refer to <u>Appendix B, Photograph 38</u>).
Industrial Manufacturing/ Processing Operations	The Facility representative stated that the Facility does not conduct any industrial manufacturing or processing activities; however, the EPA Inspection Team observed a working pug mill at the north end of the Facility. The Facility representative stated they use the pug mill to crush larger pieces of stone into smaller pieces mixed with water and cement to be used for road base.
Industrial Machinery & Equipment Storage	The EPA Inspection Team observed one (1) large crane, one (1) barge, one (1) dump truck, and one (1) concrete truck. The dump truck, crane, and concrete truck are stored outside when not in use (refer to <u>Appendix B, Photographs 38 through 40, 63 through 67</u>).
Storage of Industrial Materials or Products	The EPA Inspection Team observed aggregate piles of rock, crushed, stone, and sand (refer to <u>Appendix B, Photographs 3, 5, and 41</u>). Aggregate materials were stored uncovered and exposed to stormwater.
Liquid Storage (e.g., Tanks, Liquid Storage Drums)	Refer to the <u>Waste Storage/Disposal Areas (solid and/or hazardous) and Fueling Stations/Equipment Maintenance Areas & Cleaning Area</u> sections below. The EPA Inspection team observed two (2) 55-gallon drums containing unknown liquids (refer to <u>Appendix B, Photographs 69 and 70</u>).
Waste Storage/Disposal Areas (solid and/or hazardous)	The EPA Inspection Team observed one (1) 550-gallon, double-walled storage tank used to store waste oil (refer to <u>Appendix B, Photograph 69 and 70</u>). The Facility representative stated that they do not have a concrete washout area.

SITE EVALUATION	
	The EPA Inspection Team observed a concrete truck that was actively dumping the residual contents of the mixer drum/tank onto the ground surface in the northeastern portion of the Facility (refer to <u>Appendix B, Photographs 63 and 64</u>). The EPA Inspection Team observed an individual actively washing the contents of this same concrete truck's discharging chute onto the ground surface (refer to <u>Appendix B, Photographs 65 through 67</u>).
Waste Treatment Facilities (e.g., Pretreatment Systems)	The EPA Inspection Team did not observe any waste treatment facilities onsite.
Fueling Stations/Equipment Maintenance Areas & Cleaning Areas	The EPA Inspection Team observed one 550-gallon, double-walled storage tank containing ultra-low sulfur diesel (ULSD) used to fuel onsite equipment located in a fueling area (refer to <u>Appendix B, Photographs 69 and 70</u>). A spill kit was located next to the ULSD tank (refer to <u>Appendix B, Photographs 69 and 70</u>).
Sediment & Erosion Controls	The EPA Inspection Team observed a gravel berm that extended along the northern, southern, and eastern boundaries of the Facility (refer to <u>Appendix B, Photographs 1 through 4, 6 through 8, 11, 12, 16 through 18</u>). The EPA Inspection Team observed six (6) stormwater settling ponds that, according to the Facility representative, are used to settle sediments before conveying the majority of the Facility's stormwater to Settling Pond #2, in the southwest portion of the Facility (refer to <u>Appendix A and Appendix B, Photographs 8 through 10, 24 through 28, 36, 42, 44, 45, 53, 54, 56 through 58</u>). Stormwater is conveyed from Settling Pond #6 downgradient to Settling Ponds #5, #4, #3, and then to #2 which separately also receives stormwater from a portion of the southeastern area of the Facility prior to discharging through Discharge Point #2 and into Skiffes Creek. Settling Pond #1 receives stormwater from most of the southeastern area of the Facility. Settling Pond #1 contents are conveyed downgradient through Discharge Point #1 toward Skiffes Creek. The Facility representative stated that the Facility removes sediment from the Settling Ponds on an "as needed" basis. The EPA Inspection Team, however, observed the Settling Ponds were laden with sediment. The Facility had placed riprap upgradient of Settling Pond #2 to reduce stormwater velocity, protect the conveyance from eroding, and mitigate sediment migration offsite (refer to <u>Appendix B, Photograph 20</u>). Additionally, the Facility had a sprinkler system used for dust

SITE EVALUATION	
	suppression (refer to <u>Appendix B, Photograph 2</u>).
Spills/Leaks Handling	The EPA Inspection Team observed petroleum staining on the ground in the eastern portion of the Facility, north of the scale house and office where vehicles are fueled and often parked when not in use (refer to <u>Appendix B, Photograph 68</u>).
Outside Shelters	☐ Temporary (Date Established _____) ☒ Permanent The EPA Inspection Team observed several buildings/sheds used to store equipment as well as a former maintenance building that, according to the Facility representative, was no longer in use (refer to <u>Appendix B, Photographs 59 and 69</u>).
Evidence of non-stormwater sources/discharges (allowable if permitted under Permit)?	The EPA Inspection Team did not observe evidence of non-stormwater sources/discharges that would have been allowable under the Permit.
Evidence of process wastewater sources/discharges?	The EPA Inspection Team did not observe any evidence of process wastewater sources/discharges onsite.
OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS	
Number and description of each potential Stormwater Discharge Point from the Facility	The EPA Inspection Team observed five (5) stormwater discharge points along the southern, western, and northern property lines (refer to <u>Appendix B, Photographs 12, 14, 15, 28, 29, 60 and 62</u>). The discharge points are as follows: • Discharge Point #1 – This discharge point is located along the Facility's southern boundary. Stormwater containing runoff from the aggregate piles in the Facility's eastern portion would be conveyed west along the base of the Facility's southern berm, eventually conveying stormwater through a gap in the berm, where sediment deposition was observed, and further south down a steep hill towards Skiffes Creek. • Discharge Point #2 – This discharge point is located at the Facility's southwestern boundary where stormwater from Settling Pond #2 is conveyed south into Skiffes Creek. This settling pond receives stormwater runoff from aggregate piles to the north; overflow from Settling Ponds #3, #4, #5, and #6; and aggregate piles in the southeastern portion of the Facility. • Discharge Point #3 – The Facility representative stated that most materials are brought in via barge and that on occasion, due to spillage during the transfer of materials into the large dump truck,

SITE EVALUATION	
	the Facility has had to scoop out sediment and aggregate from the creek that accumulated in front of the dock. This location at the dock area is Discharge Point #3. • Discharge Point #4 – This discharge point is located just north of the dock area. Stormwater would flow along a berm, parallel to Skiffes Creek, where it would commingle with exposed aggregates prior to discharging into Skiffes Creek. • Discharge Point #5 – This discharge point is in the Facility’s northeastern boundary and would receive stormwater runoff from the adjacent scrap concrete piles. Stormwater would flow to the northwest offsite and onto Martin Marietta - Lee Hall Yard property where topography indicates a conveyance would lead stormwater west toward Skiffes Creek.
Evidence of pollutants migrating offsite (stains, deposits, ponding) at discharge points, into Receiving Waters or in MS4	The EPA Inspection Team observed evidence of directional deposit of silt/sediment on leaves and branches (i.e., “racking”) offsite adjacent to Skiffes Creek. More specifically, the direction of flow could be determined by leaves and debris racking upgradient of limbs and rocks at Discharge Point #1 (refer to <u>Appendix B, Photographs 13 through 15</u>). The EPA Inspection Team observed evidence of sediment and stormwater overtopping at Settling Pond #2 (refer to <u>Appendix B, Photographs 28</u>). The EPA Inspection Team observed sediment deposition offsite at Discharge Point #2 directly downgradient of Settling Pond #2 adjacent to Skiffes Creek (refer to <u>Appendix B, Photographs 29 through 33</u>). At the dock, the EPA Inspection Team observed aggregate materials falling from the crane into Skiffes Creek. The EPA Inspection Team observed the flow path and location for Discharge Point # 4 was a heavily eroded and rock armored channel, indicating sediment transport downgradient into Skiffes Creek. The EPA Inspection Team did not observe distinct evidence of pollutant migration offsite at Discharge Point #5.
Description of general gradients/slopes onsite, all apparent discharge points, and discharge pathway from Facility to Receiving Water or MS4 (storm drains, channel, swale, ditches, driveway, pipes, & etc.)	Refer to the “Facility’s Operation & Product Description” and “Number and description of each potential Stormwater Discharge Point from the Facility” above for more information on discharge points. The ground surface throughout the Facility was compacted dirt and gravel. The site was sloped predominantly to the southwest corner with the highest point being in the middle of the Facility by the scale house. The Facility sloped west and south towards Skiffes Creek except for the northeast portion which sloped to the northeast.

SECTION III – AREAS OF CONCERN

- 1) The EPA Inspection Team observed wholesale distribution of stone, cement, lime, construction sand, and gravel at the Facility, activities classified under SIC Code 5032 - Brick, Stone, and Related Construction Materials.
- 2) The EPA Inspection Team observed five (5) discharge points (Discharge Points #1 through #5) that would convey stormwater and pollutants from the Facility towards Skiffes Creek. See the Section titled “Number and description of each potential Stormwater Discharge Point from the Facility” above for more information.
- 3) The EPA Inspection Team observed active barge unloading operations occurring by a crane at the time of the inspection. The EPA Inspection Team observed aggregates spilling from the crane directly into Skiffes Creek during the transfer from the barge to a dump truck (refer to Appendix B, Photograph 38).
- 4) The Facility representative stated that a crane is sometimes used to dredge out spilled aggregate and sediment that accumulates in Skiffes Creek alongside the dock.
- 5) The Facility was not equipped with a designated and contained concrete washout.
 - a. The EPA Inspection Team observed a concrete truck dumping the residual contents of the mixer drum/tank onto the ground surface at the Facility.
 - b. The EPA Inspection Team observed an individual actively washing the contents of this truck’s discharging chute onto the ground surface (refer to Appendix B, Photographs 63 through 67).
- 6) The EPA Inspection Team observed sediment accumulation in each of the Settling Ponds, particularly Settling Ponds #2 and #6 (refer to Appendix B, Photographs 27, 28, and 58).

SECTION IV – CLOSING CONFERENCE

Attendees: Markus Giacomani, Sean Ireland, Rachel Olugbemi, Taylor Fontaine, and Chris Pardo

At the conclusion of the inspection, the EPA Inspection Team met with the Facility representative to discuss preliminary observations. The EPA Inspection Team explained that there was evidence of pollutant discharges from the Facility to adjacent surface waters and the Facility would likely require a Permit regardless of the SIC code.

On November 20, 2023, following the inspection, Tom Foley – Environmental Manager for Vulcan’s northeast division explained that the Facility does not have a Permit and based on the industrial activity, does not need a Permit. The Facility representative provided the EPA Inspection Team with an internal Vulcan Materials’ memo dated November 20, 2009, which claimed that aggregate sales yards are not required to obtain a federal or state stormwater Permit (refer to Appendix C for a copy of the provided document).

SECTION V – LIST OF APPENDICES

Appendix A – Aerial Map

Appendix B – Photograph Log

Appendix C – Exhibit Log