



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
E.L. Harvey Maintenance Garage

From: Alex Rosenberg, Nafisah Ali

Thru: Todd Borci, Manager

To: File

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ALEX ROSENBERG
Date: 2023.11.28
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I. Facility Information

- A. *Facility Name:* E.L. Harvey Maintenance Garage
- B. *Facility Location:* 1136 Shawmut Ave.
New Bedford, MA 02746
- C. *Facility Contacts:* Brian Leavitt, Supervisor
bleavitt@elharvey.com
- Jay Chicca, Regional Manager
19 Industrial Way
Seekonk, MA 02771
- D. *NPDES ID No(s):* No permit coverage

II. Background Information

- A. *Date(s) of inspection:* October 30, 2023
- B. *Weather Conditions:* rainy, 60 degrees Fahrenheit
- C. *US EPA Representative(s):*
Alex Rosenberg, Damian Bednarz, Nafisah Ali, Anna Hatke
- D. *State/Local Representative(s):*
None present.

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Multi-Sector General Permit (September 29, 2021), Oil Pollution Prevention regulations (40 CFR Part 112).

F. Previous Enforcement Actions:

N/A

III. Type and Purpose of Inspection

Environmental Protection Agency (“EPA”) inspectors conducted a compliance evaluation inspection of the Facility’s applicability under the National Pollutant Discharge Elimination System (“NPDES”) multi-sector general permit (“MSGP”) for stormwater associated with industrial activities as well as the Federal Clean Water Act (“CWA”) Spill Prevention Control and Countermeasure (“SPCC”) Oil regulations.

IV. Facility Description

The business comprises activities that occur at two adjacent addresses. One is a truck maintenance garage located at 1136 Shawmut Ave., in New Bedford, MA (“Garage”) with an associated parking area for a fleet of recycling and municipal waste collection vehicles. Vehicles are parked, and maintained (washed, repaired and fueled) at this address. Adjacent to the parking area, located on the adjoining property at the address 998 Nash Road, in New Bedford, MA (“Storage”) is an outdoor collection area for municipal trash and recycling receptacles. The containers are washed and stored outside at this location. The activities being conducted at the two respective addresses are managed by different divisions within E.L. Harvey, but they share stormwater management infrastructure and discharge point. The two addresses combined will be referred to in this report as the “Facility” or “site”.

Approximately 14 full-time employees work at the Garage, six days per week.

The Facility is approximately 2 acres and is bordered to the north by Nash Road, to the east by Shawmut Avenue, and to the west and south by other businesses. The entrance and exit are located off of Nash Road.

The Facility (refer to Attachment A, Photo Album, Slide 2) consists of a Garage, parking area, fueling area, and container storage yard.

The Facility is primarily engaged in industrial activity classified under Standard Industrial Classification (SIC) Code 4212 (Local Trucking – solid waste collection without storage).

V. Inspection

Inspectors did not announce the inspection prior to arriving on-site just before noon.

Inspectors met with Brian Leavitt, the current manager. Mr. Leavitt worked for the previous owner, ABC Disposal, for over 30 years. He has been at this location and in his current management role for approximately 3 months.

A second Waste Connections employee joined the inspection. He introduced himself as Jay Chicca and explained that he is the supervisor at the Waste Connections facility located in Seekonk, MA. He said that he used to work at this Facility in New Bedford when it was owned by ABC Disposal. He also mentioned that he had recently been assigned to be the regional training/transition manager, which is the reason why he was visiting the New Bedford facility.

Mr. Rosenberg showed his inspector credentials to Mr. Leavitt and explained the purpose of the visit.

A. Opening Conference

According to Facility representatives after being purchased by E. L. Harvey's parent company, Waste Connections, approximately a year ago, the plan was put into place for the garage to be demolished and all maintenance operations be moved to the property on the other side of Nash Road. A new maintenance garage is slated for construction across the street sometime next year. The permitting process for that building is just finishing.

Mr. Rosenberg asked if the Facility has an industrial stormwater permit, and/or a SPCC plan. Facility representatives we're unsure about the stormwater permit and believed that the Facility does have an SPCC plan. Neither were able to locate the plan during the inspection.

Mr. Leavitt called a colleague Richard Baptiste to ask about the plans and permit. Mr. Baptiste agreed to email Inspectors the SPCC plan. An SPCC plan dated March 2011 (Attachment B) was sent to Inspectors two days after the inspection by Matt Crockett, the Eastern Region Engineering Manager for Waste Connections.

Mr. Chicca remembers when a stormwater treatment control device, he referred to as an oil water separator, was installed in the parking area down gradient of two catch basins that capture stormwater as well as truck wash water.

No representative from the E. L. Harvey division that operates the Storage activities was present during the inspection. The regional manager for the Storage activity is Norman L'Heureux.

Inspectors asked about annual stormwater pollution and oil spill controls and counter measures training records. Mr. Leavitt was not clear on what trainings were provided for all employees, but stated that he had received hazardous waste and oil spill training, the

records of which were stored in an electronic central database and could be sent to Inspectors.

B. Facility Tour

The employee parking area to the west of the Garage has no stormwater drains.

The Garage consists of three bays, each able to fit two trucks length-wise (thereby creating 6 half bays).

Bay #1, the southernmost bay, is referred to by employees as the “Wash” bay and according to facility representatives is the most used (slide 4). Two floor drains are present within the Bay (slide 9 and 10). Inspectors requested that an employee, Jose, open the floor drains. The employee said that they are heavily clogged, and that because washing is conducted outside, the only water that comes into the Bay is from winter snow melt.

When a crow-bar was stuck into the stagnant liquid within the floor drain and moved around, bubbles were observed coming up (slide 11). This indicates that although clogged, they are still active. Facility representatives stated that they believe the drains flow into an oil water separator and then to the municipality’s sanitary sewers.

Seven 55-gallon metal oil drums were observed, one was located on the floor (slide 5) and two were on top of spill containment pallets (slide 6). Four additional drums are stored within mobile containment bins (slide 7).

Three virgin oil containers (slide 8) are stored along the wall beside the southeastern door. Two are 500-gallon hydraulic oil tanks and one contains motor oil with an approximate capacity of 700-gallons.

Spill kits are available, and Jose was able to demonstrate their contents readily upon being asked (oil absorbant litter and absorbant socks).

Bay #2 and Bay #3 are joined together into one open area (slide 15).

Recycled waste oils are collected for heating of the Garage building. The waste oil furnace has a tank with a 250-gallon capacity (slide 12).

Bay area #2 has one drain that appeared unclogged (slide 13).

Bay area #3, furthest to the north, and adjacent to interior office space, has 1 drain as well. It was located under a parked truck at the time (slides 14, 15, and 16).

According to Facility representatives, the back (east of the Garage) parking area (slides 17 and 20), is where vehicles awaiting maintenance are stored, and is also where truck washing and refueling is conducted.

A double catch basin is located in the northeast quadrant of the parking area (slides 17 and 18). Water containing an oil Sheen was observed flowing into this catch basin. Plastic bottles and trash were also observed inside of the catch basin.

Four solid covered manholes are presumed to be where the stormwater treatment controls are located down gradient of the catch basins (slide 20). Mr Leavitt tried to open one of the manholes in order to inspect what was believed to be an oil water separator, but it was unsuccessful. Facility representatives restated their belief that flow from the catch basin enters the municipal sanitary sewer system.

Figures from the SPCC plan provided to inspectors after the inspection depict flow from the catch basin discharging to the municipal separate stormwater sewer system that eventually discharges directly to a water over the U.S., not the sanitary sewer system.

At the rear of parking lot (the southeastern corner) is a 3,000-gallon diesel tank (slides 26, 27 and 31) within a skirted secondary containment. The pump is only operable during business hours as a security measure.

The Storage area (slides 28 and 29) has one catch basin directly in the area that facility representatives described as the location where waste containers are washed and rinsed (slide 30). Facility representatives explained that the catch basin is tied into the double catch basin in the parking area of the Garage. Drainage diagram from the SPCC plan corroborate this information.

Directly to the south of parking area is a private transfer station named Martin's Scrapyard, which contains piles of tires, and waste plastic (slide 31). Facility representatives explained that the owner is Kenny Martin, and that the operation is out of business.

C. Records Review

No records were reviewed during the inspection.

Mr. Matthew Crockett, an employee of the parent company Waste Connections, sent EPA the training records for Mr. Leavitt's oil pollution prevention from 2023 in an e-mail correspondence two days after the inspection (Attachment C).

D. Closing Conference

Inspectors reiterated items and information that had been requested at a closing conference. Some of these items were communicated again to the Facility in a follow-up email on November 3, 2023.

- 1) Copies of the Facility's stormwater pollution prevention plan (SWPPP) as well as the spill prevention controls and countermeasures (SPCC) plan. Associated with these plans, any inspection records and employee annual training logs.

- 2) Verification about the site's drainage and where the ultimate discharge point is for stormwater runoff from the yard (municipal separate storm sewer system (MS4) or sanitary sewer system).
- 3) The discharge location of flow from the floor drains within the garage bays.
- 4) Any information regarding the oil water separator (stormwater pollution control measure) and its design/operations, maintenance and capacity would also be helpful as we were unable to open the manholes to investigate.

Inspectors repeated the following observations.

Inspectors observed industrial activities exposed to stormwater such as vehicle maintenance, and fueling.

The Facility conducts and industrial activity covered by a standard industrial classification code (SIC 4212). This SIC code is applicable to the MSGP.

The Facility does not currently have coverage to discharge stormwater under the MSGP.

Stormwater conveyance infrastructure and discharge point (outfall) are currently not being inspected, maintained, or monitored. Such activities are requirements under the MSGP.

The discharge of vehicle pressure wash water off-site into a water of the U.S. is prohibited, and must be ceased.

Inspectors explained that upon leaving the Facility they would make observations about the stormwater conveyance infrastructure within the roadway along Nash Road.

End of inspection.

Inspectors observed a catch basin on the South side of Nash Road. (slides 32-34) in-line with the manholes observed within the Facility's parking area (slide 35). A discharge pipe, discharging approximately 15 gallons per minute, was observed entering the catch basin, coming from the direction of the parking area at the Facility. This amount of flow was equivalent to what was observed entering the double catch basin within the parking area of the Facility.

It appeared that stormwater from the Facility entrance flows east down Nash Road towards the catch basin (slide 38).

A second stormwater catch basin was observed on the north side of Nash Road., also in line (on a north-south trending line) with the catch basin on the south side and the manholes At the Facility (slide 36).

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information

reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.

Attachments

Attachment a Photo Album

Attachment B ABC disposal SPCC plan (March 2011)

Attachment C Training records