NPDES Compliance Inspection Report

Building Busters, Inc.
d/b/a Contractors Concrete Recycling and Monster Auto Wrecking, Inc.

Seattle, Washington

Ecology ISGP Permit # WAR002153

Inspection Date: September 25, 2023

Prepared by:

Rick Cool
U.S. Environmental Protection Agency, Region 10
Enforcement & Compliance Assurance Division
Water Enforcement & Field Branch
Surface Water Enforcement Section

Inspector Signature/Date:

RICHARD COOL Digitally signed by RICHARD COOL
Date: 2023.11.21 13:59:43 -08'00'

Supervisor Signature/Date:

Marshalonis, Daniel (Dino) Digitally signed by Marshalonis, Daniel (Dino)
Date: 2023.11.21 14:27:07 -08'00'

Contents

(Unless otherwise noted, all details in this inspection report were obtained from conversations and communications (e.g., emails, Teams meeting, submissions, etc.) with Joseph B. Anderson, Facility operations manager, and Craig Mungas, Esq., King County Superior Court-appointed receiver, and from reviews of documents, including the Ecology stormwater inspection report (dated July 28, 2023) for a May 10, 2023 ISGP inspection and direct EPA September 25, 2023 ISGP inspection observations).

I. Facility Information

Facility Name:	Building Busters, Inc., d/b/a Contractors Concrete Recycling and Monster Auto Wrecking, Inc.
Facility Operator:	Building Busters, Inc., d/b/a Contractors Concrete Recycling and Monster Auto Wrecking, Inc.
Physical Address:	13001 Martin Luther King Jr. Way South Seattle, WA 98178
Lat/Long:	47.485965, -122.257040
Mailing Address:	13001 Martin Luther King Jr. Way South Seattle, WA 98178
Facility Contacts:	Joseph B. Anderson, Facility operations manager (office) (206) 772-6837 (mobile) (b) (6) (b) (6)
Permit Number:	WAR002153
NAICS Code:	423930 – Recyclable Material Merchants Wholesalers
SIC Code:	5093 – Scrap & Waste Materials; 5015 – Used Motor Vehicle Parts
Facility Size:	18 acres (June 2019 Request for ISGP Coverage)
Receiving Water:	Duwamish River → Puget Sound

II. Inspection Information

Inspection Date:	September 25, 2023
Inspector:	Rick Cool – EPA

Arrival Time:	8:15 AM
Departure Time:	Approximately 1:00 PM
Weather:	Cloudy and rain
NPDES Purpose:	To evaluate compliance with the requirements of the State of Washington Department of Ecology's National Pollutant Discharge Elimination System – Industrial Stormwater General Permit and the Clean Water Act (CWA).

III. Permit Information & Ecology May 2023 ISGP Inspection

Building Busters, Inc., d/b/a Contractors Concrete Recycling and Monster Auto Wrecking, Inc. (all jointly referred to herein as "CCR"), operates a scrap, waste and recyclable material storage and processing facility (herein, "CCR Facility" or "Facility"). The CCR Facility is permitted under the State of Washington Department of Ecology's (Ecology) National Pollutant Discharge Elimination System (NPDES) - Industrial Stormwater General Permit (ISGP). The NPDES/ISGP tracking number assigned to the CCR Facility is WAR002153.

The current version of Ecology's ISGP became effective on January 1, 2020 and it is set to expire on December 31, 2024.

CCR submitted an ISGP Request-for-Coverage (renewal) to Ecology on June 26, 2019 (Application ID: 24160; June 26, 2019). By letter dated December 30, 2019, Ecology issued renewed ISGP coverage to CCR, effective January 1, 2020.

Ecology conducted an unannounced ISGP stormwater compliance inspection of the CCR Facility on May 10, 2023. Ecology finalized and issued its inspection report (IR) in July 2023 (signed by Ecology inspector on July 28, 2023) which will be referred to herein as the "Ecology 2023 IR."

IV. Background

EPA Compliance Order & Current Facility Operations.

In April 2015, the CCR respondents and EPA entered into a compliance order on consent (COOC) covering the CCR Facility. The primary purpose of the 2015 COOC was to address alleged CCR respondents' violations of their prior ISGP coverages under the Ecology 2010 and 2015 ISGPs for the CCR Facility, which COOC corrective actions included the design, installation, operation and maintenance of a Level 3 Treatment BMP approved by Ecology.

Prior to and during the 2014-2015 time period during EPA/CCR settlement negotiations on the COOC, the CCR Facility was primarily engaged in concrete recycling (e.g., crushing and sales of processed concrete), scrap metal recycling and some MAW-based auto salvaging.

In the 2014 to current times, CCR and King County have worked to wind down Facility concrete recycling and crushing/processing operations apparently as means to resolve county code issues related to property uses and with potential goal of property sale in the near future.

During the September 2023 inspection, Facility representatives confirmed that all concrete recycling, including the concrete crushing and processing operations, have ceased as of May 2023.

Accordingly, as of the time of the EPA September 2023 ISGP inspection, the Superior Court-appointed receiver indicated the CCR Facility's primary industrial activities are equipment sales (e.g., tanks, construction equipment, etc.), scrapping (e.g., metal recycling, material recycling and re-use sales) and some equipment repairs for equipment re-sale.

Court Receivership Proceeding & Current Status.

An EPA June 14, 2013 inspection report regarding the CCR Facility indicates that several property parcels and business entities owned by Joseph B. Anderson are subject to a state law-based receivership proceeding (King County Superior Court File No. 02-2-07034-5 KNT) and that in 2006, the King County Superior Court appointed a general receiver (i.e., Mr. Craig Mungas) for various Anderson properties and business entities operating and located in the entire CCR Facility.

On information and belief, the 2006 court order gave the receiver possession and control of some specifically identified properties and various business operations at the CCR Facility location (but apparently not the Monster Auto Wrecking (MAW) business or associated MAW land parcel). On information and belief, the receiver subsequently hired Mr. Anderson as the operations manager of the CCR Facility and hired separate private environmental consulting firm(s) to conduct various ISGP functions (e.g., SWPPP drafting, monthly inspections, stormwater sampling, design of Level 3 treatment BMP, other compliance assistance etc.).

During the September 2023 inspection, the CCR Facility receiver provided this EPA inspector a copy of a September 18, 2023 Status Report that the receiver and King County filed with the King County Superior Court overseeing the receivership proceeding. The Status Report stated that site operations have been focused on selling and scrapping equipment, which has been done primarily to pay the costs and expenses to preserve the receivership estate; property taxes being the apparently largest primary estate expense.

The September 18, 2023 Status Report states that King County DLS (I believe that acronym stands for Department of Local Services, Permitting/Code Enforcement Division) and the receiver are in the process of working to abate code violations for the current operations on the property covered by the receivership, and that the receiver has contacted third parties to assist in removing, selling, and scraping the equipment and items on the site. The Status Report states, based upon representations from these third parties, the receiver originally estimated the materials on the site would be removed by December 1, 2023, but, due to a more depressed metals market, this process has not proceeded as quickly as previously hoped. The Status Report states the receiver now estimates that the materials can be removed by April 30, 2024.

The September 18, 2023 Status Report indicates that King County DLS is conducting monthly

inspections to monitor this [wind-down] process, with the understanding that all materials currently on the site are previously held receivership assets in the process of being liquidated. The Status Report also states no new or additional materials are being brought onto the site.

The September 18, 2023 Status Report also notes the receiver first listed the receivership-related property for sale in 2008, and since that time, the receiver has received only four offers, all of which were far below the listing price. The Status Report stated every one of the four offers has had a prolonged feasibility clause (extending in some instances up to one year), and every potential purchaser had eventually declined to purchase the property after conducting their feasibility analysis.

The September 18, 2023 Status Report stated the receivership-related property is currently listed with a commercial real estate brokerage company (i.e., Kidder Matthews), and recently, the receiver received an offer from a party that is looking to purchase the property, and ultimately redevelop the site for multi-family use. The Status Report indicated details of the offer have not been finalized, primarily because the potential buyer needs some additional information on the timeframe to wind up the receivership activities on the property.

Finally, the September 18, 2023 Status Report stated if the property in fact is able to move forward with a contract, the potential buyer can begin its due diligence process, and if mutual acceptance on the terms of the sale is reached, the receiver will notify King County DLS and the Superior Court, and seek approval for the sale as provided in state receivership law.

Also, during the September 25 inspection, the receiver provided a copy of a King County Department of Natural Resources and Parks (Water and Land Resources Division, Stormwater Services Section) January 12, 2023 corrective action letter regarding that department's September 12, 2022 inspection of the CCR Facility. Cited deficiencies included improper storage of liquid storage containers, inadequate solid waste storage, issues of catch basin maintenance and matters related to the concrete recycling activities.

Stormwater Pollution Prevention Plan (SWPPP) History.

The EPA June 14, 2013 inspection report covered two EPA-lead ISGP inspections of the CCR Facility both conducted in April 2013. During those inspections and according to the EPA inspection report, CCR had an initial June 2010 SWPPP (updated December 2010).

After EPA initiated a formal enforcement action after the 2013 EPA inspections, CCR submitted a revised, updated July 2014 SWPPP that included a new July 2014 spill plan. On July 30, 2014, EPA notified CCR of deficiencies (e.g., areas of concern) regarding the July 2014 SWPPP and spill plan. The July 2014 updated SWPPP included a signed CCR management approval, signed by Joseph B. Anderson, dated July 2, 2014.

In accord with the 2015 COOC Paragraph 3.2.1, the CCR respondents agreed to submit a revised, updated July 2014 SWPPP (i.e., the SWPPP created June 2010; updated July 2014).

Accordingly, the CCR respondents submitted an updated 2015 SWPPP (i.e., the SWPPP created June 2010; updated March 2015) to EPA via Blue Environmental's April 8, 2015 email. The March 2015 SWPPP submission included a separate, signed CCR management approval, signed by Joseph B. Anderson, dated April 8, 2015.

As an aside, in addition to submitting the revised, updated March 2015 SWPPP, CCR (via Blue Environmental's April 8, 2015 email) also submitted to EPA a copy of their Ecology ISGP Discharge/Sample Point Update Form to be submitted by CCR to Ecology to remove the following three catch basins (CBs) as unnecessary sampling or monitoring points: CB03, CB05 and CB11. These changes in sampling/monitoring points were due, in part, to the ongoing CCR revisions being planned and made to the CCR Facility's stormwater conveyance and treatment systems to incorporate a new Level 3 Treatment BMP that was being designed and planned for by Lean Environmental during the late 2014 and early 2015 time period.

The March 2015 SWPPP, Sections 21 and 22, acknowledged the approximate September 2014 installation and initiation of operation of the Lean Environmental-designed Level 3 Treatment BMP at the CCR Facility. The SWPPP, Section 22, noted that Ecology had approved the Treatment BMP's Engineering Report and that an O&M Plan for the Treatment System had been prepared and submitted to Ecology and is *incorporated into the SWPPP by reference* (italics added for emphasis).

As of September 25, 2023, and on information and belief, the 2015 SWPPP is still apparently the most current CCR Facility SWPPP in use. This 2015 SWPPP was used and reviewed by the EPA inspector for conducting the September 25, 2023 ISGP inspection and preparing this follow-up inspection report.

Level 3 Treatment BMP & Treatment BMP O&M Manual.

On June 13, 2014, Lean Environmental, on behalf of CCR, submitted a draft Level 3 stormwater engineering report (dated June 14, 2014) to Ecology (Attn: Ed Abassi, PE) for review and approval for the installation of a Level 3 Treatment BMP as described, in summary, below:

> The stormwater treatment system is placed at the base of the hill and the water to be treated is transported to a 12,000 gallon equalization tank followed by a 20,000 gallon treatment tank. The water undergoes recirculating electrocoagulation, followed by sedimentation and sand filtration. The treated water is discharged downstream of the existing pond/swale system.

The Lean Environmental engineering report was more than just a proposal for Level 3 Treatment BMP; the report included numerous Level 1 operational BMPs and Level 2 structural source BMPs that work, in concert, with the Level 3 Treatment BMP, as a holistic, comprehensive approach in an effort to ensure the CCR Facility stormwater was being separated from any conveyance directly under King County's conveyance controls.

The initial June 14, 2014 draft engineering report was updated and Lean Environment sent updated report revisions to Ecology's Ed Abassi, reviewing PE (see, e.g., Ecology's July 17, 2014 approval letter referring to receipt of multiple engineering report editions).

Additionally, Lean Environmental sent Ecology (Ed Abassi, PE) an email, dated July 7. 2014 with an attachment captioned "CCR FIG 6A.pdf." The attachment is a CCR collection system block diagram captioned "Contractors Concrete Recycling Stormwater Block Diagram" (date: July 7, 2014). The Lean Environmental/Michael Johnson email notes the 36" diameter King County stormwater conveyance pipe is segregated from the CCR stormwater, in part, by two diversion berms along Martin Luther King Way, and by closing a handful of catch basins located on-site. The email indicates the diagram's shaded catch basins are those that are on-site but closed, and that new catch basins to be installed in accord with the CCR Level 3 Treatment BMP engineering report are denoted by a letter (A or B) in the legend.

The Lean Environmental/Michael Johnson July 7, 2014 email also notes each tributary area is noted on the attached block diagram. The email also cautioned that the CCR lower yard is shown in the block diagram, but will only be addressed as part of a future Phase II treatment plan; i.e., the lower yard's catch basins were not currently proposed to be connected to the Level 3 Treatment BMP system. The email noted there is conflicting information in the lower yard concerning Catch Basin 20 (CB20) from King County dye tests and that a detailed investigation will be conducted as part of a future Phase II of the treatment system.

A copy of the July 7, 2014 Block Diagram (Figure 6) is included with this EPA ISGP inspection report as Attachment B. This EPA ISGP inspection report also includes additional background information regarding the CCR Facility's lower yard catch basin (CB) segment, CB20-CB-21-CB22, below.

By a July 17, 2014 email from Ecology (Ed Abassi, PE) to Lean Environmental, Ecology submitted an approval letter (stamped July 17, 2014) for the Lean Environmental Level 3 Treatment BMP engineering report; the Ecology approval letter was signed by the Ecology WQ section manager, Ecology NWRO.

By an August 19, 2014 email from Lean Environmental (via Michael Johnson) to EPA, Lean Environmental apprised EPA that the Level 3 stormwater treatment Operations and Maintenance (O&M) Manual was submitted to Mr. Ed Abbasi, Ecology, on August 15, 2014 in conformance to the schedule published in the Lean Environmental engineering report. Mr. Johnson noted the O&M manual is considered a working document, and will be updated with photographs referencing procedures as the Level 3 treatment system is constructed and becomes operational.

By a November 26, 2014 email, Lean Environmental reported to EPA that the Level 3 Treatment BMP was fully operational and performing as designed.

By letter dated March 13, 2015 to EPA, Lean Environmental submitted its certificate of completion, indicating that based on a series of inspections and observations performed by Michael Johnson and other Lean Environment personnel and accompanied by CCR Facility representatives, the Level 3 stormwater treatment system installed and operated by Building Busters Inc, d/b/a Contractors Concrete Recycling and Monster Auto Wrecking, has been installed in conformance with the Engineering Report submitted to and approved by the Washington State Department of Ecology. The Lean Environmental letter also stated

preliminary data indicate that the system is operational and capable of meeting benchmarks of the ISGP and that any deviations from the original design are minor and have no effect on the operational efficacy of the system. Via this March 13, 2015 letter, Mr. Johnson certified that the system is complete and operational in conformance with the State of Washington Stormwater General Permit (Number WAR002153) and the Federal Clean Water Act and he indicated the Operations and Maintenance Manual is complete and will be submitted under separate cover.

By a March 13, 2015 email from Lean Environmental (via Michael Johnson) to EPA, Lean Environmental also submitted a revised copy of the Treatment System's O&M Manual (captioned CCR OM V2.2.pdf) (referred to herein as "2015 O&M Manual"). Note, this 2015 O&M Manual's cover sheet reads "March 12, 2014" which appears to be a drafting mistake/error in light of the conveying email's date of March 13, 2015 and that each of the Manual's pages have a footer noting a date of August 2014 and the Manual itself includes numerous colored photographs of the currently operating treatment system's installed equipment that is consistent with Lean Environmental's August 19, 2014 email indicating a revised O&M Manual (to be submitted) would include photographs cross-referencing the Manual's procedural narrative.

For purposes of EPA's September 25, 2023 ISGP inspection and on information and belief, the 2015 O&M Manual appears to be the most current treatment system O&M Manual in existence and use, and it is considered a formal and integral part of the CCR's 2015 SWPPP as being incorporated by reference into the 2015 SWPPP as identified and discussed previously above.

CCR Facility Lower Yard Catch Basin (CB) Segment CB20 – CB21 – CB22.

The CCR Facility's Level 3 Treatment BMP 2014 engineering report(s) included two phases: Phase I covered five Facility areas' stormwater collected and conveyed to the proposed treatment system and a prospective Phase II, future determinations regarding stormwater disposal from the Facility's lower yard. The 2014 engineering report(s) include the following element as part of the overall stormwater assessment: "Evaluate the Lower Yard portions of the site for need for treatment and/or inclusion in Phase II treatment under the ISWGP."

At the time of the development of the 2014 engineering reports, it was generally understood that the Lower Yard's CB segment, CB17-CB18-CB19, conveyed stormwater to the three man-made pond/basin system located on the north end of the lower yard. The 2014 engineering report(s) noted the three ponds provide a measure of detention and sedimentation for the existing flow from the lower storage area (about 4 acres). The 2014 engineering report(s) noted the ponds appear to operate in series, with an outfall to the ditch on the north side of Beacon Coal Mine Road that has been upgraded to act as a bio-swale. The report(s) indicated a 24" culvert carries flow to an outfall on the south side of the road, where it eventually joins the flow from the King County's 36" pipe (a/k/a Skyway outfall) and the flows end up in the nearby river.

It was also generally understood that the Lower Yard's CB segment, CB20-CB21-CB22, diverted collected water from CB20 to a non-specific, not well defined (physically) discharge location in or near a spring that existed in the east-side road ditch embankment along Beacon Coal Mine Road.

Since this EPA inspector's involvement in CCR Facility compliance matters, there has been a lack of clarity on exactly what types of flows were historically occuring from this Lower Yard's CB segment, CB20-CB21-CB22 (herein, "CB20 Segment"). CCR Facility representatives (e.g., Mr. Anderson) often asserted an old, closed coal mine spring flow was being captured by the CB20 Segment and conveyed to the ditch next to Beacon Coal Mine Road.

Blue Environmental encountered difficulties in locating a specific, representative discharge point from the CB20 Segment. In a February 16, 2015 Blue Environmental email to EPA, the consultant noted he could not locate a specific outfall from the hillside directly east of the catch basin [CB20] discharging to the ditch along Beacon Cole Mine Road, and that without flowing water to sample [from the CB20 Segment], stormwater samples were collected from the ditch at the base of the hillside [coming from the direction of the CB20 Segment] along Beacon Coal Mine Road. In terms of assessing compliance for the CB20 Segment, the consultant noted it was difficult to get a representative sample without a pipe to sample flowing water from, and consequently, difficult to show [ISGP] compliance with the lab results.

Once the CCR Facility's Level 3 Treatment BMP system was operational, CCR sampled three monitoring points for DMR reporting purposes while CCR assessed what exactly to do with the CB20 Segment. The CCR's three monitoring/sampling points were: (1) Monitoring Point #1 (MP-1) – the lower yard's three man-made pond/basin system; (2) Outfall A – the Level 3 treatment system; and (3) CB20 Segment.

The COOC, Part 3.5.1, required in part that sampling for the CB20 Segment must occur prior to any commingling with the alleged mine spring, but it was still generally understood that even into late 2015 through 2017, representative sampling of the CB20 Segment was difficult because of the lack of a distinctive well defined physically point source (e.g., like a discharge pipe) to get a representative sample and that samples taken from the road ditch might be influenced by road run-off, and/or ditch flows disturbing ditch soils affecting sample results.

On January 3, 2018, Blue Environmental reported to EPA the catch basins leading to CB20 had been sealed and that CCR would get the paperwork started to remove the CB20 sample point from ISGP coverage. In response to EPA inspector questions about the ultimate discharge location for the lower yard area served by the CB20 Segment, on February 27, 2018, Blue Environmental reported to EPA that CCR staff (i.e., J.R. Thatcher) notified Blue Environmental that CBs 20-22 were plugged and the [CB20 Segment] area was graded to flow to the lower yard's three man-made ponds/basins.

Subsequent to these January-February 2018 reports, CCR submitted an ISGP Discharge/Sample Point Update Form to Ecology to remove CB20 as a monitoring or sampling point. PARIS documentation appears to indicate the CCR CB20 deletion request was submitted in approximately mid-May, 2018.

This EPA ISGP inspection report's Areas-of-Concerns specifically identify the lack of submission to Ecology's PARIS system of CCR Facility DMRs for Q4 2018 and Q1-Q4 2019, so EPA has no current information when CCR officially ceased sampling and reporting any results for the previous CB20 sampling point. However, the available DMR records indicate that

as of about Q1 2020, CB20 was identified on the CCR Facility DMRs as a point that did not require monitoring (i.e., DMR code designation "M").

CCR Facility Catch Basin 10B (CB10B).

The Ecology 2023 IR's Photo 25 (p. 15 of 15) includes the following description: "Unknown catch basin leading to the treatment system."

On information and belief, the alleged "unknown" catch basin depicted in Ecology's Photo 25 is actually the CB10B that is identified in CCR Facility Level 3 Treatment BMP engineering report(s) and also identified in the Lean Environmental July 7, 2014 Block Diagram, as the receiving CB for the road collection trench. *See* Attachment B of this EPA ISGP inspection report.

The CB10B location area depiction is consistent with an attachment Figure 4 ("CCR FIG 4A V4.pdf") sent by Lean Environmental (Michael Johnson) to EPA on December 15, 2014 that is captioned "Contractors Concrete Recycling Modified Stomrwaer [sic] Conveyance System" (Dated: June 12, 2014; Revised June 26, 2014). The Figure 4 indicates that a perforated collection trench would be installed along the gravel road and flow into a newly installed CB10B in the approximate location which I observed during the September 25, 2023 inspection. *See* Attachment C of this EPA ISGP inspection report.

The Lean Environmental engineering report(s) indicate that CCR Facility center and lower slope areas drain down the hill, and any resulting surface runoff waters are intercepted at and by the gravel road (i.e., the road from the upper yard to the lower yard) and will be transferred to the Level 3 treatment system by a trench drain to catch basin CB10B. This gravel road was the primary, internal on-site access road between the lower yard and up slope facility areas like MAW and the upper yard.

The Lean Environmental (Michael Johnson) March 6, 2015 email to EPA indicated the Type 2 catch basin at the base of the access road (CB10B) was not constructed, so the surface conveyance (ditch) on the uphill side of the access road is not being collected for treatment and that the stormwater conveyance pipeline from wrecking yard area to the treatment system is hard-piped the entire way to the treatment system equalization tank. The Lean Environmental email also indicated there is no technical reason why this flow should be diverted when CB10B is constructed and that consequently, CB10B will be added to collect the surface water flow from the [access gravel] road ditch and transfer it to the equalization tank directly for treatment.

The Lean Environmental (Michael Johnson) March 13, 2015 email to EPA was submitted as confirmation of a couple of final tasks being completed to ensure conformance to the Ecology-approved engineering report. The email included a photo apparently depicting the Type II catch basin having been installed on the CCR Facility lower gravel access road and the captured effluent transferred to the main equalization treatment tank by 8" diameter conveyance. The email stated that Mr. Johnson was present during the Type II catch basin installation and he affirmed it is in conformance with the engineering report.

During the September 25 inspection, this EPA inspector walked the entire lower gravel, access road and observed the existing CB10B, which appeared consistent with the catch basin depicted in the Johnson photo referred to in the March 13, 2015 Lean Environmental email. Additionally, the stormwater conveyance piping from the CCR Facility upper yard and from CB10B were observed entering the treatment system's equalization tank **(Photo 6)**.

V. Inspection Chronology

The CCR Facility inspection was an announced NPDES/ISGP inspection. I sent a Friday, September 8, 2023 email to Mr. Anderson and Mr. Mungas announcing the Monday, September 25, 2023 ISGP inspection. Mr. Mungas confirmed receipt of my notification email in his Monday, September 11 email, indicating he would participate in the September 25 inspection.

I also offered the Ecology Duwamish Lead Stormwater Inspector an opportunity to participate and shadow me during this ISGP inspection but received an email on Friday, September 22 indicating she would not be able to attend the EPA inspection. This Ecology inspector was one of two Ecology inspectors that conducted the May 10, 2023 Ecology ISGP inspection of the CCR Facility and she authored the Ecology's July 28, 2023 inspection report.

On Monday, September 25, I arrived at the CCR Facility about 8:15 a.m. and proceeded to the main office building. I joined Mr. Anderson and Mr. Mungas in Mr. Anderson's office and started the ISGP inspection's opening conference after an exchange of initial greetings.

During the opening conference, I presented my EPA-issued inspector credentials to the two CCR Facility representatives and provided them a copy of an EPA Small Business Resources Information Sheet. I discussed the purpose and scope of the ISGP inspection, and gave an overview of the four-part inspection process I use for ISGP/NPDES inspections (e.g., opening conference, document review, site walk-through and closing conference).

After completing the opening conference which included a question-and-answer (Q&A) session about CCR Facility industrial activities and stormwater infrastructure operations, we conducted a brief discussion of any available ISGP and SWPPP-related documents for review, and then conducted a walk-through of the CCR Facility with Mr. Mungas.

As we walked through the CCR Facility, I shared my observations and identified and discussed some general, initial preliminary areas of concern and compliance assistance suggestions with Mr. Mungas, as applicable. At the completion of the walk-through, I conducted a closing conference with Mr. Anderson and Mr. Mungas noting the walk-through observations and areas of concern were preliminary in nature and subject to supplementation and revision.

I was accompanied throughout the entire ISGP inspection by at least one CCR Facility representative at all times (i.e., Mr. Mungas), and I was not denied access to any portion of the CCR Facility. I did not observe any ongoing off-site stormwater discharges from the CCR Facility's Level 3 treatment system or the lower yard pond system during this inspection but I did observe on-site stormwater discharges to several Facility located catch basins, and off-site discharges along the MLK highway shoulder on the norther perimeter of the CCR Facility,

toward the southern one-third of the Facility near the old gas station (discussed in areas-of-concern below).

VI. Opening Conference

The CCR Facility now employs five full time employees, with another approximate five employees part-time and periodically conducting red brick recycling. Typical CCR Facility operating hours are 5:00 a.m. to 5:00 p.m.

Concrete recycling and processing (e.g., crushing, etc.) operations have ceased, which results in fewer full time employees compared to past regulatory inspection situations, which historically focused attention on the concrete recycling effects and implications for stormwater contamination.

The CCR Facility's primary industrial activities now are equipment and vehicle storage and sales, scrapping (metal recycling, material recycling, etc.) and some equipment/vehicle repairs for equipment and vehicle re-sale purposes. The Monster Auto Wrecking area is not operational in terms of any active vehicle maintenance or vehicle dismantling or recycling activities, and the area is only used for storage (e.g., used tires, some vehicles, scrap).

Mr. Mungas described the recent CCR Facility property sales efforts and current status, and the routine interactions between CCR and King County, including almost monthly King County code compliance inspections. Mr. Mungas shared a copy of a September 18, 2023 status report that was filed with the King County Superior Court, which report content was summarized in this EPA inspection report's background section above.
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The opening conference included a question-and-answer session about the CCR Facility's industrial activities, Facility stormwater infrastructure, stormwater BMP O&M activities and overall ISGP implementation.

Puget Construction Services had recently (September 20, 2023) cleaned out CCR Facility catch basins and replaced catch basin filtration socks. In light of the elimination of the concrete recycling and processing operations, sweeping of the upper yard is only conducted on an as needed basis.

Mr. Anderson indicated he had a recent call/inquiry into Lean Environmental to discuss Level 3 treatment system servicing but he was not able to explain exactly when, if ever, CCR had replaced any of the eight electrocoagulation (EC) reactors in the treatment system's sedimentation/treatment tank. Mr. Anderson indicated that periodic checks are made of the treatment system's three tanks to determine whether sludge or sediment accumulations need to be removed via vac truck.

Mr. Anderson also discussed the need to update employee training on the Level 3 treatment system operations, and the availability of completed documentation of periodic Level 3 treatment system inspections (based on the O&M Manual inspection checklists) and annual SWPPP training was lacking.

VII. File Review

The various records and documents reviewed as part of this ISGP inspection include, but are not limited to, the following list below. For example, some CCR Facility-related documents (e.g., CCR request-for-coverage, Ecology coverage letter, DMRs, etc.) were uploaded from the Ecology PARIS database. CCR's environmental consultant(s) also provided a number of documents (e.g., monthly SWPPP-related inspection reports, some DMRs, etc.) for my pre-inspection review. Additionally, some other documents reviewed as part of both pre and post inspection work are cited in other parts of this EPA inspection report.

- Washington State Department of Ecology's NPDES/Industrial Stormwater General Permit (Issuance Date: November 20, 2019; Effective Date: January 1, 2020).
- CCR's June 26, 2019 Request-for-Coverage submitted to Ecology.
- Ecology's December 30, 2019 letter granting the ISGP coverage effective January 1, 2020.
- CCR's March 2015 SWPPP and completed/signed SWPPP management approval form.
- Available CCR-provided and Ecology-PARIS downloaded DMR submissions for Q1 2017 through Q3 2023 (note: Area-of-Concern identifies missing DMRs).
- Available monthly SWPPP-based stormwater inspection reports for January 2018 through May 2023 (note: Area-of-Concern identifies missing monthly inspection reports).
- Facility's ISGP-based annual reports (ARs) for 2015 – 2022 (note: 2018 AR is missing).
- Lean Environmental Level 3 Treatment System O&M Manual (March 2015 ed.) ("2015 O&M Manual").
- Lean Environmental Level 3 Treatment BMP engineering reports (2014).

VIII. CCR Facility Walk-Through

Accompanied by Mr. Mungas, we began the CCR Facility walk-through heading south along the northern tanks, vehicle parking and equipment storage areas toward the old gas station areas. Large numbers of uncovered treated wooden beams/timbers were observed among the stored equipment and numerous scrap metal accumulations.

For context, one of the primary, integral structural BMPs needed as part of the comprehensive CCR Facility's Level 3 treatment BMP was the installation of an approximate 2"-3" diversion berm structure to separate and prevent CCR Facility stormwater runoff from leaving the site and

flowing into the Skyway conveyance system's CB5 – CB8 segment that exists along the highway's west side shoulder.

Photos 1-3 depict areas where the diversion berm structure has been destroyed or has become so damaged as to be ineffective in preventing CCR Facility stormwater runoff off-site. The observed run-off contained oil sheen as evidenced by absorbents that had been deployed at several locations along the MLK highway shoulder to address the oil contaminated runoff.

We walked around the old gas station, observing numerous vehicles, trailers and other construction equipment in various stages of repair, dismantling, etc. We walked down the hill into the Monster Auto Wrecking (MAW) area **(Photo 4)** where I observed a pile of scrapped tires. The area appeared to have been recently graded and some of the accumulated rain in the tracks created by the grading equipment showed significant signs of oil sheen in many locations along the travel route. Catch basins in the MAW area appeared to have relatively newly installed filter socks.

We then walked the entire gravel road (a/k/a access road) from the MAW area down to the lower yard, observing the gravel road had severe rill and gully erosion directed down the gravel roadbed carrying and depositing sand, dirt, gravel, etc. as the flows appeared directed toward CB10B near the lower yard area. We walked the lower yard observing significant numbers of vehicles, trailers, tanks, **(Photo 5)** and large amounts of construction materials and uncovered treated lumber/timbers.

I observed oil-sheen stained water deposits and oil-sheen stained wet soils along the gravel road and in the lower yard.

We observed the Level 3 treatment system tanks and associated piping **(Photos 6-9)** and the system's discharge pipe to the CB23 **(Photo 10)**. The lower yard's three man-made pond/basin area was not accessible due to blackberry bushes and other vegetation overgrowth obstructions so I was not able to search for the pond/basin system's discharge/monitoring point.

We then walked back up the gravel road, observing again the CB10B and its piping to the treatment system's equalization tank, and headed to the main office building for the closing conference.

IX. Areas of Concern

Observations, document reviews, discussions and other applicable information results in the identification of the following areas of concern:

A. <u>Failure to Immediately Clean Up Oil-Contaminated Spills and Leaks</u>

ISGP S3.B.4.b.i.3.d. provides the Permittee must: "Clean up spills and leaks immediately (e.g., using absorbents, vacuuming, etc.) to prevent the discharge of pollutants."

For CCR Facility orientation, the Level 3 Treatment BMP designed and installed in 2014 included both Level 1 operational BMPs and Level 2 structural source BMPs as a

comprehensive treatment system package. The Level 2 structural source BMPs included the installation of 2"-3" diversion berms along the northeast portion of the CCR Facility (i.e., near the office building and primary/main Facility entrance off of MLK highway) and along the southeast portion of the CCR Facility (i.e., along the gas station area's MLK highway shoulder) to separate and segregate CCR Facility generated stormwater sheet flow run-off from getting into the King County Skyway stormwater conveyance system. These Level 2 structural diversion berms also prevented off-site sheet flow of any contaminated stormwater from CCR Facility equipment, vehicle and material storage areas, diverting those flows to catch basins connected to the new CCR treatment system. These diversion berms along the CCR Facility/MLK highway border are depicted in Attachment C to this EPA inspection report, and the southern diversion berms are the primary structural source BMP addressed in the Areas-of-Concern A. and B here.

On September 25, 2023, there was no apparent CCR sense of urgency to immediately mitigate and clean up ongoing oil-containing spills and leaks that were resulting in off-site oil-contaminated discharges (discharge of oil as evidence by oil sheen in off-site stormwater sheet flow).

I observed oil-sheen contaminated stormwater discharges (sheet flow) going off-Facility into the MLK highway shoulder (right-of-way) and draining to the King County Skyway stormwater conveyance system in that portion of the CCR Facility near the old gas station **(Photos 1-3)**. This off-site oil-contaminated sheet flow was the result, in part, of the CCR Facility's failure to routinely inspect and conduct preventative maintenance to ensure the required diversion berms along the CCR Facility/MLK highway border were adequately and mechanically sound and capable of diverting off-site flows.

Absorbents had been deployed but there was no apparent CCR ongoing, immediate effort to locate and mitigate the source(s) of the oil contamination and to implement means to stop the off-site sheet flows and divert the contaminated flows back onto the CCR Facility. Additionally, there were no CCR employees in the immediate area conducting any type of ongoing clean-up effort or investigating the source(s) of the oil spills and leaks contaminating the stormwater runoff (e.g., removing and replacing soaked absorbents, attempting to divert off-Facility contaminated stormwater discharges back into the CCR Facility, no apparent CCR investigation of oil spill/leaking sources).

B. <u>Lack of Adequate Preventative Maintenance of Diversion Berms</u>

Preventative Maintenance. ISGP S3.B.4.b.i.3 and S3.B.4.b.i.3.b provide in relevant part as follows: "Preventative Maintenance: The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP shall include the schedule/frequency for completing each maintenance task.

The Permittee must:

. . .

- b) Maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and *other stormwater drainage/treatment facilities* in accordance with the maintenance standards set forth in the applicable Stormwater Management Manual,

> other guidance documents or manuals approved in accordance with S3.A.3.c, demonstrably equivalent BMPs per S3.A.3.d, or *an O&M Manual* submitted to Ecology in accordance with S8.D. . . ." (italics added for emphasis)

Structural Source Control BMPs. ISGP S3B.4.b.ii.a. requires: "Permittee shall: Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas."

The CCR Facility 2015 SWPPP, Section 20, Minimum BMP Identification, includes this mandatory "grading, berming, or curbing" BMP . . . *see* 2015 SWPPP, pdf p. 27 of 45.

The CCR Facility 2015 SWPPP, Section 22, BMP Implementation, also incorporates by reference, the implementation of the Level 3 Treatment System O&M Manual . . . *see* 2015 O&M Manual, pdf p. 35 of 45.

The CCR Facility's 2015 O&M Manual (p. 19 of 28) also specifies the following O&M requirement: "7. Diversion berms must be inspected periodically (monthly) to ensure they are mechanically sound and capable of diverting off-site flows."

The 2015 O&M Manual, Part 10, Maintenance Schedule, notes that the entire stormwater treatment system requires periodic maintenance and this Part 10 included a Table D Monthly Stormwater System Inspection Checklist that required monthly inspection of the diversion berms, and a determination of the berms mechanical soundness and structural integrity to maintain the capability to divert off-site flows. *See* 2015 O&M Manual, p. 20 of 23.

I observed areas of missing or severely damaged diversion berms segments in the CCR Facility area of the old gas station (*see e.g.,* **Photos 1-3**) bordering the MLK roadway and road shoulder; i.e., diversion berms that were deemed in the CCR Facility engineering report(s) (2014) to be integral to the CCR Facility Level 3 Treatment BMP operations, and are now, as of the September 25 observations, ineffective and not capable of diverting and preventing the oil contaminated off-site flows observed occuring on September 25, 2023 during the inspection of the old gas station area.

C. <u>Inadequate Treatment System Inspections, Maintenance & Documentation</u>

Preventative Maintenance. ISGP S3.B.4.b.i.3 and S3.B.4.b.i.3.b provide in relevant part as follows: "Preventative Maintenance: The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP shall include the schedule/frequency for completing each maintenance task.

The Permittee must:

. . .

- b) Maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and *other stormwater drainage/treatment facilities* in accordance with the maintenance standards set forth in the applicable Stormwater Management Manual, other guidance documents or manuals approved in accordance with S3.A.3.c,

> demonstrably equivalent BMPs per S3.A.3.d, or *an O&M Manual* submitted to Ecology in accordance with S8.D. . . ." (italics added for emphasis)

ISGP S3.B.4.i.6 and ISGP S3.B.4.i.6.b require in relevant part that the SWPPP shall include documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, and that the SWPPP shall contain a visual inspection report or checklist that includes all items required in ISGP Condition S7.C. ISGP S7.C.1. requires in part the Permittee shall record the results of each inspection in an inspection report or checklist and keep all records on-site, as part of the SWPPP, for Ecology review and additionally, the Permittee shall ensure each inspection report documents the observations, verifications and assessments required in ISGP S7.B. ISGP S7.B.6 requires in relevant part each inspection shall include an assessment of all BMPs being implemented, noting (a) effectiveness of BMPs inspected, (b) locations of BMPs that need maintenance and (c) reason maintenance is needed and schedule for maintenance.

ISGP S8.A. requires in part the Permittee to implement any applicable Level 1, 2, or 3 responses required by a previous ISGP and the Permittee shall continue to operate and maintain any source control or treatment BMPs related to the Level 1, 2, or 3 responses implemented prior to the effective date of this 2020 ISGP.

ISGP S10.C. provides in relevant part the Permittee shall apply all known and reasonable methods of prevention, control, and treatment (AKART) and that to comply with this condition, the Permittee shall prepare and implement an adequate SWPPP with all applicable and appropriate BMPs, and shall install and maintain the BMPs in accordance with the SWPPP, applicable SWMMs and the ISGP's terms and conditions.

The CCR Facility 2015 SWPPP, Section 22, BMP Implementation, incorporates by reference, the implementation of the Level 3 Treatment System O&M Manual . . . *see* 2015 O&M Manual, pdf p. 35 of 45.

The 2015 O&M Manual for the CCR's Level 3 Treatment BMP system requires, at least quarterly, the observation of the operating voltage of the eight (8) Enpurion electrocoagulation (EC) reactors installed in the treatment tank, and directs the replacement of some or all of the EC reactors if the voltage is consistently above 50V with the reactor treatment tank full, or as indicated by qualified engineering support personnel. *See* 2015 O&M Manual, p. 11 of 23.

The 2015 O&M Manual, Part 10, Maintenance Schedule, notes that the entire stormwater treatment system requires periodic maintenance and this Part 10 included a Table D *Monthly Stormwater System Inspection Checklist* that the required monthly Treatment System inspection include the observation of various treatment system operational parameters (e.g., sand filter pressures, differential pressure ranges, tank levels, etc.). *See* 2015 O&M Manual, p. 20 of 23.

Additionally, the 2015 O&M Manual, Part 8.0, Record Keeping, dictated a *maintenance logbook* shall be maintained describing all maintenance activities, arranged by date and each entry must include, in relevant part, activities performed, process conditions

(including approximate flow rate, tank levels and *system observations*) and recommendations. (italics added for emphasis).

As background and for context, a November 26, 2014 Lean Environmental email reported to EPA that the Level 3 Treatment BMP system was fully operational and performing as designed. A January 27, 2015 Lean Environmental email reported to EPA the treatment system had been running continually since November 2014 – except for two periods when the system was shut down and drained for a freeze protection protocol and no precipitation occurred during these shut downs. The email stated the treatment system was fully stabilized, *although the first set of reactors are near end-of-life.* The email also stated: "*This is a normal lifespan for these reactors, and the first replacements will be installed in the next week. We anticipate reactor replacement (four of eight) next week.*" (italics for emphasis).

Additionally, in a March 5, 2015 email exchange between this inspector and Lean Environmental, I asked about whether the other four reactors were changed out prior to a February 26, 2015 treatment system sampling event. Lean Environmental March 5, 2015 email replied as follows in relevant part:

"The reactors were changed in two events, one in early February and the second the week before the [02/26/2015] sampling event. *The lifespan of the reactors for this application is approximately three-to-four months in the wet season, and somewhat longer in the dry season.* Annual cost of reactors is about $12,000 – or $1,000 per month. (CCR is paying a discounted price of $500 per reactor.) *As the system ages, the space between "sides" will be spread out such that half of the reactors will be changed every two months or so.* Changes are required when the operational voltage of the reactors increases significantly relative to the current drawn." (italics added for emphasis).

During the September 25, 2023 inspection Q&A discussion, Facility representatives could not recall when, if ever, any of the treatment system EC reactors had been replaced or changed out.

Facility representatives did not produce for inspection review any completed treatment system monthly inspection checklists (i.e., the 2015 O&M Manual's Part 10, Table D Monthly Inspection Checklist) or any O&M Manual-required maintenance logbook.

The CCR Facility's DMRs have shown benchmark exceedances for quarterly sampling of the CCR treatment system (a/k/a Outfall or Monitoring Point A in the DMR) as noted below:

Qtr-Yr	Sample Date	Pollutant Benchmark Value	Treatment System Outfall A Exceedance Value
Q3 2015	07/26/15	Copper = 14 ug/L	Copper = 33.9 ug/L
Q1 2016	01/18/16	Copper = 14 ug/L	Copper = 18.7 ug/L
Q2 2016	04/24/16	Copper = 14 ug/L	Copper = 15.4 ug/L
Q3 2017	10/19/17	Copper = 14 ug/L	Copper = 16.4 ug/L
Q1 2018	01/07/18	Copper = 14 ug/L	Copper = 27.4 ug/L
Q2 2018	04/04/18	Copper = 14 ug/L Zinc = 117 ug/L	Copper = 28.2 ug/L Zinc = 138 ug/L

Qtr-Yr	Sample Date	Pollutant Benchmark Value	Treatment System Outfall A Exceedance Value
No DMRs available in PARIS for Q4 2018; Q1-Q4 2019. Submitted DMRs for Q3-Q4 2020 and Q1 2021 indicate no sampling was conducted (note: these 3 DMRs did not state no discharge).			
Q1 2020	01/06/20	Copper = 14 ug/L	Copper = 17 ug/L
Q2 2020	05/02/20	Copper = 14 ug/L	Copper = 15.8 ug/L

However, none of the available CCR Facility annual reports even mentioned whether Facility staff checked the treatment system's operational parameters or equipment to determine if treatment system issues were a potential contributing cause or factor for any year in which Outfall A had a benchmark value exceedance.

In summary, the CCR Facility has inadequate Level 3 Treatment BMP system inspection and maintenance and operational activities and related lack of corroborating and supporting documentation to demonstrate the Level 3 treatment system is being inspected, adequate O&M operational parameters are being observed, monitoring and logged, and that adequate, applicable and required O&M (e.g., tank sludge measurements, sludge/solids removal, oil presence inspection and removal, EC reactor replacement and change outs, etc.) are conducted.

D. <u>Failure to Inspect & Sample Three Sedimentation Pond/Basin System</u>

ISGP S7.C.1 requires that each monthly inspection shall include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.

ISGP S4.B.2.a provides: The Permittee shall designate sampling location(s) at the point(s) where it discharges stormwater associated with industrial activity off-site.

ISGP S4.B.1.a. provides the Permittee shall sample the discharges from each designated location at least once per quarter.

Since long before the 2014 Level 3 Treatment BMP design work, the CCR Facility used and continues to use a three man-made sedimentation pond/basin/swale system located on the north portion of the CCR Facility lower yard, to the north of the 2014-installed Level 3 Treatment System.

The Lean Environmental Level 3 Treatment BMP engineering report (June 27, 2014), p. 10 of 28 describes this three man-made sedimentation pond/basin system as follows:

> "The three ponds provide a measure of detention and sedimentation for the existing flow from the lower storage area. They appear to operate in series, with an outfall to the ditch on the north side of Beacon Coal Mine Road that has been upgraded to act as a bio-swale."

Historically, subject to check, this three-pond/basin/swale system has been a CCR-designated off-site discharge point and ISGP designated sampling or monitoring point using the DMR nomenclature of MP-1. *See, e.g.,* 2015 SWPPP, Part 17, Monthly Inspection Assessment, indicating that the monthly inspection should include a visual

observation of the Sediment Ponds' discharge location. *See also* Attachments B and C to this EPA inspection report corroborating the three pond/basin system as an off-site discharge point subject to required ISGP quarterly inspection and sampling, if applicable (i.e., no sampling if no discharge is observed).

Available DMRs for the time period of Q1 2015 through Q2 2020 include this MP-1 pond/basin designated sampling point and subject to check, the CCR Facility has never applied to Ecology to remove this three pond/basin/swale system as a designated monitoring or sampling point require, if applicable, quarterly sampling.

Beginning Q3 2020 and through the last DMR available to this inspector (i.e., Q3, 2023), the CCR Facility DMRs fail to include this MP-1 designated sampling/monitoring report in any form within the DMR; i.e., these DMRs are completely devoid of any information that shows CCR Facility continues to use the pond/basin system as a discharge or monitoring point.

Based on the lack of DMR documentation for MP-1, it appears that the CCR Facility is not even conducting monthly inspections of the pond/basin system to determine its operational or structural condition or whether the pond/basin system is discharging off-site, requiring ISGP-based quarterly sampling.

E. Lack of Exact Site Map Locations for Pond/Basin System & Treatment System Monitoring Points

ISGP S3.B.1.k requires the SWPPP to have a site map that identifies the locations of all stormwater monitoring points.

ISGP S3.B.5.a requires the SWPPP Sampling Plan shall identify points of discharge to surface waters, storm sewers or groundwater infiltration locations.

The 2015 SWPPP lacks a specific compliant SWPPP site map that identifies the specific locations of the sampling/monitoring points for the three pond/basin system and the Level 3 Treatment System. The 2015 SWPPP sampling plan does not include any location identification descriptions for the sampling/monitoring points for these two discharging systems to off-site surface waters (i.e., the river).

During the September 25, 2023 inspection, I was not able to access the three pond/basin system because of the density of blackberry bushes and other substantial vegetative overgrowth. I could not locate or distinguish an easily accessible pathway to the three pond/basin system, and the 2015 SWPPP and other CCR Facility documents do not readily describe in detail the exact location of the pond/basin system's outfall or monitoring/sampling point.

Based on my observations and without any further CCR Facility housekeeping to remove bushes/overgrowth around the pond/basin system, it is not clear to me how the ECI Environmental inspector conducting monthly SWPPP inspections for the CCR Facility

would be able to easily access this pond/basin system to make any required inspection observations and if applicable, locate the outfall for required ISGP sampling.

Also, during the September 25, 2023 inspection, I observed the Level 3 Treatment BMP System and could not locate the exact sampling/monitoring point that was used previously by Blue Environmental, and may be used now by ECI Environmental to collect treated effluent samples for the treatment system.

In addition to other revisions required for the CCR Facility 2015 SWPPP, a revised site plan is needed that will identify, describe in detail and label the exact sampling/monitoring locations for the three pond/basin system and the Level 3 Treatment BMP system.

F. Lack of Adequate Operational Source Control BMPs on Gravel Road

ISGP S3.B.4.b.i.1, Operational Source Control BMPs, requires the SWPPP to include operational source control BMPs listed as applicable (i.e., mandatory) in Ecology's SWMMs, or other guidance documents.

The CCR Facility 2015 SWPPP includes mandatory operational source control BMPs for the maintenance of stormwater drainage systems including the following: (1) Promptly repair any deterioration threatening the structural integrity of the facilities; and (2) Ensure that heavy sediment discharges to the stormwater drainage systems are prevented.

During the September 25, 2023 inspection, we walked the entire gravel road from the MAW area down to the lower yard, observing the gravel road had severe rill and gully erosion directed down the gravel roadbed carrying and depositing sand, dirt, gravel, etc. as the flows appeared directed toward CB10B near the lower yard area. The gravel roadbed did not have any operational BMPs installed to slow run-off forces that gouged the gravel base and carried sediment downhill or to divert stormwater flows off into vegetated areas to prevent roadbed degradation. Heavy amounts of sediment were being eroded and carried down the substantial road grade toward CB10B potentially creating heavy sediment discharges to that catch basin, and ultimately to the Level 3 Treatment BMP system.

Additionally, entrapped stormwater pools and moist sediments along the length of the gravel road contained oil sheen and oil sheen staining indicating that equipment/vehicles traveling the gravel road were leaking oil products onto the roadbed.

G. DMR, Sampling and Annual Report Anomalies

ISGP S9.B.1, requires, in part, the Permittee shall submit sampling data obtained during each reporting period on a Discharge Monitoring Report (DMR).

ISGP S9.B.2, requires, in part, the Permittee shall ensure that DMRs are submitted to Ecology by the DMR due dates specified in the ISGP, Table 9. Table 9 generally requires an applicable quarterly DMR to be submitted within about 45 days after the end of the sampling calendar quarter.

ISGP S4.B.1.a, requires the Permittee to sample the discharge from each designated location at least once per calendar quarter.

ISGP S9.C.1, requires the Permittee to submit a complete and accurate Annual Report to Ecology. ISGP S9.C.2 dictates the Annual Report shall include corrective action documentation as required in S8B.-D., which S9.C.3.c. requires summaries of the Level 1, 2 and 3 corrective actions completed during the previous year.

The following anomalies were identified during document reviews of CCR Facility DMR and annual report filings (or non-filings):

- No required sampling of designated sampling/monitoring reports were conducted for Q3-Q4 2020 and Q1 2021 where DMRs were submitted but acknowledge lack of sampling;
- The DMRs for Q3-Q4 2020 and Q1 2021 were submitted to Ecology extremely late – it appears these DMRs were all submitted to Ecology in July 2022.
- No DMRs were submitted to Ecology for Q4 2018 and Q1-Q4 2019;
- The 2016 annual report acknowledged copper benchmark value exceedances for Q1 and Q2 but the report failed to include and summarize any Level 2 or Level 3 corrective actions taken;
- The 2017 annual report failed to acknowledge or identify the Treatment System Outfall A's copper benchmark value exceedance that occurred in Q4;
- There is no record evidence that the CCR Facility submitted a 2018 annual report – a year in which there were at least two copper benchmark value exceedances for the Treatment System Outfall A; and
- The 2020 annual report was not completed correctly – it failed to acknowledge or identify two (2) copper benchmark value exceedances for the Treatment System Outfall A and consequently, no required corrective actions were summarized in the annual report.

H. Leaking Vehicle/Equipment Needs Inspection & Maintenance

ISGP S3.B4.b.i.c, requires: "Inspect all equipment and vehicles during monthly site inspections for leaking fluids such as oil, antifreeze, etc. Take leaking equipment and vehicles out of service or prevent leaks from spilling on the ground until repaired.

During the September 25, 2023 inspection, I observed significant oil sheen deposits in the MAW area, on the gravel road from the upper yard to the lower yard, and in the travel area of the lower yard, especially in the bulldozer-like tread tracks and between the set of tracks in the MAW area. It appeared that a bulldozer or dozer-like tracked vehicle had been used to grade various areas and was leaking some type of petroleum fluid that result in significant, widespread oil sheen deposits. These observations were shared with Mr. Anderson during the closing conference and he appeared to know exactly which dozer was suspect in leaking or spilling fluids that would have caused the oil sheen observed.

I. Lack of Employee Training Records on the SWPPP & Treatment System

ISGP S3.B.4.b.i.5, Employee Training, provides in part the SWPPP shall include BMPs to provide SWPPP training to for employees who have duties in areas of industrial activity subject to the ISGP and in accord with ISGP S3.B.4.b.i.5.c and 5.d, the content of the training plan must include the frequency/schedule of training with a directive the Permittee shall train employees annually, at a minimum, the training plan must include a log of the dates on which employees received training.

The CCR Facility did not provide any staff SWPPP training log information or related training records. Mr. Anderson alluded to training up a new employee to operate or oversee the Level 3 Treatment BMP system but the CCR Facility did not produce any training records showing employees were trained on the treatment system operations..

J. 2015 SWPPP Needs Significant Modification & Updating

ISGP S3.A3.a, requires the Permittee to modify the SWPPP if the owner/operator, applicable local or state regulatory authority determines during inspections or investigations that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. This ISGP provision requires the Permittee to modify the SWPPP as necessary to include additional or modified BMPs to correct problems identified, and to correct the deficiencies identified in writing from Ecology within 30 days of notice.

ISGP S3.A.3.b, requires the Permittee to modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of the facility that significantly changes the nature of pollutants discharged in stormwater from the facility or significantly increases the quantity of pollutants discharged.

ISGP S3.B.4.b.i.2, Good Housekeeping, requires the SWPPP to include BMPs that define ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges, and requires the SWPPP must include the schedule/frequency for completing each housekeeping task, based on industrial activity, sampling results and observations made during inspections.

For context, the 2015 SWPPP was prepared when the CCR Facility upper yard industrial activity was primarily concrete recycling and processing (e.g., crushing) with the primary pollutants related to concrete make-up, concrete dust and related materials.

As observed during the September 2023 inspection, the CCR Facility upper yard has undergone a significant change in its primary industrial activity. Currently, the upper yard is almost exclusively equipment and vehicle storage, material storage and scrapping and recycling which results in more pollutants associated with the leaching, spills, leaks, etc. associated with rain-drenched exposed metals, petroleum sources, stored materials and equipment, parked vehicles, etc. The 2015 SWPPP's current incorporated BMPs, etc. do not reflect adequately the current primary industrial activities, especially the modified activities on the CCR Facility upper yard.

Ecology stormwater inspectors inspected the CCR Facility on May 10, 2023 and finalized the Ecology inspection report on July 28, 2023. Ecology's inspection report highlighted the significant amount of large metal objects and materials in stressing the need for good housekeeping and cleanup BMPs. The Ecology report also stressed the CCR Facility is actively undergoing significant physical changes and that the stormwater BMPs, training of personnel, etc. have not been updated. Ecology's inspection report cited the three ISGP compliance requirements immediately cited above and requested "Completely re-write and sign a new SWPPP to current site conditions and the current permit cycle."

On information and belief, the CCR Facility had not updated the 2015 SWPPP or re-written and updated a new SWPPP in response to the Ecology inspection report's compliance citations, requests, recommendations, etc. as of the September 25 EPA inspection. Based on the September 25 inspection observations, especially of the CCR Facility upper yard industrial activities, it did not appear that CCR Facility had not corrected the deficiencies identified in the Ecology July 28, 2023 inspection report.

K. Necessary SWPPP Revisions Include Site Map & Multiple Inventories

ISGP S3.B.1, requires the SWPPP contain numerous items including a Site Map and a detailed assessment of the facility – some of the Site Map's key contents are specified in S3.B.1.a. – B.1.p, and without excluding any item, of particular relevance to this Area-of-Concern are the following items:

d: Direction of stormwater flow (using arrows);
e: Locations of all structural source control BMPs;
j: Locations of actual and potential pollutant sources; and
o: Locations of fueling and vehicle maintenance areas.

ISGP S3.B.2, requires the facility assessment shall include, for example, an inventory of facility *activities and equipment* that contribute to or have the potential to contribute any pollutants to stormwater, and an inventory of *materials* that contribute to or have the potential to contribute pollutants to stormwater.

ISGP S3.B.2.b specifies the inventory of industrial activities must identify all facility areas with industrial activities that may be potentially sources of pollutants to stormwater.

ISGP S3.B.2.c specifies the inventory of materials shall include a list of materials handled at the site, a short narrative for each material describing pollutants associated with the materials, and an inventory of past activities and locations that might contribute pollutants to stormwater.

The Ecology's July 2023 inspection report lays out all of the site map requirements in detail that need to be added to an updated CCR Facility site map and that detailed list is incorporated by reference herein.

The current 2015 SWPPP does not adequately assess the current CCR Facility industrial activities and related inventories of materials, equipment and vehicles in light of the

Facility's new primary overall emphasis, including on the upper yard, on material, equipment and vehicle storage, scrapping and maintenance for re-sale.

Without these updated inventories including specific site areas, the 2015 SWPPP does not adequately identify and target operational good housekeeping and structural source BMPs with any level of specificity on where, how and when to implement, operate and maintain the specific BMPs needed to prevent stormwater pollution.

L. SWPPP's BMP Applicability to Site-Specific Areas and Activities

ISGP S3.B.4.a, General BMP Requirements, provides: "The Permittee shall describe each BMP selected to eliminate or reduce the potential to contaminate stormwater and prevent violations of water quality standards. *The SWPPP must explain in detail how and where the selected BMPs will be implemented.*" (italics added for emphasis)

The overall area-of-concern is the 2015 SWPPP routinely just lists the mandatory BMPs without any SWPPP narrative explaining how and where the BMPs are to be implemented on the CCR Facility with site-specific details on where, how and when the BMPs are to be implemented.

This type of SWPPP drafting (i.e., just reciting the ISGP BMP text without site-specific detailed application) leads to inclusion of BMPs that are not even applicable to the CCR Facility (e.g., reference to inspecting and maintaining bag houses) giving an indication that the SWPPP was not adequately proofed and developed with site-specific details so that employees are trained to understand how exactly the applicable BMPs are to be implemented in various areas of the CCR Facility, including how (including schedule/frequencies) and where in/on the CCR Facility.

X. Closing Conference

A closing conference was conducted after the CCR Facility walk-through with the two CCR Facility representatives that participated in this ISGP inspection.

During the closing conference, I discussed my inspection observations made of the CCR Facility and reviewed documentation, preliminary findings, and next steps. I discussed some of the preliminary areas of concern identified during the inspection and document reviews and as some preliminary concerns are summarized above, noting these were preliminary areas of concern subject to review, revision and supplementation. I thanked the CCR Facility representatives for their time, assistance and cooperation.

ATTACHMENT A – Photograph Log

(Photographs taken by Rick Cool, EPA, with a Panasonic Lumix FH-25 camera)

Photo 1: P1010495 09/25/2023

CCR Run Off Sheen Discharge to MLK Way (looking north)

Photo 2: P1010496 09/25/2023

CCR Damaged Berm Diversion & Sheen Run Off (looking north).

Photo 3: P1010497 09/252023

CCR Sheen Run Off Discharge to MLK ROW – Damaged Diversion Berm (looking east/southeast)

Photo 4: P1010498 09/25/2023

Monster Auto Wrecking Area (looking south)

Photo 5: P1010499 09/25/2023

Lower Storage Yard (looking north)

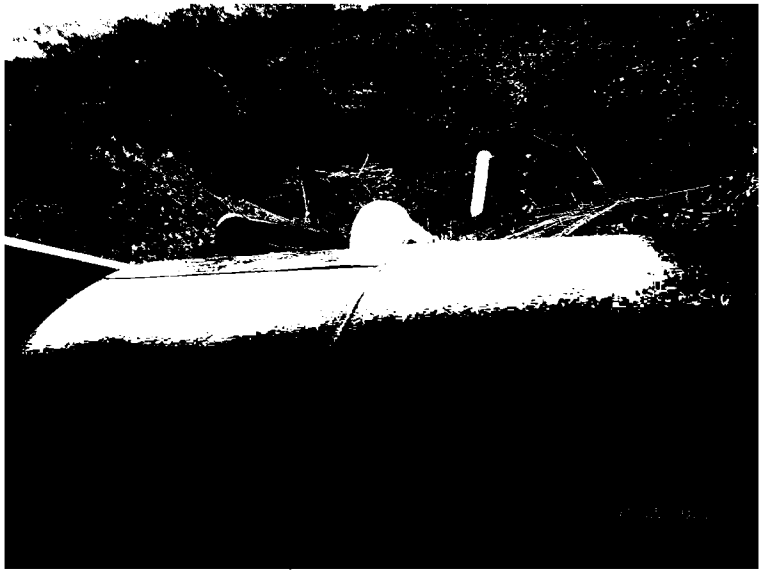

Photo 6: P1010500 09/25/2023

Equalization Tank Inlet Pipes from Upper Yard and CB-10B

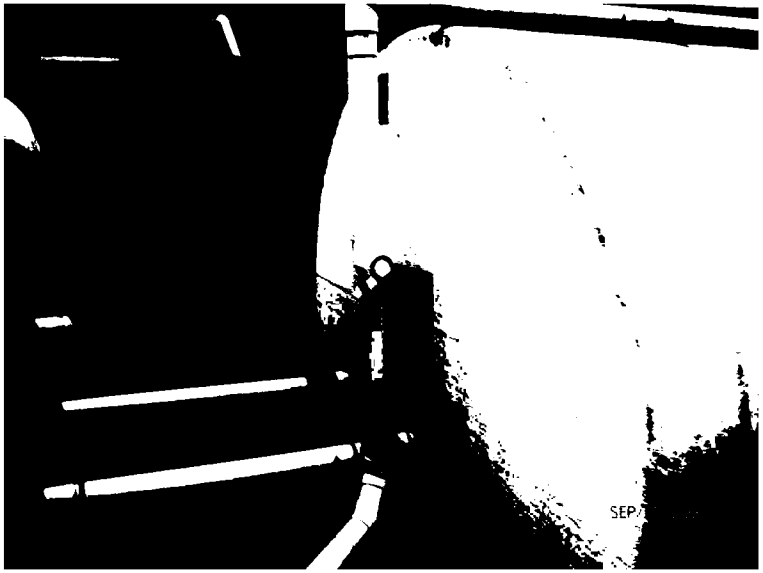

Photo 7: P1010501 09/25/2023

Sedimentation/Treatment Tank Piping including Sand Filter Return Pipe (vertical)

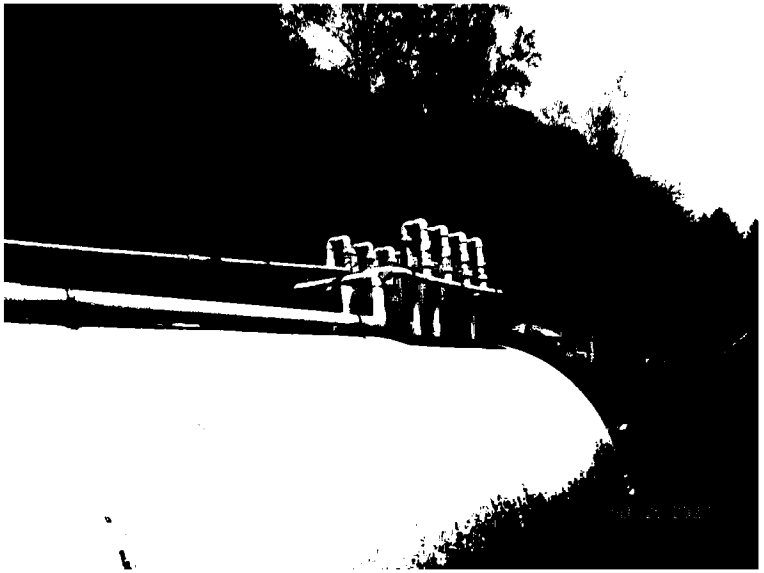

Photo 8: P1010502 09/25/2023

Sedimentation/Treatment Tank & EC Reactors

Photo 9: P1010503 09/25/2023

Four-Sand Filter Train with white filter retrun pipe on ground next to conex container.

Photo 10: P1010504 09/25/2023

Treatment System Discharge Pipe from Sand Filter Train to Covered CB23

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ATTACHMENT B – Stormwater Block Diagram

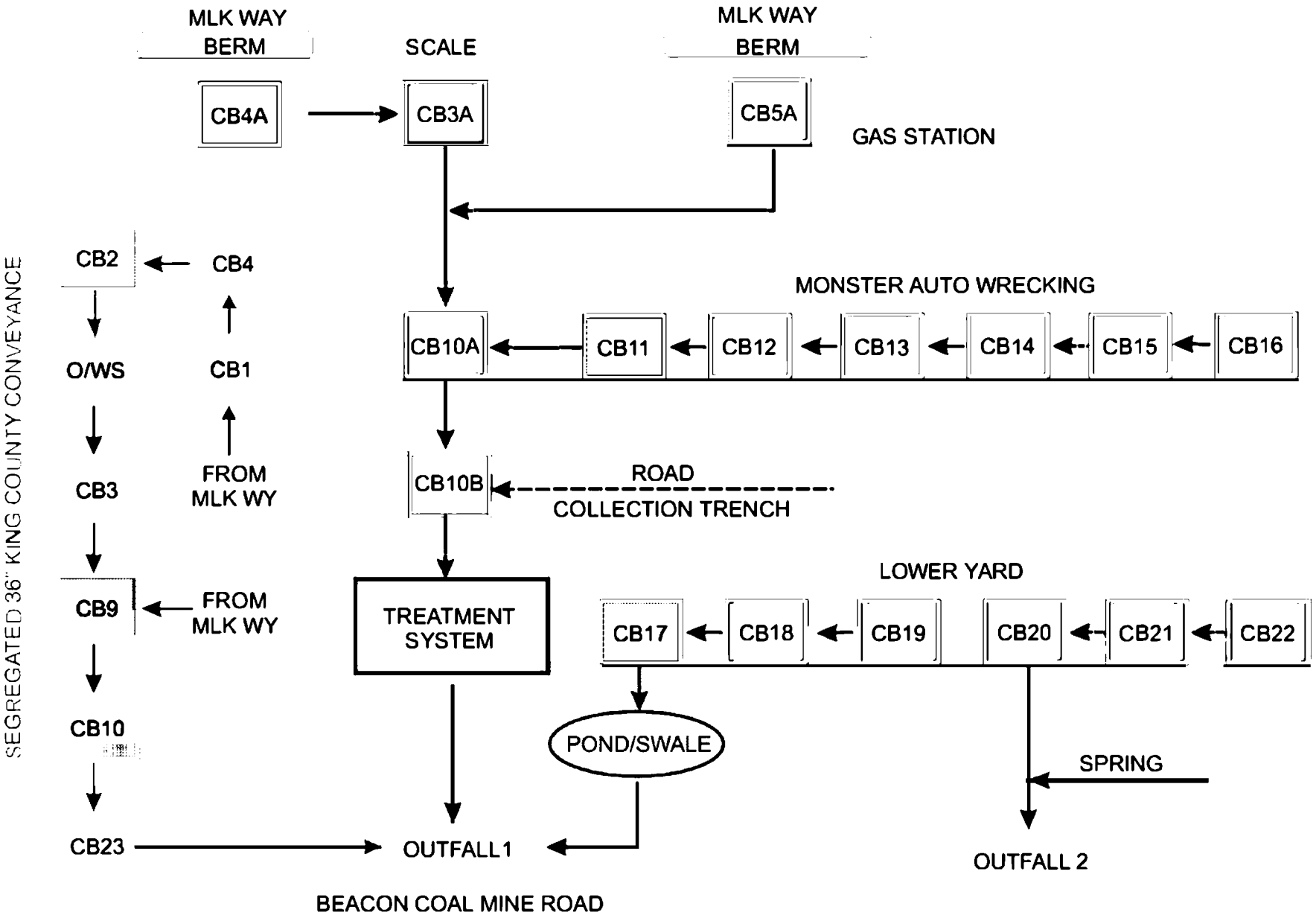

FIGURE 6

CONTRACTORS CONCRETE RECYCLING
STORMWATER BLOCK DIAGRAM

COMBINED TREATMENT SYSTEM 13001 MLK JR WAY, SEATTLE WA	DRAWN: MMJ REVISED:	DATE: JULY 7, 2014 PAGE 1 OF 1

ATTACHMENT C – Modified Stormwater Conveyance System

CONTRACTORS CONCRETE RECYCLING
MODIFIED STORMWATER CONVEYANCE SYSTEM
COMBINED TREATMENT SYSTEM
13001 MLK JR WAY, SEATTLE WA
DRAWN: MMJ
REVISED: JUNE 24, 2014
DATE: JUNE 12, 2014
PAGE 1 OF 1
Lear Environment
8259 122ND AVENUE NE, SUITE 215
KIRKLAND, WA 98033
FIGURE 4
NOTES:
SPEED HUMP DIVERTS MLK SHEET FLOW TO KING COUNTY 36" SEWER LINE.
CB2 AND CB3 ARE CAPPED TO PREVENT CCR FLOW FROM ENTERING KING CO SEWER CONVEYANCE
NEW CB3A, CB4A, CB5A AND CB10A INSTALLED TO CAPTURE CCR SHEET FLOW
SEPARATE CONVEYANCE COLLECTS CCR STORMWATER AND TRANSPORTS TO TREATMENT SYSTEM
CB3A & CB5 PUMPED TO NEW CONVEYANCE
NO CCR STORM FLOW ENTERS KING CO SEWER
2" BERM DIVERSION STRUCTURE
2" PRESSURE LINE
2" BERM DIVERSION STRUCTURE
COLLECTION TRENCH (6" PERF)
STORMWATER TREATMENT SYSTEM
OUTFALL 1
OWS
CB1
CB2 (CAPPED)
CB3 (CAPPED)
NEW CB3A
CB4
CB4A
CB5
CB6
CB7
CB8
CB9
CB10
CB11
CB12
CB13
CB14
CB15
CB16
CB17
CB18
CB19
CB20
CB21
CB22
36"
Ave S
Rainier Rd S