

**REPORT OF INDUSTRIAL STORMWATER
COMPLIANCE EVALUATION INSPECTION**

**AT
A-1 Crashed Cars
461 Dixon Path
South Sioux City, NE 68776
Facility Registry Service ID: 110045813170
National Pollutant Discharge Elimination System Permit: ISW-202200425**

November 4-5, 2024

**by U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7: Enforcement and Compliance Assurance Division**

INTRODUCTION

At the request of the Water Branch of the Enforcement and Compliance Assurance Division in Region 7, I inspected A-1 Crashed Cars in South Sioux City, Nebraska, for a compliance evaluation of applicable industrial stormwater regulations. Section 308(a) of the Federal Water Pollution Control Act authorizes the inspection. I conducted this inspection following the procedures described here and following applicable Environmental Protection Agency Region 7 standard operating procedures. This narrative report presents the findings of my inspection.

PARTICIPANTS

A-1 Crashed Cars:

Robert Patteson, General Manager
robert@kosiski.com
Luis Martinez, Manager

Nebraska Department of Environment and Energy:

Grace Dana, Environmental Specialist (402) 471-2589
Email: grace.dana@nebraska.gov

U.S. Environmental Protection Agency:

Caitlin Dix, Physical Scientist (Lead Inspector) (913) 551-7109
Email: dix.caitlin@epa.gov

INSPECTION PROCEDURES

I, Caitlin Dix, the EPA Region 7 lead inspector, arrived at A-1 Crashed Cars at 461 Dixon Path, South Sioux City, Nebraska, about 1:15 p.m. on November 4, 2024, for an unannounced inspection. I presented my inspector credentials to Robert Patteson, the facility general manager. I told Mr. Patteson that this was an evaluation inspection by the EPA Region 7 to

determine compliance with the facility's industrial stormwater permit as authorized by Clean Water Act Section 308 and implementing regulations. This report is based on information collected by me, the EPA Region 7 inspector, including digital images, physical evidence, measurements, statements made by facility representatives, and documents shown or sent to the EPA Region 7 inspector by facility representatives during or after the on-site inspection. Information gathered before and after the inspection from a review of the EPA, state, and public records may be included in this report.

Before the inspection, I reviewed facility background information including the:

- EPA's Enforcement and Compliance History Online.
- Nebraska Department of Environment and Energy permitted facilities search and map portal.
- Relevant maps and aerial images like The National Map by the U.S. Geological Survey.
- Waterbody report using How's My Waterway by the U.S. Environmental Protection Agency.

During the opening conference I met with Mr. Patteson in his office. Mr. Patteson said Luis Martinez inspected and sampled for the stormwater pollution prevention team and Mr. Martinez was not available. As the general manager, Mr. Patteson was knowledgeable about the facility and industrial activities. Mr. Patteson answered my questions about the site and industrial activities and went with me during a walkthrough of the facility. Mr. Martinez was available the next day for evaluation of sampling and inspection under the stormwater pollution prevention plan.

I described the Confidential Business Information Notice for Information Collected During the Inspection and the Small Business Resource Information Sheet during the opening conference. I emailed both forms to Mr. Patteson on November 4. Mr. Patteson did not claim any confidential business information during the opening conference, on-site walkthrough, or closing conference of the inspection. As of the writing of this report and more than 10 days after the inspection date I have not received notice the business considers information collected during the inspection as confidential.

During the visual inspection I documented my findings and observations by taking pictures and taking notes using Smart Tools, a digital tool for field inspectors. I included digital images taken during the inspection in Attachment #1.

I summarized areas of concern I saw during the visual inspection with Mr. Patteson and Mr. Martinez during the closing conference on November 5. I issued a Notice of Preliminary Finding to the facility during the closing conference. I included this notice in the inspection report as Attachment #2. During the inspection I asked the facility to send the following documents to the EPA:

- Stormwater Pollution Prevention Plan.
- Records the facility must keep under permit part 5.4, such as records of employee training, inspection reports, and corrective action documentation.

The facility uses a web-based compliance system for inspections and recordkeeping. Mr. Patteson gave me the email address for the environmental management company to request access to the portal as a regulator. James Environmental provided login access to their eComply website used by A-1 Crashed Cars. I accessed self-monitoring records through eComply between November 5 and November 8. Mr. Patteson and Mr. Martinez said that they recently began using eComply and some records may not be available through the website. On November 6 I emailed Mr. Patteson and Mr. Martinez requesting all records required under permit part 5.4 including all records not available in eComply. On November 21 Mya Henson from James Environmental sent me an email saying more documents were available in eComply and Henson provided new login credentials. I logged into eComply on November 25 and 26. I saw one new document. I converted all reports available to me in eComply to PDF and filed them in the Water Branch file sharing software. I included these documents in Attachments #3-9.

FACILITY DESCRIPTION

Facility Location

The facility is on two parcels about 1,400 feet southeast of the Missouri River in South Sioux City, Nebraska. The facility uses about 14 acres across two parcels for industrial activities related to A-1 Crashed Cars. The land slopes towards the Missouri River and stormwater associated with industrial activities drains to the Missouri River. The assessment unit identifier for this section of Missouri River is IA 06-WEM-1722 and the EPA's How's My Waterway shows the river as impaired for aquatic life and primary contact recreation in the 2024 assessment. Impairments include flow regime modification, stream modification, and pathogen *Escherichia coli bacteria* (E. coli). Not far downstream are sections of the Missouri River that the EPA's How's My Waterway shows as assessment unit identifier NE-MT1-10000 which is impaired for public drinking water supply and recreation. The impairment causes in the 2022 Nebraska Water Quality Integrated Report included arsenic and sulfate for public drinking water supply and E.coli for recreation. The 2022 Nebraska Water Quality Integrated Report kmz file for streams I used showed the receiving section of the Missouri River closest to the discharge point of the facility is MT1-0000 and impaired for public drinking water supply and recreation. I did not see TMDLs for assessment unit identifier NE-MT1-10000 or IA 06-WEM-1722.

Most of the facility is in a flood hazard area mapped by Federal Emergency Management Agency. Outfall 001 and the southern part of the facility, or about 300 feet from the northern boundary of the parcel, is in a high-risk flood area or special flood hazard area Zone AE where there is a 1% chance in any given year to flood of the Missouri River. The 1% annual chance flood is also known as the base flood. About 8.5 acres of the facility is in the hazard zone with a 0.2% annual chance of flooding.

The average precipitation for the area is about 30 inches per year according to the National Centers for Environmental Information U.S. Climate Normals Quick Access. This facility can expect storm events of around 2.4 inches in 24 hours every year and around 4.18 inches in 24 hours every 10 years according to the NOAA Atlas 14 precipitation frequency estimates. The

size and duration of expected storm events should be considered when selecting, designing, installing, and implementing proper controls to reduce pollutants in discharges associated with industrial activities at this facility.

The U.S. Fish and Wildlife Service species profile for Pallid Sturgeon show this section of the Missouri River as habitat range for the endangered species. The Nebraska Game and Parks Commission threatened and endangered species 2024 feature service shows the facility is also in the estimated current range of state-designated species, endangered Sturgeon Chub, and threatened Lake Sturgeon. Under the permit, State Resource Waters 'Class A' surface waters are an outstanding State or National resource, such as waters within national or state parks, national forests or wildlife refuges, and waters of exceptional recreational or ecological significance. Waters which provide a unique habitat for federally designated endangered or threatened species and rivers designated under the Wild and Scenic Rivers Act are also included. The permit says the existing quality of these Class A surface waters must be maintained and protected.

Facility Operations

A-1 Crashed Cars dismantles used motor vehicles for the purpose of selling parts. The facility's Stormwater Pollution Prevention Plan says they process about 50 vehicles per week. Mr. Patteson said the facility employs about 14 to 15 people and they have been in operation since about 2011. The facility is open seven days a week from 8 a.m. to 5 p.m. during the winter and 9 a.m. to 6 p.m. in the summer. The facility is part of Kosiski Auto Parts, a family-owned, full-service auto recycling company.

Regulatory History

Federal regulations at 40 CFR 122.26(b)(14) require stormwater discharges associated with specific categories of industrial activity to be covered under National Pollutant Discharge Elimination System permits unless otherwise excluded. Under 40 CFR 122.26(b)(14)(vi), facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093, are considered to be engaging in industrial activity applicable to the National Pollutant Discharge Elimination System. The EPA authorized the State of Nebraska to issue National Pollutant Discharge Elimination System permits for all facilities outside tribal lands in Nebraska.

Nebraska Department of Environment and Energy received a Notice of Intent form on June 22, 2022, from A-1 Crashed Cars at 461 Dixon Path in South Sioux City, Nebraska. I included the Notice of Intent in this report as Attachment #10. As of June 23, 2022, A-1 Crashed Cars may discharge stormwater under the terms and conditions of the NPDES Industrial Storm Water General Permit NER920000. The facility's authorization number is ISW-202200425 and I included the authorization letter and permit in this report as Attachment #11. This permit and the authorization to discharge expires at midnight, on March 31, 2027. Authorization under this

permit is valid until a new industrial stormwater general permit is issued by the Nebraska Department of Environment and Energy.

I used the Nebraska map portal at deqmaps.nebraska.gov to review the compliance history for the facility. The available documents included the Notice of Intent and the Authorization described in the earlier paragraph and no other documents were available. Based on available information I reviewed, the Environmental Protection Agency has not previously inspected this facility to evaluate compliance with the Clean Water Act.

FINDINGS AND OBSERVATIONS

I noted the following observations during the visual inspection and record review.

I used the National Centers for Environmental Information's integrated surface database to access weather measurements recorded at the Sioux City Airport. This weather station reports 0.16 inches of rain on November 4 and 0.16 inches of rain on November 5. Before the onsite inspection, this same weather station recorded 0.03 inches of rain on November 3 and 0.49 inches of rain on November 1. This weather station is about 6.5 miles from the facility and these rain records may not accurately represent the amount of rain received at this facility. The facility has a rain log I accessed through the eComply site. This rain log shows 1.34 inches of rain on November 4 and 2.17 inches of rain on November 5. This rain log records 0.08 inches on November 3, 0.22 inches of rain on November 1, and 1.29 inches of rain on October 31. The U.S. Drought Monitor shows the broad scale conditions for the area as-experiencing severe drought on November 5.

A-1 Crashed Cars dismantles motor vehicles for the purpose of selling parts. The facility breaks up, sorts, and recycles materials, including dismantling vehicles for scrap. The facility runs a salvage yard. Stormwater runoff from this facility is stormwater related to manufacturing, processing, and raw materials storage areas at an industrial plant.

I saw industrial activities as described under industry group 5015 of the standard industrial classification which includes dismantling motor vehicles for the purpose of selling parts. I saw industrial activities as described under industry group 5093 of the standard industrial classification which includes dismantling motor vehicles for the purpose of selling scrap and waste materials. I saw the facility operates a self-serve auto salvage yard. Stormwater runoff from A-1 Crash Cars is stormwater directly related to manufacturing, processing, and raw materials storage areas at an industrial plant as described in 40 CFR 122.26(b)(14)(vi). I saw industrial activities at this site as described under 40 CFR 122.26(b)(14) such as:

- Industrial plant yard.
- Immediate access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.
- Material handling sites, including storage, loading and unloading, transportation or conveyance of raw material, intermediate product, final product, byproduct or waste product.
- Refuse sites.

- Sites used for the storage and maintenance of material handling equipment.
- Sites used for residual treatment, storage, or disposal.
- Shipping and receiving areas.
- Storage areas for intermediate and finished products.
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

I saw holding areas for vehicles not yet processed exposed to stormwater. I saw a building for processing vehicles like removing fluids. I saw some materials stored in a partially storm-resistant building. I saw an engine removal area outside exposed to stormwater. I saw a crusher outside exposed to stormwater. I saw outdoor material and equipment storage areas including storage of vehicle fluids. I saw some materials stored inside for sale in an indoor retail area, like tires and batteries. I saw some tires stored under a permanent roof. I saw about two rows on the west side of the self-serve salvage yard, or U-pull area.

Industrial stormwater from A-1 Crashed Cars flows to the Missouri River.

I saw that the land slopes towards the Missouri River and stormwater at this site flows north to the Missouri River. I saw channeling inside the facility towards Outfall 001 like in images #21-23 and #47. I did not see the area downstream of the facility discharge point because I did not have access. The mostly undeveloped land between the facility discharge point and the Missouri River is private. I used the U.S. Geological Survey National Map to review the 3D Elevation Program topographic data. Using hillshade layers I saw flow paths from the facility's discharge point to the Missouri River. The National Wetlands Inventory by the U.S. Fish and Wildlife Service shows riverine habitat from near the discharge point to the Missouri River.

The facility must use control measures to meet technology-based effluent limits under permit part 2.

The facility must select, design, install, and implement control measures to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1., meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitation guidelines in Part 2.1.3, and meet the water quality-based effluent limitations in Part 2.2.

The facility must minimize exposure under part 2.1.2.1. of the permit by either locating these industrial materials and activities inside or protecting them with storm-resistant coverings. The facility has not effectively minimized exposures by covering industrial materials and activities or moving them inside, like:

- Engine removal area shown in image #14.
- Crusher shown in image #8.
- Outdoor battery storage shown in images #2 and #3.
- Outdoor fluid storage shown in image #3, #6, and #10.
- Battery storage building is not storm resistant shown in image #5.
- Hoods of salvage vehicles stored open exposing oil parts shown in image #30 and #31.

The facility must also minimize exposure by using grading, berming, and curbing to prevent runoff of contaminated flows and divert run-on away from processing, and material storage areas. I saw areas with no grading, berming, or curbing, like around the crusher shown in image #8. Mr. Patteson told me and SWPPP records say the facility uses a steel plate with 8-inch curbing at the engine removal area to provide a contained area to remove engines and transmission and contain any leaking fluids. The steel plate and berm were broken and not complete and the berm was not able to prevent runoff of contaminated flows or divert run-on away from the processing area as shown in images #38-44. The containment area was full of materials with limited capacity as shown in images #38, #41 and #42. The containment area was undersized compared to the processing area I saw. I saw materials were overflowing and built up all around the containment area. Materials were not effectively contained within it as shown in images #38-44. The facility did not effectively use grading, berming, or curbing around other exposed areas, like vehicle fluid management areas shown in images #3, #6, #10, #11, and #33.

I saw evidence of leaks and spills, like staining, in images #2, #3, #6-8, #10, #12, #14-21, #23-26, #34-35, #37, #43-46. The facility did not clean up spills and leaks promptly using dry methods, like absorbents, to prevent the discharge of pollutants. I saw significant oil sheens in standing stormwater from near the engine removal area and holding area down to the area of Outfall 001 on November 4, like in images #15-26. This contaminated water was not contained or treated and remained exposed to stormwater. The facility's rain log in eComply records 1.34 inches of rain on November 4 and 2.17 inches of rain on November 5. The facility did not show any corrective action documentation to respond to the evidence of significant leaks and spills. On November 5 I saw a sheen in pooling stormwater at the facility, notably in the flow path between the engine removal area and holding area, and Outfall 001, like in images #45-47.

The facility has not located all materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge, like in images #2, #3, #6, #8, #10-12, #14-15, #33, #36-#44. The facility does not use secondary containment for storage tanks of vehicle fluids, like in images #3, #6, and #10.

The facility must drain fluids from equipment and vehicles prior to on-site storage or disposal, and for any equipment or vehicles that will remain unused for extended periods of time, and inspect at least monthly for leaks. The sector-specific requirement under 8.M.2. says the facility must drain vehicles they intend to dismantle of all fluids upon arrival at the site or as soon as possible or use other equivalent means to prevent spills and leaks. I saw some vehicles stored outside in holding areas waiting to be processed and not yet drained of fluids, like in image #7. I did not see drip pans. I saw the facility drains vehicles fluids inside a storm-resistant shelter. Mr. Patteson said they drain vehicles as quickly as they can, and make significant effort to effectively drain vehicle fluids and control leaks after draining. Mr. Patteson said they have used drain plugs to plug the tanks after puncturing and draining to prevent further leaks. Mr. Patteson told me that by making sure to keep their inventory turning over that vehicles do not remain for extended periods of time and that they clean entire rows of vehicles out at the same time which provides opportunity to better inspect and clean the salvage yard.

The facility must keep clean all exposed areas that are potential sources of pollutants under part 2.1.2.2 Good Housekeeping.

I saw exposed areas that the facility did not keep clean, like in images #8, #11-19, #30-31, and #36-45. I saw materials the facility did not store in proper containers, like batteries stored outside on pallets like in images #2-3. Mr. Patteson said the facility uses storage containers like in image #4 to store batteries so they are not exposed to precipitation. The storage containers have lids like in image #4 but I saw the facility may not always use the lids, like in image #2 where a blue container full of batteries was not covered.

I saw that the perimeter fence, like in images #27, #29, #33, and #39, would reduce the potential for large waste, garbage, and floatable debris to be discharged. I saw discharge points under the fence with potential for floatable debris to pass like in images #11, #29, and #33.

The facility must maintain all control measures they use to achieve the effluent limits required by this permit in effective operating condition under permit section 2.1.2.3. Sector M has added technology-based effluent limits.

The facility did not have a clear maintenance schedule for all controls in the stormwater pollution prevention plan. The steel-plate and berm under the engine removal area was not maintained in effective operating condition. I saw breaks in the 8-inch curbing, like in image #44, which made the containment ineffective. The facility did not effectively replace or repair this control measure.

I saw the facility had not maintained the storage building next to the processing building as storm-resistant. I saw an incomplete roof and evidence of stormwater inside, like in image #5.

The facility must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective responses to such spills if or when they occur to minimize pollutant discharges under permit part 2.1.2.4.

The facility has an aboveground storage capacity for petroleum more than 1320 gallons and has developed a spill prevention, controls, and countermeasures plan. I included a copy of the SPCC plan accessed from eComply.

The facility did not effectively prevent and respond to spills I saw like in images #12, #15-21, #37 and #43-44. I saw the facility did not plainly and clearly label all containers, like fuels shown in image #6 and tanks in image #10.

The facility must minimize erosion by stabilizing exposed soils at the facility and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion in the immediate vicinity of discharge points under permit part 2.1.2.5. The facility must also use structural and non-structural control measures to minimize the discharge of sediment under permit part 2.1.2.5.

I saw evidence of erosion, like in image #21-24, #29, #33, and #47. I saw exposed soils not stabilized like in images #14-15, #20-23, #36, #47. Mr. Patteson said they need significant amounts of gravel as part of routine facility maintenance.

The facility must divert, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility under permit part 2.1.2.6 Management of Stormwater. Sector M has added technology-based effluent limits under 8.M.2.3.

The facility must implement control measures to minimize discharges of pollutants in runoff such as the following, where determined feasible (list not exclusive): berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators. I did not see these controls effectively used on site.

The facility must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit under part 2.1.2.9 Employee Training. Sector M has added technology-based effluent limits under part 8.M.2.2.

I saw records of training for Mr. Patteson, Mr. Martinez, and Steve Kosiski in the eComply system. Training modules included spill prevention, control and countermeasures, stormwater annual training, and stormwater sampling. I did not confirm the training covered both the specific control measures used to achieve the effluent limits, and monitoring, inspection, planning, reporting, and documentation requirements. The sector-specific training requirements include, if applicable: proper collection, storage, and disposal of oil, used mineral spirits, anti-freeze, mercury switches, and solvents. I did not see records of training for employees that manage fluids like the employees that drain fluids from vehicles.

This facility must control discharges as necessary to meet water quality standards under permit part 2.2.

This facility discharges to an impaired water without an EPA-approved or established TMDL and must control discharges to meet water quality standards under permit part 2.2 and complete added monitoring under part 6.2.2. The facility did not show that they completed the required monitoring under part 6.2.2.

The facility must complete routine facility inspections, quarterly visual assessments of stormwater discharges and comprehensive site inspections under permit section 4. Based on the records I reviewed required inspections are incomplete.

The facility must inspect the facility routinely and at least once each calendar quarter.

The facility may need to inspect more often based on the types of equipment, processes, and control measures, or areas of the facility with significant activities and materials exposed to stormwater. As an example, under permit part 8.M.4 there is a sector-specific requirement to inspect vehicles arriving at the site for leaks. I used regulator access to review the facility's records in eComply and I saw quarterly inspection report entries for:

- 2022 May
- 2022 September
- 2022 December
- 2023 March
- 2023 June
- 2023 July

- 2023 November
- 2024 February
- 2024 June
- 2024 September

At least once each calendar year, the facility must conduct a routine facility inspection during a period when stormwater is discharging off-site or to an on-site stormwater retention structure.

When I reviewed the reports in the eComply system I saw that quarterly reports reused inspection photos across quarterly inspections. I saw twelve inspection images reused in quarterly reports between one and six times across eight of the ten inspections. Reused inspection photos in quarterly reports are not representative of the conditions during the quarterly inspections and would not be true and accurate information collected during the inspection. I also saw that the reports show the inspector answers “Yes / Good” or “Not Applicable” to every inspection question. The reports do not effectively document the findings of each routine facility inspection performed. The inspector answers “not applicable” to questions that seem applicable like keeping records of sludge removal from pressure washing bay. Mr. Patteson told me that they remove sludge from the pit in the wash bay as part of routine maintenance at the facility. The inspector answers, “not applicable” rather than “no” when the facility is not using a control measure like, “are all fluids stored either inside or under cover?” and the inspector answers “not applicable.” Similarly, the inspector answers “not applicable” to “are all fluids stored within secondary containment?” instead of “no”, as an example.

The facility must complete quarterly visual assessments of stormwater discharges under permit part 4.2.

I used regulator access to review the facility’s records in eComply and I saw quarterly visual assessment reports for:

- 2022 June
- 2022 September
- 2022 December
- 2023 January
- 2023 March
- 2023 June
- 2023 July
- 2023 November
- 2024 June
- 2024 September

The records of quarterly visual assessments are incomplete. I did not see a report for visual assessment of stormwater discharge for quarter one in 2024. The reports show that the facility did not make visual assessment of stormwater discharge in quarters two and four of 2022, quarter two of 2023, and quarter three of 2024. These reports say “not applicable” to the form questions and there is no record of visual monitoring of an actual discharge. The facility did not show documentation of the rationale for quarters with no visual assessment in their SWPPP records.

The reports show visual assessment of stormwater discharge may have occurred in quarter three of 2022, quarter one, three and four of 2023, and quarter two of 2024. The reports for visual assessment of stormwater discharge do not include all the required information like sample collection date and time, and visual assessment date and time for each sample, nature

of discharges, and, if applicable, document why it was not possible to take samples within the first 30 minutes of an actual discharge. The reports for visual assessment of stormwater discharge from July 2023, March 2023, November 2023, and June 2024 use identical photos for the collected sample. These repeated photos would not be representative of the visual assessment of stormwater discharge and are not true and accurate information. The facility did not show that they collect samples within the first 30 minutes of an actual discharge from a storm event.

The facility's eComply had a rain log. The rain log showed daily temperature and rain totals for 2024 year-to-date. Since I accessed the rain log on November 8, 2024, the rain log only shows rain up to that day. In 2024 before November 9 the rain log showed 61 events measuring above 0.1" of rain and 17 rain events above 0.5" of rain in 2024. The rain log shows 0.01" inches of rain on June 28, 2024, the date of the report for the second quarter 2024 visual assessment of stormwater discharge.

I reviewed precipitation records from Sioux City airport, which is about 6.5 miles from the facility and may not be representative of weather conditions experienced at the facility. This weather station did not record any precipitation on the September 15, 2022, the day the facility completed a report for third quarter visual assessment of stormwater discharges. The eComply rain log did not have records for 2022.

The facility showed records of added inspections for their spill prevention, control and countermeasures plan, like spill kit inspections and tank and drum inspections.

I included reports of these other routine inspections that the facility uses to maintain their spill kits and inspect tanks and drums for leaks. The reports I reviewed showed these inspections were about monthly, but some months were missing reports, like I did not see spill kit inspections in October 2022 and 2023 as an example. The reports I reviewed showed significant reuse of inspection photos across reports. Based on photo reuse not all information in these inspection report seems true and accurate.

The facility must complete annual comprehensive site inspections.

These comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit and must also include a review of monitoring data. The inspectors must consider the results of the past year's visual and analytical monitoring. The facility showed records for 2020, 2021, and 2023. The facility did not show a comprehensive site inspection documentation for 2022.

Juan Martinez of James Environmental Management, Inc. completed the site inspection part of the 2020 Annual Comprehensive Site & Compliance Evaluation for A-1 Crashed Cars on December 21, 2020. The report does not include all required elements like a statement, signed and certified following Appendix A, section 12 of the permit. The report finds areas of concern and recommends added control measures needed to address conditions.

Mr. Patteson of A-1 Crashed Cars performed the annual comprehensive compliance review of A-1 Crashed Cars on December 8, 2021. The report does not include all required elements like a statement, signed and certified following Appendix A, section 12 of the permit. The report finds areas of concern and recommends added control measures needed to address conditions. Recommendations like storing bulk containers of vehicle fluids in secondary containment persist from the 2020 evaluation.

Mr. Martinez of A-1 Crashed Cars performed the annual comprehensive compliance review of A-1 Crashed Cars on May 26, 2023. The report finds areas of concern and recommends added control measures. Recommendation like storing bulk containers of vehicles fluids in secondary containment persist.

The facility has a Stormwater Pollution Prevention Plan.

I saw the facility sent a stormwater pollution prevention plan their application to the Nebraska Department of Environment and Energy. The facility also provided the EPA with a stormwater pollution prevention plan through regulator access to their eComply system.

I saw a SWPPP that had the basic elements required by the permit like a stormwater pollution prevention team, site description, summary of potential pollutant sources, description of control measures, schedules and procedures, and certification signatures requirements. I did not evaluate the plan for completeness and some sections may be incomplete but overall the plans look site-specific and provides actionable information and direction for site staff to follow the permit. I did not see documentation supporting the facility's determination about eligibility under the general permit following part 1.1.4.5. about the endangered and threatened species and critical habitat protection. This documentation to support eligibility related to other federal laws must be a part of the SWPPP under Part 5.1.6. Sector M has added sector-specific requirements for the SWPPP for the drainage area site map and potential pollutant sources.

The facility must monitor discharge points where stormwater exits the facility or property. The facility has not completed all required stormwater monitoring.

The monitoring requirements under permit part 6.0 apply to each outfall authorized by the permit. This permit includes five types of required analytical monitoring and more than one apply to the discharge at this facility.

This facility must complete indicator monitoring under permit part 6.2.1.

This permit requires indicator monitoring of stormwater discharges for certain sectors and subsectors. For Sector M – auto salvage yard, indicator monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, enzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene. The facility must monitor stormwater discharges for PAHs twice per year in the first and fourth years of permit coverage. The first year of permit coverage began in the first full quarter of permit coverage followed by two years

of no monitoring. This facility's first full quarter of permit coverage was monitoring period July 1 to September 30, 2022. The facility did not show records of completing indicator monitoring twice between July 1, 2022, and June 30, 2023. Based on the monitoring records I reviewed, the facility has not completed indicator monitoring as required. Section 5.5 of the SWPPP says that the facility must also conduct indicator monitoring of stormwater discharges for PAHs semi-annually in the first and fourth years of permit coverage.

This facility must complete benchmark monitoring under permit part 6.2.2.

This permit requires benchmark monitoring for certain sectors and subsectors. Benchmark monitoring data shows the overall effectiveness of the facility's control measures and helps the facility to know when more corrective action may be necessary to comply with the effluent limitations in the permit. Benchmark monitoring of stormwater discharges is required quarterly in the first and fourth year of permit coverage. I used regulator access to review the facility's records in eComply and I saw discharge monitoring reports for:

- 2022 Quarter 3
- 2023 Quarter 1
- 2023 Quarter 3
- 2023 Quarter 4
- 2024 Quarter 2
- 2023 Quarter 3

I did not see reports, including explanations of why the facility could not complete benchmark monitoring, for 2023 quarter two. The facility must complete one full year of benchmark monitoring in the first year of the permit then again in the fourth year. The facility showed records of five benchmark monitoring events between the facility's first full quarter of permit coverage starting July 1, 2022, and the inspection date.

The facility has hardness-dependent benchmark concentrations for lead under permit part 6.2.2.1. The facility must keep a hardness value with the first benchmark report. The first laboratory analysis report I have access to is third quarter in 2022. This report shows a benchmark concentration of 0.262 mg/L for lead. Under the permit, the hardness value used to derive the benchmark must be representative of the receiving water and established consistent with the procedures in Appendix E. The facility may select one of three methods to figure out hardness of the receiving water, including: individual grab sampling; grab sampling by a group of operators which discharge to the same receiving water; or using third-party data. Regardless of the method used, the facility is responsible for documenting the procedures used. I did not see any supporting documentation on how the facility determined the hardness value used to select the benchmark value for lead. I saw a table under SWPPP section 5.5 showing benchmark values of lead based on a water hardness range; 0.262 mg/L is not one of the values in the chart and section 5.5 of the SWPPP does not say how the facility determined 0.262 mg/L was the proper benchmark for lead. Using Table E-1 in Appendix A of the permit, 0.262 mg/L is not one of the values in the table in the lead column. I do not know if this benchmark value is right based on the hardness of the receiving stream, and I did not see any documentation on which method the facility used to decide their benchmark. I used interpolated data layers that display surface water hardness across the United States to estimate the relative accuracy of this benchmark value for lead. I saw that potential hardness ranges for surface waters in this region range between 225.00 mg/L CaCO₃ and 325.00 mg/L CaCO₃. In this range the lead benchmark

value would be either 0.164 mg/L or 0.182 mg/L using the table in Appendix A of the permit and the table under Section 5.5 of the SWPPP.

This facility does not have to complete annual effluent limitations guidelines monitoring. I did not see regulated activities that require monitoring for effluent limits based on effluent limitation guidelines like in Table 6.2 of the permit.

This facility must complete impaired waters monitoring under permit part 6.2.4. The facility did not show that they have completed impaired water quality monitoring for the impairments in the receiving stream.

This facility discharges to impaired waters without an EPA-approved or established TMDL. The permit says if the facility discharges to an impaired water the facility must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists in 40 CFR 136. The facility did not show that they have completed impaired water quality monitoring for the impairments in the receiving stream, like E.coli, arsenic and sulfate. Under section 6.2.4.2. of the permit, if the pollutant for which the water is impaired is not present and not expected to be present in the facility's discharge, the facility must notify the Nebraska Department of Environment and Energy. The facility did not show the EPA any documentation of a notification.

The facility must follow monitoring procedures following permit part 6.

The facility must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix A. The facility did not show that they are following stormwater sampling procedures following permit part 6 and Appendix A.

The facility did not show that they collect samples within the first 30 minutes of a discharge associated with a measurable storm event as required under permit part 6.1.4. As an example, the facility collected a sample on August 15, 2022, at 11:30 and the report says rain started at 6:00. This form also says that there is an unknown number of days since the last rain greater than 0.1 inch. The facility did not show they conduct all required monitoring on a storm event that results in an actual discharge from the site that follows the preceding measurable storm event by at least 72 hours. The facility did not show supporting documentation, like documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes or document that less than a 72-hour interval is representative for local storm events during the sampling period.

Samples collected by the facility to meet permit requirements under part 6 exceeded maximum hold times under 40 CFR 136. As an example, the facility collected a sample for analyzing total suspended solids on August 15, 2022. ALS Environmental Lab received the sample on August 31, 2022. The laboratory analyzed the sample for total suspended solids on September 1, 2022. Under 40 CFR 136 the maximum holding time for total suspended solids is seven days. As another example, the facility collected a stormwater sample on July 12, 2023, for analyzing total suspended solids. The laboratory received the sample on July 21, 2023. The laboratory

analyzed the sample on July 25, 2023, exceeding the maximum holding time of seven days under 40 CFR 136.

I did not complete a comprehensive review of the discharge monitoring reports and the examples provided above may not be on the only times the facility did not follow required procedures for sampling.

Part three of the permit requires corrective actions after triggering events. I saw conditions requiring review and revisions to make sure the facility's discharges meet effluent limits as required by permit part 3.1.1. The facility did not show corrective action documentation.

The permit requires corrective action under certain conditions, like:

- an unauthorized releases or discharge occurs.
- a discharge violates effluent limits.
- the facility becomes aware that control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in the permit.
- an inspection or evaluation of the facility by a NDEE official, EPA official, or local entity, finds that modifications to the control measures are necessary.
- when a visual assessment shows evidence of stormwater pollution, when routine facility inspections, quarterly visual assessments, or comprehensive site inspections find that control measures are not being properly operated and maintained.
- whenever a visual assessment shows evidence of stormwater pollution.

The facility's consultant sent information about the benchmark exceedances in the 2024 second quarter stormwater event monitoring report. In the cover letter to the facility the consultant said, "Please note that the results for Aluminum, Iron, and TSS exceeded the benchmark levels. Due to these exceedances, you must complete the attached Corrective Action Form." The consultant's report included information about the benchmark parameter exceedances including a list of pollutant-specific potential causes for why the facility recently tested high for the pollutant and pollutant-specific recommendations on how the facility could lower the pollutant levels below the benchmark standard. The consultant completed parts of the corrective action form but the sections the facility was supposed to fill out are blank, like proposed corrective actions, corrective action schedule and the certification.

The facility had benchmarks exceedances in Quarter 3 in 2023 for a sample collected on July 12, 2023. On August 7, 2023, the consultant told the facility that they must fill out corrective action forms in response to aluminum benchmark exceedances. The corrective action form was incomplete with sections like proposed corrective actions, corrective action schedule and the certification.

I saw unauthorized releases, as shown by the significant sheen seen in stormwater, on November 4 and 5. Under permit part 3.1.3 the facility must meet corrective action deadlines. The facility did not show that the facility documented the sheen from unauthorized releases seen during the EPA inspection within 24 hours of the discovery as required under 3.1.3.

Unauthorized releases are a condition requiring corrective action under part 3.1.1. of the permit. I did not see corrective action documents showing that the facility took all reasonable steps to minimize or prevent the discharge of pollutants until they could implement more permanent solutions, including cleaning up any contaminated surfaces so that the material will not discharge in later storm events. The facility did not show they took actions before the next storm event and within 14 calendar days from the time of discovery.

The permit requires additional implementation measures after triggering events. I did not see conditions requiring additional implementation measures under part 3.2 of the permit.

As described above the facility has had benchmark exceedances but based on the monitoring data I reviewed, I did not see conditions requiring additional implementation measures. An annual average exceedance for a parameter can occur if:

- the four-quarterly annual average for a parameter exceeds the benchmark threshold.
- fewer than four quarterly samples collected but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter.

The exceedances documented by the facility were not more than four times the benchmark thresholds for the parameters. The annual averages did not exceed benchmarks based on my calculations using the available monitoring data for total suspended solids, aluminum, and lead.

The facility must report noncompliance under permit part 7.3.

The facility did not report noncompliance to the Nebraska Department of Environment and Energy like not completing the 2022 comprehensive site evaluation and not completing all required monitoring.

The facility generates sludge from process wastewater treatment.

Under 40 CFR 401.11(q), the term process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. I saw processes that generate wastewater like washing tires. Mr. Patteson said this wastewater drains to a pit then to septic tank. Mr. Patteson said the facility used to spread the sludge removed from the wastewater treatment pit on the ground but that they do not do this anymore. Instead, Mr. Patteson said the facility puts the removed sludge inside a scrap vehicle for disposal. The facility must properly dispose sludge filtered from wastewater at the wash bay. Under Appendix A standard conditions applicable to all National Pollutant Discharge Elimination System permits section 19.D removed substances: the facility must make sure that any solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater must be disposed of at a site and in a manner approved by the Department.

SUMMARY

1. A-1 Crashed Cars dismantles motor vehicles for the purpose of selling parts. The facility breaks up, sorts, and recycles materials, including dismantling vehicles for scrap. The facility runs a salvage yard. Stormwater runoff from this facility is stormwater related to manufacturing, processing, and raw materials storage areas at an industrial plant under 40 CFR 122.26(b)(14).
2. Industrial stormwater from A-1 Crashed Cars flows to the Missouri River.
3. The facility is not effectively using control measures to meet technology-based effluent limits under permit part 2, like:
 - a. I saw significant sheen in pooling stormwater on the ground at the facility. I saw this sheen in pooling water in the drainage path from the engine removal area and the permitted discharge point.
 - b. The facility must minimize exposure under part 2.1.2.1. of the permit by moving industrial materials and activities inside or protecting them with storm-resistant coverings. The facility has not effectively minimized exposure by covering industrial materials and activities or moving them inside and using curbing, berming, and grading for industrial activities and materials like engine removal, the crusher and aboveground storage of vehicle fluids. The facility did not effectively minimize exposure by cleaning up spills and leaks promptly and using drip pans.
 - c. The facility must keep clean all exposed areas that are potential sources of pollutants under part 2.1.2.2 Good Housekeeping. I saw exposed areas that were not kept clean, and I saw materials that were not stored in proper containers.
 - d. The facility must maintain all control measures they use to achieve the effluent limits required by this permit in effective operating condition under permit section 2.1.2.3. I saw the containment at the engine removal area was not maintained in effective operating condition.
 - e. The facility must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective responses to such spills if or when they occur to minimize pollutant discharges under permit part 2.1.2.4. I saw the facility did not effectively prevent and respond to spills and did not clearly label all containers.
 - f. The facility must divert, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges under permit part 2.1.2.6 Management of Stormwater. Sector M has added technology-based effluent limits under 8.M.2.3. I did not see evidence that facility effectively uses: berms or drainage ditches on the property line; berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.
4. The facility must complete routine facility inspections, quarterly visual assessments of stormwater discharges and comprehensive site inspections under permit part 4. Based on the records I reviewed required inspections and assessments are incomplete.
5. The facility has a Stormwater Pollution Prevention Plan. This plan must be reviewed to make sure requirements like eligibility documentation are included.

6. The facility must monitor discharge points where stormwater exits the facility or property. The facility has not completed all required stormwater monitoring.
 - a. This facility did not show they completed indicator monitoring.
 - b. The facility did not show they completed the required benchmark monitoring in the first year.
 - c. Based on the information I reviewed the facility does not have to complete annual effluent limitations guidelines monitoring.
 - d. Based on the information I reviewed this facility must complete impaired waters monitoring under permit part 6.2.4. The facility did not show that they have completed impaired water quality monitoring for the impairments in the receiving stream.
7. Part three of the permit requires corrective actions after triggering events. I saw conditions requiring review and revisions to make sure the facility discharges meet effluent limits as required by permit part 3.1.1. The facility did not show corrective action documentation.
8. The facility did not report noncompliance under permit part 7.3 to the Nebraska Department of Environment and Energy.
9. The facility did not respond to the EPA's Notice of Preliminary Findings.

CAITLIN DIX
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Caitlin Dix
Physical Scientist, Water Branch
Enforcement and Compliance Assurance
Division

NICOLE MORAN
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Nicole Moran
Acting Water Branch Supervisor
Enforcement and Compliance Assurance
Division

ATTACHMENTS:

1. Digital Image Log (50 pages)
2. Notice of Preliminary Findings (3 pages)
3. Stormwater Pollution Prevention Plan (71 pages)
4. Spill Prevention, Control and Countermeasure Plan (254 pages)
5. Discharge Monitoring Reports (48 pages)
6. Quarterly Routine Facility Inspections (86 pages)
7. Quarterly Visual Assessments of Stormwater Discharge (33 pages)
8. Monthly Spill Kit Inspections (63 pages)
9. Monthly Tank and Drum inspections (75 pages)
10. Notice of Intent (89 pages)
11. Notice of Authorization and Permit (173 pages)