



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

Dated as Indicated on Electronic Signature

Steve Frank, Operator
S&S Holding, Inc.
146 B Ashland Ave
Southbridge, MA 01550
steve_frank82@icloud.com

Subject: February 8, 2023, EPA Inspection of S&S Holding, Inc.

Dear Mr. Frank,

On February 8, 2023, the U.S. Environmental Protection Agency (EPA) performed an inspection at S&S Holding, Inc., located at 146 B Ashland Avenue, Southbridge, MA ("the Facility" or "site"), regarding compliance with the National Pollutant Discharge Elimination System program of the Clean Water Act ("CWA"). A copy of the inspection report is included as an attachment to this letter along with a photo album.

The industrial activities taking place at the Facility are classified under the Standard Industrial Classification ("SIC") code 5093 (waste) and 5015 (auto salvage) which are applicable codes under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") (Sector N – Scrap Recycling and Waste Recycling Facilities & Sector M – Auto Salvage). Because stormwater associated with this activity at the Facility discharges to a surface water of the United States, discharge of stormwater is regulated under the Clean Water Act, and applicable regulations found at 40 C.F.R. § 122.26.

According to our records, S&S Holding, Inc. does not have coverage under the current MSGP. As indicated to you previously, for stormwater discharges to be authorized you must apply for coverage under the MSGP (see Attached Fact Sheets for instructions) and comply with all terms and conditions of the permit.

Please be aware that as part of the application process for MSGP coverage you must first prepare a Stormwater Pollution Prevention Plan ("SWPPP"). EPA inspectors identified discharge points referred to as "Outfall 001" and "Outfall 002" in the inspection report which would be an appropriate location to conduct the required stormwater sampling under the MSGP. However, you should consult with professionals in preparing your SWPPP and determining all discharge points at the site. Provide a copy of your SWPPP to Damian Bednarz, Inspector, EPA Region 1, upon its completion.

Please respond within 30 days of receipt of this letter to the following questions/comments in an electronic format to Damian Bednarz at bednarz.damian@epa.gov.

1. Provide a copy of the current lease agreement between S&S Holding, Inc. and Mr. Marc Dipietro.

If the lease agreement does not include a plot map that clearly delineates the property lines that S&S Holding, Inc. has leased, provide such a map. In addition, provide any other documents regarding the use of the land at 146 B Ashland Ave., including a description of any obligations concerning the use of such land between S&S Holding, Inc. and Mr. Dipietro.

2. Explain the business incorporation status of S&S Holding, Inc.

Specify the full legal name with exact spelling of the business entity operating as "S&S Holding, Inc." Provide the business mailing address, telephone number and Registered Agent of the business entity. If incorporated, specify the state of incorporation and the principal place of business. If a partnership, provide the names and addresses of all the partners. If S&S Holding, Inc. has a parent company, list the parent name and address.

3. Provide the date when operations began at S&S Holding, Inc.

If the date of operations differs from the start date of the lease requested in Question 1, explain the date S&S Holding, Inc. began operations at 146 B Ashland Ave.

Provide a response addressing the items noted above to Mr. Bednarz within 30 days of receipt of this letter at bednarz.damian@epa.gov. Include with your response your intent with respect to obtaining coverage under the MSGP and your time frame for obtaining such coverage. You may refer any questions related to technical issues in this letter to Mr. Bednarz at 617-918-1482 or at his email address. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or kopf.jeff@epa.gov.

Sincerely,

TODD BORCI

Digitally signed by TODD BORCI
Date: 2023.04.17 08:15:47
-04'00'

Todd J. Borci
Manager, Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report
Inspection Photo Album
Fact Sheet – Applying for MSGP Coverage
Fact Sheet - Applying for MSGP Coverage Step 2
Fact Sheet - Applying for MSGP Coverage Step 3

CCs (electronic only):

Laura Shifman, MASS DEP WRO

Susannah King, MASS DEP

Damian Bednarz, Inspector, EPA Region 1

Jeff Kopf, Senior Enforcement Counsel, EPA Region 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
S&S Holding

From: Damian Bednarz DAMIAN
Jeremy Rolfe BEDNARZ Digitally signed by DAMIAN
BEDNARZ
Date: 2023.04.14 09:58:09 -04'00'

Thru: Alex Rosenberg Digitally signed by
ALEX ROSENBERG
Date: 2023.04.14
10:11:23 -04'00'

To: File

I. Facility Information

- A. *Facility Name:* S&S Holding
- B. *Facility Location:* 146 B Ashland Ave
Southbridge, MA 01550
- C. *Facility Contacts:* Steve Frank, Operator S&S Holding
(860) 576-7297, Steve_frank82@icloud.com
- D. *NPDES ID No(s):* NA (unpermitted)

II. Background Information

- A. *Date(s) of inspection:* February 8, 2023
- B. *Weather Conditions:* 42° F, Cloudy, Recent Rain Event
- C. *US EPA Representative(s):*
Damian Bednarz, Environmental Compliance and Assurance Division
("ECAD")
Jeremy Rolfe, ECAD
- D. *State/Local Representative(s):*
None
- E. *Federally Enforceable Requirements Covered During the Inspection:*
40 C.F.R. § 122.26 – NPDES Multi-Sector General Permit ("MSGP") for
Stormwater Discharges Associated with Industrial Activity (modified
September 29, 2021)

F. Previous correspondence & Enforcement Actions:

In 2021, D&D Welding and Salvage (“D&D”), the previous operators of industrial activity is located at 146 Ashland Ave, Southbridge MA did not reapply for the reissued MSGP coverage. System generated email correspondence, as well as attempts to call the operator were made in an attempt to notify about the need to reapply for coverage under the MSGP. No response was received.

EPA then learned that a new operator, S&S Holdings was conducting activities at the previously permitted address. On January 20, 2022, EPA notified S&S Holding, via email of the need to apply for coverage under the MSGP. No response was received, and another email notice was sent March 10, 2022. On August 3, 2022, EPA sent a formal information request and instructions to apply for MSGP coverage to Mr. Frank, operator of S&S Holding. EPA did not receive any response. EPA attempted to correspond with the operator three more times via phone on November 1st, 16th, and 17th during normal business hours. All attempts at contacting Mr. Frank failed, including EPA’s attempt to notify the Facility of the impending inspection.

III. Type and Purpose of Inspection

United States Environmental Protection Agency (“EPA”) inspectors conducted an evaluation of the facility described below to determine compliance with MSGP for Stormwater Discharges Associated with Industrial Activity.

IV. Facility Description

S&S Holding, referred to hereafter as “S&S” or “Facility”, is a salvage operation owned and operated by Steve Frank. S&S is located at 146 B Ashland Ave, Southbridge, MA 01550 on a rented parcel of land behind a locked gate and chain. Both S&S and D&D Welding and Salvage are accessible via a 25’ easement as shown on the city’s municipality website. The Facility is located at the top of a hill with two distinct areas, one for stockpiling scrap metal and the other for sorting and an office building (Slide 47). Mr. Steve Frank is the owner and operator of S&S. Mr. Frank works at the Facility full-time and employs one yard assistant part-time. The business is open Monday through Saturday (8 AM to 5 PM Mon-Thu, 8 AM to 1 PM on Friday, and 8 AM to 12 Noon on Saturday). Mr. Frank explained that S&S has been in operation for around 4 years. Before that, it operated as D&D Welding and Salvage (“D&D”) under the ownership and operation of Mr. Marc Dipietro.

A separate area of industrial activity at the same address, is located at the southwestern end of the inspected area (Slide 47). According to Mr. Frank, the activities outside of his leasehold are associated with D&D. According to their 2015 MSGP Notice of Intent (“NOI”) to discharge, D&D is a scrap metal recycler and garbage dump that includes several frontage buildings directly to the northeast of S&S Holding. Materials associated with D&D activities were observed from the entrance to S&S Holdings leasehold, a 25’

Municipal utility easement south of Ashland Avenue. Mr. Dipietro owns the land parcel that encompasses both S&S and D&D operations.

The body of water running adjacent to the site is Lebanon Brook and was observed at the time of the inspection. A beaver dam as well as a municipal stone spillway, has enlarged the ponded area. This pond is observable from satellite imagery of the property (Slide 47). Stormwater discharges from the site reach the ponded area.

V. Inspection

The inspection was conducted without notice to the site owner and operators, due to multiple failed attempts to provide notification. Inspector team arrived at approximately 10 AM.

A. Opening Conference

Mr. Bednarz and Mr. Rolfe (“Inspector Team” or “Inspectors”) arrived at 146 Ashland Ave, Southbridge, MA 01550 at approximately 10 AM. Inspector team searched for an office for S&S Holding and discovered through a conversation with nearby warehouse workers that the D&D Welding shop had been sold to a new business and that S&S Holding operations were located further back on the parcel. The Inspector Team then proceeded through the 25’ easement towards S&S. Inspector team arrived and was greeted by the part-time yard worker. She explained that the owner of S&S was not present but will return shortly. Inspector team waited for approximately 15 minutes until Steve Frank, the owner of S&S arrived. Mr. Bednarz explained that the purpose for the visit is to conduct a stormwater evaluation under the MSGP. Inspector team presented their credentials and further explained that the inspection had been informed by a lapse in MSGP coverage.

Inspector Team asked Mr. Frank about land ownership agreements. Mr. Frank informed the inspectors that the owner of the land was Mr. Marc Dipietro, who resided in Sarasota, Florida at the time of the inspection. He had previously owned and operated a salvage business, D&D Welding & Salvage, on the industrial areas of the property (S&S and D&D) before moving to Florida and renting S&S their portion approximately three or four years ago. According to Mr. Frank, in December of 2019, Mr. Dipietro had sold the welding building (Slide 47) and land adjacent to it as a warehouse to another business while retaining ownership of the rest of the land behind the gate directly leading to S&S. Further, inspectors learned that Mr. Frank operates S&S under a land rental agreement with Mr. Dipietro. Mr. Frank explained Mr. Dipietro’s son still resides in Massachusetts and visits both S&S and D&D periodically.

Mr. Frank asked if there were specific issues to be covered by the inspection. He was informed that the site had lapsed in MSGP coverage upon termination of the 2015 MSGP. Mr. Frank stated that he was not informed about the need for permit coverage despite communication attempts and enforcement history with D&D. Inspector team and Mr. Frank exchanged contact information. When asked to produce a current or previous

Storm Water Pollution Prevention Plan (“SWPPP”), Mr. Frank stated that he did not have one.

Mr. Frank asked if the Inspector Team was part of the State which had been conducting a groundwater sampling operation on the property, to which the inspectors responded that they were not. It was discovered that MassDEP had conducted groundwater monitoring on the site in the past. Several groundwater wells were present on the site. These wells were observed to be capped (Slide 5), although Mr. Frank stated that state personnel still occasionally ask for access to his site to utilize the wells.

Inspector Team asked about the nature of industrial activity on the site. Mr. Frank stated the following operations occur at S&S:

- a. Dry salvage of cars (no draining or storing of car fluids);
- b. Salvage reclamation of metals, machines, and cars;
- c. Smashing of cars via large backhoe; and
- d. Sales of used automobiles.

Inspector Team asked if any part of the salvage operation used water and were told that it did not. Mr. Frank informed inspectors that the site did not have running water and that water is trucked to site for use in its bathroom that discharges to a septic system.

If cars are brought to the site with oil or fuel, they are turned away unless they can be used for the operation as “yard cars” or re-sold as-is. Cars with fluids are therefore neither drained nor salvaged.

Inspectors then asked what was done with car batteries. Mr. Frank stated that they are collected and sold off in bulk at predetermined intervals. This is the same procedure used for air conditioning units, which are palletized, wrapped in plastic, and sold in bulk. S&S does not drain refrigerants from recyclable machinery on-site and sells material in bulk to a contractor a few times a month.

When asked what machinery the yard uses, Mr. Frank stated that there were 4 large machines. Major vehicle maintenance is done by a contractor onsite, but Mr. Frank does oil changes himself roughly 3 times a year. Oil is drained and put back into empty oil containers and immediately disposes of it at public oil collection locations. Multiple small consumer oil containers were observed in the scrap yard (Slides 8, 20).

Propane welders were observed on-site and are used out in the scrap yard area to break down material (Slide 19).

Cars are crushed at a designated area directly in front of the facility office/breakdown building (Slide 47). The crushing is done by a large excavator which presses down on the cars to crush them flat for more compact storage when they are put onto trucks. The crushing area itself is located next to a 15’ high retaining wall (Slide 32, 35). A frozen pool had accumulated from runoff that flows between this wall and one of D&D’s buildings, as it had rained the day before (Slide 35). This runoff pathway is demarcated by the label “ditch” in Slide 54. The source of this water accumulation is in part due to a

a discharge point of water, observed to be flowing at the time of the inspection and referred to as “Outfall 002” in this report (Slides 36-39, 47).

The breakdown building, located in the southwestern corner of S&S, is near a large amount of empty scrap propane canisters, as well as dozens of unidentifiable empty canisters (Slides 44, 45). The building itself contained organized receptacles of scrap metals (copper, wires, etc). There is a moderately-sized wood stove inside the building which is used for heat. That is also where the facility stores its forklift. The S&S facility does not have municipal power or water. Water is brought to site in a large plastic container and electricity is obtained using a small gas-powered generator.

B. Facility Tour, S&S Holding

At approximately 10:30 AM Inspector Team and the S&S operator conducted a facility tour around the scrap yard in a clockwise direction. Mr. Frank pointed out specific points of his facility, including the main scrap areas and the areas he uses to park yard cars which are used for operating the facility (Slides 2, 3, 4). Incoming scrap and vehicles are weighed on a scale at the entrance (Slide 4).

Cars waiting to be broken down for parts are parked in a ring around the dirt road that circles the scrapyard (Slides 6-12). Mr. Frank explained these cars are dry with no oil, fuel, or other fluids.

At the easternmost edge of the site, Inspector Team observed multiple palettes of AC units in shrink wrap, stacked tires, more automobile scrap parts, and three standing gas tanks (Slide 13). Additionally, a deconstructed truck with remaining engine parts and piles of scrap (Slide 13). About a dozen more vehicles and a scrap excavator were observed on the property (Slide 14).

Some larger pieces of scrap captured water, an indicator of the amount of rainwater the site experienced the day before (Slide 15).

Inspector Team observed metal and wooden fencing along the edges of the scrap yard (Slide 8, 16). This fence is backed, in most of the site, by a ditch and a sharp topographical decent (Slide 16, 17). At the bottom of this incline the inspectors observed a large volume of stormwater flow running through a metal culvert pipe (Slide 17, 46). It is undetermined where this stormwater flows, as it continued towards residential properties to the east.

Puddles of water were observed in the main area of scrap metal collection and salvage automobile stockpiling. Stormwater was observed flowing downgradient from the S&S leasehold and past a D&D warehouse (Slides 23-30, 47) into Lebanon Brook. This flowpath is marked in the slides using letters. Flow runs from “A” downgradient in alphabetical order (i.e. flow direction is from “A” to “B”, “B” to “C”, and so on).

The Inspector Team moved to the front of the facility. Stormwater flows down the access road away from the S&S entrance (Slides 23, 24), referred to as Outfall 001 in this report.

Inspector Team observed stormwater collection within muddy depressions in the area used for vehicle storage (Slides 25-30). All mentioned flow paths were observed to discharge directly into Lebanon Brook (Slide 29, 30, 47). Pools of water (Slide 27) and a concentration of muddy leaves were observed along this flowpath (Slide 28, 29) that leads directly into Lebanon Brook.

Inspector team observed the car crushing area and the metal separation breakdown building at the area of the site furthest from Lebanon Brook. An outfall pipe, referred to here as Outfall 002 (Slides 36-39), was observed to be discharging water. Water entering the pipe comes from an eroded channel or ditch (Slide 35).

The breakdown building housed a forklift and a wood-burning stove for heat. Mr. Frank stated that no water is used in the metal separation processes, and the site is not hooked into municipal water. There is a large water tank outside of the building that is filled via an external service. Inspectors observed dozens of empty canisters directly next to this breakdown building as well as a large scrap container that was covered by a large piece of sheet metal (Slides 43-45).

Mr. Frank explained that the buildings and materials stored further down the road are not part of S&S operations but belong to D&D, the address' previous operator.

C. Closing Conference

After conducting the inspection, the inspectors asked Mr. Frank to reiterate the extent of his lease. According to Mr. Frank, his lease area stops at the entrance to S&S (Slide 23). The lessor is Mr. Marc Dipietro. When asked why Mr. Frank had allowed MSGP permit coverage to expire in 2021, Mr. Frank stated that he was told anything about the specific requirements of the EPA and received no notice when he started operating S&S Holding.

It was also at this time that the inspectors inquired more about the groundwater test wells that were present at the site. Mr. Frank stated that "someone from the state" had requested day and night access to his site to monitor them, but that he did not feel comfortable allowing unescorted personnel onto his site outside of normal business hours. Mr. Frank stated that the last time he spoke with a state representative had been only a few weeks prior to the time of the inspection.

Further contact information was exchanged, as well as contact information for Mr. Dipietro. Inspectors informed Mr. Frank that he would receive an inspection report within 90 days. This concluded the inspection for S&S Holding.

Inspector Team departed at approximately 12:30 PM.

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of

concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.