

NPDES Reconnaissance Inspection Report

National Database Information		
Inspection Date: August 24, 2022	Inspection Type: Reconnaissance Inspection	
Entry/Exit Time: 08:34 / 09:30	NPDES ID Number: MTU000715	
NAICS Code: 423140 / SIC: 5015	Inspection ID: 202208 MTU000715	
Lead inspector and affiliation: Lisa-kay Prideaux, U.S. EPA Region 8, Montana Operations Office		
Inspector and affiliation: Evan Smith, Water Quality Regulatory Specialist, Confederated Salish & Kootenai Tribes		

Facility Location Information	
Site/Facility Name & Location: Timberlane Auto Salvage, LLC 36970 Timberlane Road, Ronan, Montana 59864 47.5155794°N; -114.0942941°W	Mail Report to (electronic): Neal Talsma Timberlaneauto@yahoo.com

Contact Information	
	Name(s)/Title
Facility Contacts:	Neal Talsma, Owner, Timberlane Auto Salvage, LLC (present)
Person/Company meeting definition of "Operator"	Timberlane Auto Salvage, LLC
Authorized Official(s)	None – unpermitted
Tribe Representative(s)	Evan Smith, Water Quality Regulatory Specialist, Confederated Salish & Kootenai Tribes (present)
Indian Health Service Representative(s)	None present

Permit Information		
Is the permit on site and available? Unpermitted facility	Discharge Category: Unpermitted facility	Monitoring Frequency: Unpermitted facility
Effective Date: Unpermitted facility	Expiration Date: Unpermitted facility	Is the Facility under a compliance schedule? N/A
Is correct contact information indicated on ICIS? yes	Indicate correct contact information: N/A	
Receiving Water(s): unnamed intermittent stream and wetland area, a tributary of Crow Creek		
Discharge point location (longitude, latitude): 47.515267°N; -114.093027°W (flowing south through wetland area and culvert under Timberlane Road)		
Regulatory Inspector's source of information: Aerial imagery, EPA records, facility personnel, and site review.		

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Effluent/Receiving Waters</u>	<u>Compliance Schedule</u>
<u>Records/Reports</u>	<u>Flow Measurement</u>	<u>Discharge Monitoring Reports</u>
<u>Facility Site Review</u>	<u>Monitoring Program</u>	<u>Lift Station Operation and Maintenance</u>
<u>Collection System Review</u>	<u>Lagoon Self- Inspections</u>	<u>Preventive and Emergency Operation and Maintenance</u>

Report Review and Signature		
Drafter Signature/Name	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2023.01.03 08:17:12 -07'00'	U.S. EPA Region 8, Montana Operations Office 10 West 15th Street, Suite 3200 Helena, Montana 59626	11/30/2022
Lisa-kay Prideaux	406-457-5022	
Reviewer Name	Address/Phone Number	Date
Akash Johnson	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6067	12/2/2022
Management Signature/Name	Address/Phone Number	Date
MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2022.12.30 10:47:43 -07'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	12/30/2022
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

Introduction and Background

On March 25, 2022, the U.S. Environmental Protection Agency (EPA) sent the subject facility a letter requesting information pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, particularly relating to controlling stormwater discharges, 40 C.F.R. § 122.26. Requested information was due by April 24, 2022. No response was received.

On Wednesday, August 24, 2022, EPA inspector Lisa-kay Prideaux, and the Water Quality Regulatory Specialist for the Confederated Salish and Kootenai Tribes, Evan Smith, also a federally-credentialed inspector, conducted an unannounced inspection to evaluate compliance with the Clean Water Act and EPA National Pollutant Discharge Elimination System (NPDES) regulations. The inspection commenced at 08:34, when the inspectors arrived at the facility, presented credentials and identification, and asked to meet with the owner, Mr. Talsma. We had an opening conference to explain the purpose of the inspection, which was to evaluate if the facility needed coverage under a stormwater industrial permit. At the time of the inspection, Timberlane Auto Salvage, LLC did not have coverage under the current Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities. I asked a series of questions, similar to those posed in the March 25, 2022, information request letter. Throughout the inspection, observations and photograph descriptions were documented in a field logbook. All photographs taken during the inspection are included in the attached photo log.

Mr. Talsma stated there are two types of vehicles that come into the yard; those that are from a wrecker service and can be on-site undrained until owners come to claim them, or until insurance companies have completed processing, and cars that are drained on-site and are stored on-site for salvage sales. Mr. Talsma stated the vehicles brought in through the wrecker service are kept in the main area as you drive into the facility for ease of access and retrieval. He stated some wrecker service cars are never claimed, in which case they are then drained on-site and moved to the yard for auto salvage.

Mr. Talsma walked us through two storage lots; the 'holding' lot and the 'parts' lot where vehicles are stored. The holding lot is approximately 12-acres in size with approximately 2.5 of those acres a wetland area. The parts lot is approximately 23-acres in size. The parts lot is surrounded by an earthen berm approximately 12 feet high. No berm or other barrier is present around the holding lot.

We started by walking toward the east of the office where wrecker service vehicles are located in the holding lot (photos 648 & 655). Mr. Talsma stated that he hadn't had a chance to drain most of the vehicles in this location and could not move them to the parts lot as there was no room. To the east of the vehicles in the holding lot is a wetland area in which the vehicles are lined up against the southwestern and northeastern edges of the wetland area (photos 649-651). No best management practice was observed between the vehicles in the holding lot and the wetland area. We then walked through the holding lot and to the north, all while staying on the edge of the wetland area. The vegetation in this area was tall and thick and therefore inspectors were unable to determine any fuel spills or staining from the undrained vehicles existed. We then walked up the large berm (approximately 12-feet high) to view and enter the parts lot (photo 652-654). Mr. Talsma stated the berm was constructed many years ago. The berm surrounds the 23-acre parts lot except for the southern end where the building and fence close it out, and an access road located in the southeast corner of the northern parts lot as it joins the northeast portion of the holding lot. Mr. Talsma stated the vehicles within the parts lot are drained in the shop and placed in the lot for salvage. We walked up an internal road within the parts lot for approximately half of the lot. The southern end of the parts lot and north of the office building is an area where vehicle parts extracted and are organized. This area also has a large number of tires stacked, and a storage tank sourced for used

antifreeze from the drained vehicles (photo 656). The facility has one building on site where the office is housed, as well as a shop for draining vehicles and minor maintenance. The shop area contains storage for batteries, and tanks filled with drained fluids (photos 657 & 658). The facility utilizes the used oil from vehicles in a heater to heat the shop area. No floor drains were observed in the shop area.

A closing conference was held on-site with Mr. Talsma, during which I explained the process of this report as well as preliminary finding of facts: the facility is primarily engaged in industrial activity classified under SIC Code 5015 (Automobile Salvage Yard); discharge of stormwater associated with industrial activities into waters of the U.S. is regulated under the Clean Water Act and applicable regulations found at 40 C.F.R. § 122.26; discharge points of potential pollution, in the form of stormwater having come into contact with industrial activities, were observed during the inspection from two areas: the holding lot (via wetland) and the parts lot on the southern end. There is a third potential discharge point (not observed while on-site), located through the access road on southeast corner of the northern parts lot as it joins the northeast portion of the holding lot (see ariel photo in photo log). Stormwater from the facility has the potential to discharge to a water of the U.S. We discussed best management practices (BMPs) for each of the two lots which would be required in a storm water pollution prevention plan to control pollutant laden stormwater from leaving the site, and as part of the requirements of obtaining a permit for the site. The berm surrounding the parts lot is considered an existing BMP. The inspection concluded at approximately 09:30.

Findings, Corrective Actions and Recommendations

Finding #1: The site did not have a stormwater industrial permit.

The Timberland Auto Salvage, LLC has the potential to discharge stormwater from an industrial site designated with a primary Standard Industrial Classification (SIC) of 5015 into waters of the U.S. Specifically, the facility has three areas in which pollutant laden stormwater has the potential to leave the industrial site; the holding lot (via wetland) and the parts lot on the southern end and through the access road on southeast corner of the northern parts lot as it joins the northeast portion of the holding lot.

Statutory Requirement:

In order to restore and maintain the integrity of the nation's waters, section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S., unless authorized by certain other provisions of the Clean Water Act, including section 402 of the Clean Water Act, 33 U.S.C. § 1342.

Section 402 of the Clean Water Act, 33 U.S.C. § 1342, establishes the NPDES program, under which the EPA, and states with authorization from the EPA, may permit discharges of pollutants into navigable waters, subject to specific terms and conditions.

Regulatory Requirement:

Federal regulations at 40 C.F.R. 122.26(b)(14) require stormwater discharges associated with specific categories of industrial activity into waters of the U.S. to be covered under NPDES permits. Categories of facilities engaging in industrial activity include, among others, auto salvage yards operations such as the one observed at the site, are required to be covered under the MSGP (40 C.F.R. 122.26(b)(14)(vi)).

Permit Requirement:

Part 1 of the MSGP states, "To be covered under this permit, you must meet all of the eligibility conditions and follow the requirements for obtaining permit coverage in Part 1."

Part 1.3.2 of the MSGP states, "To be covered under this permit, you must use EPA's NPDES eReporting

Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and provides information on your industrial activities and related discharges. Per Part 7.1, you must submit your NOI electronically via NeTMSGP, unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOI form in Appendix G. To access NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>”.

For stormwater discharges to be authorized you must apply for coverage under the Multi-Sector General Permit (“MSGP”) (see Attached Fact Sheet) 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”).

Corrective Action:

Submit a notice of intent (NOI) to obtain permit coverage for the site under the MSGP. To obtain coverage under the MSGP visit: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-e-reporting>. Once MSGP coverage has been obtained, comply with all applicable requirements of the permit. Provide the EPA and the Confederated Salish & Kootenai Tribes with a description of the corrective actions taken to address this finding. Provide the EPA and the Confederated Salish & Kootenai Tribes with a copy of the NOI. Please be aware that as part of the application process for MSGP coverage you must first prepare a Stormwater Pollution Prevention Plan (“SWPPP”).

Finding #2: The site did not have a Stormwater Pollution Prevention Plan.

The site did not have a Stormwater Pollution Prevention Plan (SWPPP). For information on SWPPP requirements see Part 6 (pages 55-64) of the MSGP: https://www.epa.gov/sites/default/files/2021-01/documents/2021_msgp_-_permit_parts_1-7.pdf

Permit Requirement:

Part 1.3.1 of the MSGP states, “You must develop a SWPPP or update your existing SWPPP per Part 6 prior to submitting your NOI for coverage under this permit, per Part 1.3.2 below.”

Part 6 of the MSGP states, “You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of stormwater control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with major storm events. As distinct from the SWPPP, the additional documentation requirements (see Part 6.5) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.”

Corrective Action:

Develop a SWPPP for the site in accordance with Part 6 of the MSGP prior to submitting the NOI to be covered under the MSGP. Provide the EPA and the Confederated Salish & Kootenai Tribes with a description of the corrective actions taken to address this finding. Provide a copy of the SWPPP to the EPA and the Confederated Salish & Kootenai Tribes.