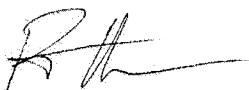


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, ECAD-WCB
5 Post Office Square - Suite 100, Boston, MA 02109-3912

Clean Water Act (CWA) Inspection Report

Program: Industrial Stormwater	Inspection Type: Compliance Evaluation Inspection (CEI)	
Permittee Name: Presby Recycling LLC	NPDES/ICIS No.: (Unpermitted at time of inspection)	
Inspection Entry Date: November 7, 2023 Inspection Entry Time: 11:29 AM (EDT)	Inspection Exit Date: November 7, 2023 Inspection Exit Time: 12:30 PM (EDT)	
Facility Inspected: Presby Recycling, 664 Eaton Road, Franconia, NH 05380	Lat, Long: 44.209200°, -71.751783° NAICS / SIC Code: Not known by the On-site Facility Representative	
EPA Representative(s): Damian Bednarz (EPA Region 1)		
State Representative(s): Laurel Pushee (NH DES)		
On-site Facility Representative(s): Sean Moore, Recycling Yard Supervisor, (603) 823-5514		
Responsible Official: Thad Presby, Owner, 244 Main Street, Franconia, NH 05380, thad.presby@presbyc.com		
Name and Signature of Inspector Robert Naeser – Contract Inspector, PG Environmental 	Phone Number/Email (720) 789-8049 rob.naeser@pgenv.com	Date: 12/19/2023

INTRODUCTION:

On November 7, 2023, U.S. Environmental Protection Agency contractor, PG Environmental, conducted an industrial stormwater Compliance Evaluation Inspection (CEI) at Presby Recycling LLC (Facility), located in Franconia, New Hampshire, Grafton County (Facility or Site). Mr. Robert Naeser, an EPA Clean Water Act (CWA) credentialed inspector (EPA Inspector), led the inspection, presented credentials to the On-site Facility Representative, Sean Moore, upon arrival at the Facility, and conducted an opening conference.

The purpose of the CEI was to assess the Facility's compliance status with respect to EPA's 2021 Industrial Stormwater Multi-Sector General Permit (2021 MSGP). At the time of the inspection, the Facility had not submitted a NOI for coverage under the 2021 MSGP.

Weather conditions at the time of the inspection were overcast skies with temperatures of approximately 38°F. According to precipitation data from the closest National Oceanic and Atmospheric Administration (NOAA) weather station, the Lincoln, NH area, received no rainfall in the five days leading up to the inspection.

ATTACHMENTS:

Appendix A – Photograph Log

FINDINGS AND OBSERVATIONS:

Facility Description

Presby Recycling LLC is a family owned business that buys and recycles ferrous and non-ferrous scrap metal. The Facility is less than 10 acres in size, has operated at this location for more than 21 years, and employs three staff. The EPA Inspector was escorted around the site by Sean Moore (On-site Facility Representative). Figure 1 is an annotated Google Earth aerial image dated October 2, 2023.

The Facility recycles light iron, #1 steel, copper, brass, aluminum, and metal cuttings. The Facility never has more than 200 tons of metal on-site, according to the On-site Facility Representative. The Facility has an aluminum bailer and copper smelter (refer to Appendix A, Photographs 5 and 7). The On-site Facility Representative stated the smelter has never operated. Industrial activities include stockpiling ferrous and non-ferrous metals, equipment maintenance, vehicle dismantling, waste oil storage, storage of empty 55-gallon drums and larger totes, and storage of dumpsters, roll off containers and heavy equipment (refer to Appendix A, Photographs 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 19, 22, 23, and 24, and 25).

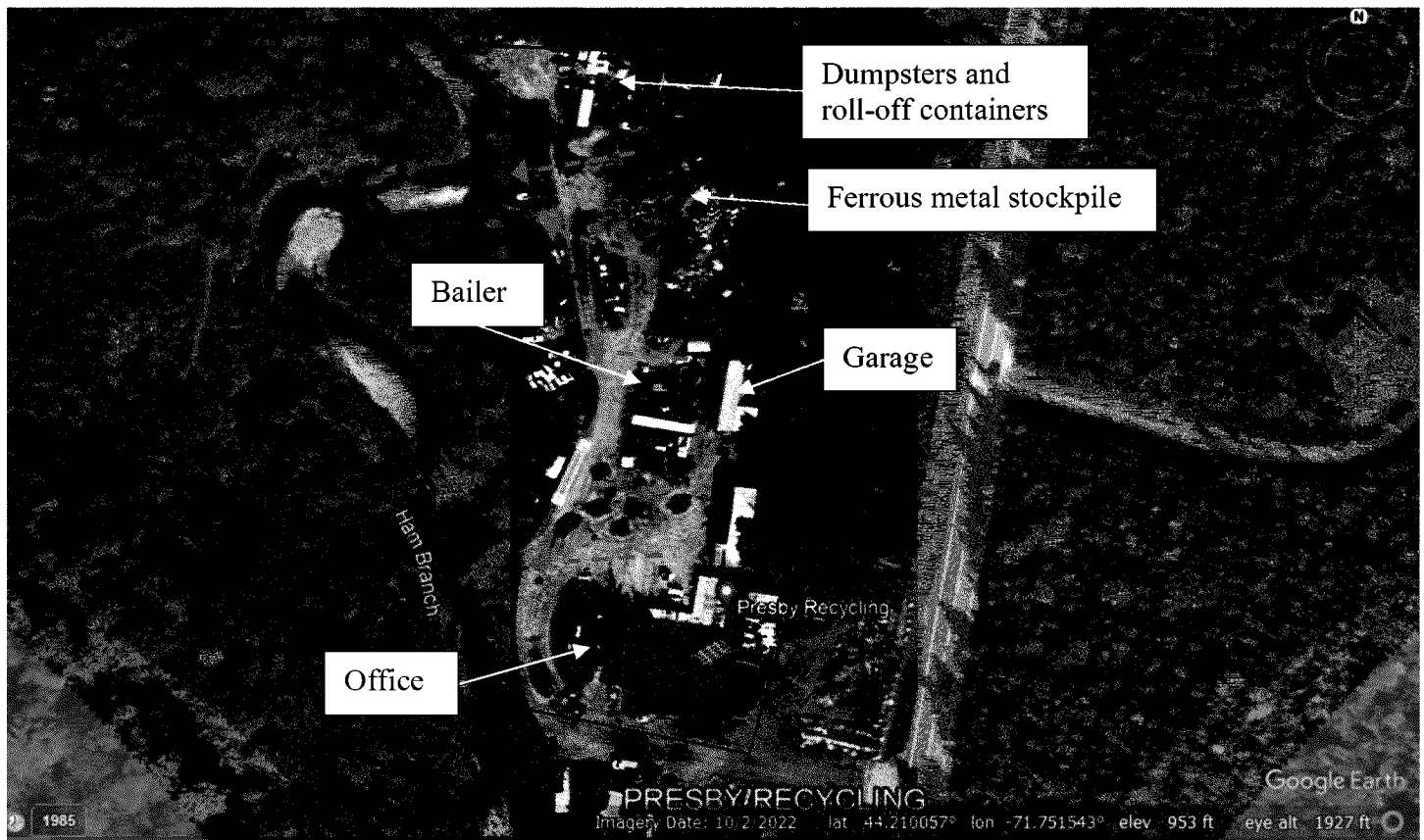


Figure 1. Google Earth aerial view of the Facility dated 10/2/2022. The blue arrows depict observed flow pattern, the red lines and Ham Branch are the approximate Facility boundaries.

The Facility has an office, garage, and three sheds. Dismantling and equipment repair occur in the garage (refer to Appendix A, Photographs 12, 13, and 14). The inspector observed a truck parked in the garage for maintenance, the On-site Facility Representative stated that vehicle dismantling is not a regular occurrence. The

garage has a transfer tank for removing gasoline from vehicles prior to dismantling (refer to [Appendix A, Photograph 13](#)). The On-site Facility Representative stated that it takes one to two years to fill the transfer tank. The sheds hold waste oil drums, empty drums, the smelter, and bailed aluminum (refer to [Appendix A, Photographs 6, 7, 8, 9, 10, and 11](#)).

Customers deliver scrap metal to the Facility or the Facility can provide dumpsters and roll off containers to collect scrap at customer sites. Empty dumpsters and roll off containers are stored at the north end of the Facility (refer to [Appendix A, Photographs 15, 23, and 24](#)). The Facility owner also operates a landscaping material business. The landscaping business operates under a different name and is located on the south side of the site, separate from the Facility, and was not inspected.

The Facility is surrounded by Ham Branch to the west, private property to the north, Eaton Road to the east, and private property to the south (Figure 2). Bailed tires were used to construct a barrier between the Facility and the property to the north (refer to [Appendix A, Photographs 22 and 23](#)).

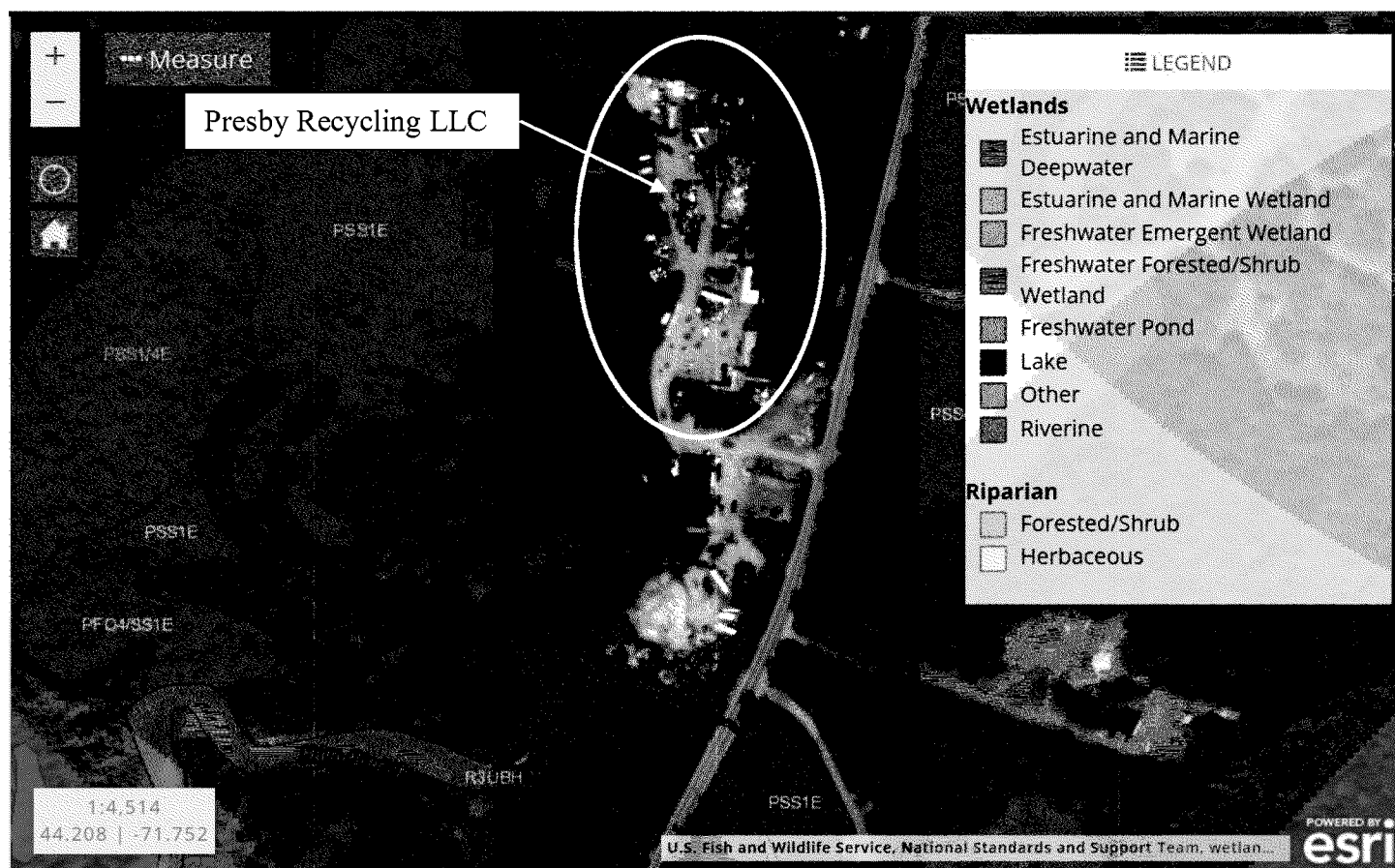


Figure 2. NWI Map of the area surrounding Presby Recycling

Facility Drainage Systems and Discharges

The Facility grounds were surfaced with compacted earth. Ham Branch of the Gale River flows in a northerly direction along the Facility's western boundary (Figure 2 and refer to [Appendix A, Photographs 2, 3, 20, and 21](#)).

The EPA Inspector observed that stormwater would flow east to west across the Facility. A vegetated buffer ranging in width from 20 feet to more than 100 feet, estimated with Google Earth, separated areas of the Facility used for industrial activity from Ham Branch (refer to [Appendix A, Photographs 2, 3, 17, 18, and 19](#)), except for the northwestern end of the Facility. In the northwestern part of the Facility the active area of the Facility extended to the edge of Ham Branch (refer to [Appendix A, Photographs 20 and 21](#)).

The EPA Inspector did not observe a consistent berm between the Facility and Ham Branch. A small intermittent berm was observed along the west side of the Facility but would not prevent stormwater from discharging to Ham Branch. The ground surface on the west side of the ferrous metal pile was slightly concave, water was ponding in this area (refer to [Appendix A, Photographs 16 and 17](#)).

The EPA Inspector observed a discrete conveyance path from the northwestern edge of the Facility yard to Ham Branch with sediment deposition in Ham Branch (refer to [Appendix A, Photograph 20](#)).

Observations

The EPA Inspector observed that the Facility was not equipped with a berm or other structural best management practice (BMP) to prevent or inhibit the flow of stormwater offsite and into Ham Branch at the northwestern corner of the yard.

The EPA Inspector observed scrap batteries stored under cover and elevated off the ground on a pallet (refer to [Appendix A, Photograph 4](#)). The EPA Inspector observed bailed aluminum stored under cover (refer to [Appendix A, Photograph 5](#)).

The EPA Inspector observed more than ten 55-gallon waste oil drums stored under cover and within secondary containment (refer to [Appendix A, Photograph 10](#)). The waste oil drums were all labeled “waste oil” (refer to [Appendix A, Photographs 8 and 9](#)). Waste oil is burned on-site.

In a separate shed from the waste oil drums, the EPA Inspector observed at least two empty totes, at least four empty plastic 55-gallon drums, and more than 20 empty metal 55-gallon drums (refer to [Appendix A, Photograph 11](#)). The On-site Facility Representative stated that the empty plastic drums were extra capacity for waste oil, and the empty metal drums are used to hold scrap metal and copper for recycling.

In the garage, the EPA Inspector observed waste oil stored in a plastic 55-gallon drum and waste oil draining from one plastic bucket to another, both on a containment pallet (refer to [Appendix A, Photographs 12 and 14](#)). The garage also held a transfer tank for removing gasoline from cars during the dismantling process (refer to [Appendix A, Photograph 13](#)). The transfer tank replaced the “lift the vehicle and puncture the tank” approach to draining gasoline. The old lift was stored at the north end of the yard (refer to [Appendix A, Photograph 23](#)).

The EPA Inspector observed stormwater ponding in the yard (refer to [Appendix A, Photographs 15, 16, and 17](#)).

The EPA Inspector observed shipping containers, heavy equipment, scrap steel, and a truck mounted asphalt hot box on the western side of the Facility yard, adjacent to Ham Branch (refer to [Appendix A, Photographs 17, 18, and 19](#)).

The ferrous metal stockpile was on the east side of the Facility yard (refer to Appendix A, Photograph 16). At the time of the inspection, the Facility was sorting the ferrous metal for off-site recycling. The EPA Inspector observed end-of-life vehicles (ELVs) on the pile, a covered roll off dumpster on the east side of the ferrous metal stockpile held scrap motors (refer to Appendix A, Photograph 25).

Metal shavings were deposited in truck beds on the north end of the Facility yard (refer to Appendix A, Photograph 24). The EPA Inspector noted the shaving were dry, not wet or oily.

POTENTIAL NONCOMPLIANCE ITEMS:

1. At the time of the inspection, the EPA Inspector identified the following at the Facility:
 - a. The Facility is engaged in recycling ferrous and non-ferrous metals, SIC Code 5093 – Scrap and Waste Materials. SIC Code 5093 is regulated under 40 C.F.R. § 122.26 for stormwater discharges associated with industrial activity.
 - b. The Facility outdoor areas were used for industrial activities including equipment storage, accumulation of ferrous and non-ferrous metals for recycling, and bailing aluminum.
 - c. The Facility did not, at the time of inspection, have coverage under the 2021 MSGP for Stormwater Discharges Associated with Industrial Activities.
 - d. Facility stormwater, from areas used for industrial activities, discharges to Ham Branch. The Ham Branch flows along the Facility’s western border of the Facility. Areas of the Facility associated with industrial activity are between 5 feet and more than 100 feet upgradient from Ham Branch.
 - i. The EPA Inspector observed a discrete conveyance path from the northwestern edge of the Facility yard to Ham Branch.
 - ii. The EPA Inspector observed sediment deposition where the discrete conveyance path entered Ham Branch.

AREAS OF CONCERN:

1. At the time of the inspection, the EPA Inspector identified the following at the Facility:
 - a. A truck mounted asphalt hot box on the western side of the Facility yard, adjacent to Ham Branch, without cover or containment.
 - b. The ferrous metal stockpile did not have perimeter control or other BMP to minimize the conveyance of metal fines and other pollutants in stormwater flowing from the stockpile.
 - c. Cover and containment were not provided for the metal shavings accumulating in truck beds.
2. At the time of the inspection, the EPA Inspector observed at least ten 55-gallon waste oil drums, at least two empty totes, at least four empty plastic 55-gallon drums, more than 20 empty metal 55-gallon drums, a transfer tank, and the fuel contained in the bailer, excavator, and other Facility equipment. The EPA Inspector estimated the combined volume of available storage in containers larger than 55-gallons to have a total volume of available storage above the applicability threshold for EPA’s Spill Prevention, Containment, and Countermeasure (SPCC) rule (1,320 gallons).
 - a. The State of New Hampshire representative recommended that the Facility reduce the number and volume of empty drums and totes so as not to trigger the SPCC rule.

CLOSING:

At the conclusion of the inspection, the EPA Inspector held a closing conference with the Facility representative and discussed the preliminary findings and observations of the inspection. The EPA Inspector reiterated that all observations were preliminary and not compliance determinations. The closing conference began at 12:20 PM (EDT) and concluded at approximately 12:30 PM (EDT).