

NPDES Inspection Report - Stormwater Industrial

National Database Information	
Inspection Date: 5/18/2023	Inspection Type: Industrial Stormwater
Entry/Exit Time: 10:30 am / 12:45 pm	NPDES ID Number: NDR320601
NAICS Code: 324121	Inspection ID: 202305_NDR320601
Lead Inspector and affiliation: Brit Rustad / EPA Region 8	
Inspector and affiliation: Stephanie Meyers / EPA Region 8	
Inspector and affiliation: Dallas Grossman / North Dakota DEQ	
Inspector and affiliation: Kylee Harrison / North Dakota DEQ	
Inspector and affiliation: Alexis Delzer / North Dakota DEQ	

Facility Location Information	
Site/Facility Name and Location: Strata Construction – Devils Lake 2224 Hwy 19 West, Devils Lake, North Dakota 58301	Mail Report to: Joshua Costello joshua.costello@stratacorporation.com

Contact Information	
Facility Contacts: <i>Indicate primary lead and present during inspection</i>	Name/Title
	Joshua Costello / Environmental Manager / primary lead and present during the inspection
	Tammy Kuk / Area Manager / present during opening and closing conferences
Owner, operator, and permittee information: The site is owned by Strata Corporation The site is operated by Joshua Costello according to the SWPPP	

Permit Information	
Is the permit on site and available? Yes, electronically	Date NOI Submitted: 12/06/2019
Effective Date: 01/01/2020	Expiration Date: 12/31/2024
Latitude: 48° 06' 22" N	Longitude: 98° 53' 09" W
Receiving Water(s): unnamed canal to Devils Lake	Impairments: Devils Lake impaired for fish consumption
Regulatory Inspector's source of information: Facility representative and facility observations, SWPPP, and ICIS	

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Self-Monitoring Program</u>	<u>Pollution Prevention</u>
<u>Records</u>	Compliance Schedule	<u>Stormwater</u>
<u>Facility Site Review</u>	Laboratory	No Exposure
Effluent/Receiving Waters	<u>Operations and Maintenance</u>	Other:
Flow Measurement	Sludge Handling/Disposal	Other:

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Report Review and Signature		
Drafter Name	Address/Phone Number	Date
BRIT RUSTAD  Digitally signed by BRIT RUSTAD Date: 2023.07.07 07:17:10 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6885	6/5/2023
Brit Rustad		
Reviewer Name	Address/Phone Number	Date
Stephanie Meyers	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6938	6/30/2023
Supervisor Signature/Name	Address/Phone Number	Date
COLLEEN RATHBONE  Digitally signed by COLLEEN RATHBONE Date: 2023.07.06 15:27:44 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6133	7/6/2023
Colleen Rathbone		

Inspection Narrative and Site Description
On May 18, 2023, U.S. Environmental Protection Agency (EPA) inspectors Brit Rustad and Stephanie Meyers along with North Dakota Department of Environmental Quality (NDDEQ) inspectors Dallas Grossman, Kylee Harrison, and Alexis Delzer arrived at the Strata Construction - Devils Lake (the facility) at 10:30 am to conduct an inspection and evaluate compliance with the North Dakota Pollutant Discharge Elimination System (NDPDES) permit associated with industrial stormwater requirements. The EPA and NDDEQ performed a joint inspection at this facility. The inspection was announced 2 days prior to the inspection, to coordinate logistics for the inspection and to ensure that appropriate personnel would be available. The EPA inspectors along with NDDEQ met with Joshua Costello, Environmental Manager for Strata Construction, and Tammy Kuk, the Area Manager for the facility. The EPA inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. The inspectors began by going through a series of checklist questions with the facility representatives. Once complete the inspectors proceeded to inspect the facility and asked questions to the facility representative to help the inspectors evaluate compliance. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log. Strata Construction – Devils Lake is located at 2224 Hwy 19 West, Devils Lake, North Dakota. The permit coverage is for 41.7 acres. The facility’s primary operation is as a base for a portable asphalt plant. In addition, there is also an onsite indoor maintenance shop for general equipment maintenance as well as fueling that occurs. The fuel tanks hold approximately 2,000 and 10,000 gallons of diesel fuel. The facility primarily produces asphalt for road projects at the plant. The asphalt cement stored in the large tankers used to make the product is trucked onto the facility. The asphalt cement is combined with aggregate, which is stored onsite in large stockpiles, to make the final product. The facility is subject to SIC code 2951 and NAICS code 324121. There was no product being produced at the time of the inspection as it was still too early in the season for paving operations. Product that is wasted or

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Inspection Narrative and Site Description

rejected from the processes gets stored in a rejects pile onsite. This stockpile consists of used tac oil, asphalt cement and aggregate. The pile will eventually get reused in the process rather than being sent offsite or becoming a permanent waste stockpile.

The facility inspection began by walking the maintenance shop and observing equipment and vehicle maintenance practices as well as materials storage (photos 4324-4332). After the shop, the inspectors viewed the east side of the facility where all stormwater runoff flows as well as any material storage and fueling tanks that are located on that side (photos 4333-4340, 4345-4350). The two outfalls indicated on the plans are also located on the east perimeter, outfall 1 (photo 4346) and outfall 2 (photo 4348). Next the inspectors drove around the stockpiled aggregate and materials storage areas on the south side of the facility (photos 4351-4368). Inspectors noted several spills and waste piles amongst the stockpiles (photos 4353, 4355 and 4360). Toward the west side of the facility inspectors observed numerous totes exposed to stormwater that had various levels of unknown substances inside (4361-4363). Just south of the asphalt plant a bermed depression was noted at the rear of a tanker truck. In a phone call with facility representatives on May 26, 2023, inspectors were informed that the bermed area was for collecting any accidentally spilled tac oil from the tanker while it's being delivered. After this the inspectors viewed the asphalt plant and more materials storage areas (photos 4369-4372). Lastly the inspectors observed the materials storage area outside of the maintenance shop (photos 4374-4390).

After the inspection of the facility, the inspectors returned to the main office and held a closing conference with Joshua Costello and Tammy Kuk where they discussed preliminary findings. On May 30, 2023, the EPA sent an email to Joshua Costello with the preliminary findings from the inspection.

Photos of some corrected findings were sent to the EPA on May 25, 2023 by Joshua Costello. EPA requested some additional information regarding the photos which was received on June 1, 2023. Additionally, a phone call with facility representatives was made on May 26, 2023, with John Levine and Jeremy Swanson to get clarification on some of the plant processes.

Findings, Corrective Actions and Recommendations

Finding #1: The SWPPP contains incorrect information and is missing required information. Upon reviewing the SWPPP inspectors found much information missing or inaccurate. These deficiencies are noted below:

1. There are minimal details about the industrial activities that occur at the facility.
2. The roles and responsibilities are inaccurate. For example, the SWPPP identifies individuals conducting inspections, but no inspections are being conducted at least once every 3 months as required by the permit.
3. The SWPPP does not include an assessment of sources that could contribute pollutants to stormwater runoff, it only lists three industrial activities and that hydrocarbons could be a potential pollutant.
4. The SWPPP does not include preventative maintenance practices to ensure proper operation, inspection, and maintenance of BMPs, stormwater management devices, and equipment stored onsite.

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5. The SWPPP does not include a spill prevention and response plan.
6. The SWPPP does not identify practices or facility features used to minimize the exposure or contact of stormwater with industrial materials and activities.
7. The SWPPP does not include a description of practices that have been installed to control pollutants in stormwater runoff.
8. The SWPPP does not indicate maintenance requirements for stormwater controls.
9. The SWPPP is missing required components of the facility map as required by the permit.
 - a. The onsite map does not appear to have been updated. The limits of construction did not include a building and surrounding area that was being used for storage and parking of equipment. Also, inspectors could not locate the southern fuel tank location indicated on the map.
10. The SWPPP does not include the sample locations, but rather states the facility does not discharge.
11. The monitoring schedule for sampling is incorrect.
12. The SWPPP states that batteries are to be stored inside. This practice was not being followed.
13. The SWPPP states that inspections will be conducted quarterly and within 15 minutes of a rain event, but inspections are not being conducted.

Permit Requirement:

Part II. C. 1. a. of the Permit states, "Provide a description of the type of industrial activities conducted at the facility"

Part II. C. 1. c. of the Permit states, "Provide a site specific map(s) of suitable scale and quality to show:

- (1) Township, range, and section, or latitude and longitude;
 - (2) Stormwater drainage patterns in and around the facility;
 - (3) All stormwater conveyances including ditches, pipes, and swales in and around the facility;
 - (4) Storm sewer inlets and outfalls, along with a unique identification code for each outfall (e.g., Outfall 001, 002) in and around the facility;
 - (5) All stormwater sample collection points;
 - (6) Potential pollutant sources;
 - (7) All stormwater control measures;
 - (8) Location and extent of facility structures and impervious surfaces; and
 - (9) Any locations and dates where reportable quantity spills or leaks have occurred within the three years preceding the most recent SWPPP revision.
- Also indicate the location of the following activities that are exposed to precipitation:
- (10) Fueling stations;
 - (11) Vehicle and equipment maintenance and/or cleaning areas;
 - (12) Loading/unloading areas;
 - (13) Locations used for the treatment, storage, or disposal of wastes;
 - (14) Liquid storage tanks;
 - (15) Processing and storage areas;
 - (16) Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - (17) Transfer areas for substances in bulk; and
 - (18) Machinery."

Part II. C. 3 of the Permit states, "The SWPPP shall include a narrative description of the potential

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pollution sources associated with industrial activity and material handling at the facility. For each potential pollution source, the description must include:

a. Activity Assessment. The SWPPP shall provide an assessment of industrial activity at the facility that could contribute pollutants to stormwater runoff. Each of the following shall be evaluated for the reasonable potential to contribute pollutants to stormwater runoff: material handling equipment or operations; industrial machinery; industrial production and processes; significant dust generating activities; disturbed area vulnerable to erosion; and the storage, loading and unloading, transportation, disposal, and conveyance of any raw material, intermediate products, by-products, final products, and waste products.

b. Pollutant List. The SWPPP shall include a list of significant materials associated with industrial activity that could be exposed to precipitation and discharged from the facility as potential pollutants. Examples include but are not limited to crankcase oil, zinc, sulfuric acid, and cleaning solvents. The pollutant list shall include all significant materials that have been handled, treated, stored, or disposed at the facility. The list also shall include past spills that were exposed to stormwater in the three years prior to the date the SWPPP was prepared or amended.

For facilities subject to Emergency Planning and Community Right-to-Know Act Section 313 (EPCRA 313) requirements, the sources of potential pollutants for which you report under EPCRA 313 shall be included in the description of potential pollutant sources.

c. Non-Stormwater Discharges. The SWPPP shall identify sources and locations of non-stormwater discharges that may be present and include a description of the pollution prevention measures in use.”

Part II. C. 4. of the Permit states, “The SWPPP shall describe the location and type of all stormwater control measures for each industrial source or activity that could contribute pollutants to stormwater runoff. A combination of best management practices (BMPs) and structural controls shall be implemented as appropriate to reduce the contribution of pollutants to stormwater runoff.”

Part II. C. 4. a. of the Permit states, “The SWPPP shall describe good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern.”

Part II. C. 4. c. of the Permit states, “The SWPPP shall describe preventative maintenance procedures to ensure the proper operation of stormwater management devices, as well as equipment on-site. This includes regular inspection, testing, maintenance, and repair of all control measures and equipment to ensure proper operation. The SWPPP shall include the schedule or frequency for inspecting and maintaining all selected control measures and equipment.”

Part II. C. 4. e. (2). of the Permit states, “Personnel shall be trained in at least the following areas as related to the scope of their job duties:

- An overview of the contents of the SWPPP;

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- Spill prevention and response procedures, good housekeeping practices, maintenance requirements, and material management practices;
- The location and maintenance of on-site stormwater pollution prevention controls;
- Operating procedures for preventing pollution; and
- Inspection procedures and records retention.”

Part II. C. 5 of the Permit states, “All stormwater pollution prevention control measures identified in the SWPPP shall be maintained in effective operating condition. The SWPPP shall identify the maintenance schedule for stormwater pollution prevention controls. If site inspections identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.”

Part II. C. 6. of the Permit states, “Site inspections as required in Part III(A) shall be conducted to monitor the condition of stormwater discharge outlets and effectiveness of BMPs. The SWPPP shall specify the procedures for performing inspections, including:

- a. Person(s) or position(s) responsible for inspections;
- b. Schedules and frequencies for conducting inspections;
- c. Areas and activities that will be inspected; and
- d. Information that will be recorded as part of an inspection.

Stormwater pollution prevention control measures identified in the SWPPP shall be inspected to ensure they are operating correctly and in serviceable condition. Areas that require more frequent monitoring due to the nature of the industrial activity or past leaks shall be identified in the SWPPP.”

Part II. C. 7 of the Permit states, “The SWPPP shall include procedures for conducting sampling required by this permit in Part III(B). The SWPPP shall include specifics such as sampling points, sampling procedures, chain-of-custody requirements, contracted laboratory, and parameters to be sampled.

a. The SWPPP shall outline:

- (1) Locations of all outfalls where samples will be collected, including any determination that two or more outfalls are substantially identical (refer to Appendix
- (2) Sample parameters;
- (3) Type of sample collection method (e.g., grab, instantaneous);
- (4) Schedules for sampling and monitoring at the facility;
- (5) Any numeric control values (benchmarks, effluent limitations, TMDL-related WLAs, etc.) applicable to each outfall;
- (6) Procedures for collecting samples; and
- (7) Procedures for gathering storm event data.”

Part II. C. 8. b. of the Permit states, “The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state. The SWPPP also shall be amended if it is found to be ineffective in controlling pollutants present in stormwater.”

Corrective Action:

Ensure that all elements required by the permit are accurately identified in the SWPPP and that these requirements are being implemented. Provide EPA and NDDEQ with an updated SWPPP that

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includes all of the above required components as well as a narrative explaining how the SWPPP will be properly implemented as required by the permit.

Finding #2: There was no secondary containment or spill kits located around fuel tanks and petroleum products.

While inspecting the fueling station and the asphalt plant, inspectors noticed that there were numerous fuel tanks and petroleum products stored outside, not in secondary containment, and without any spill kits nearby. (Photos 4335, 4341, 4342, 4370, 4374)

Permit Requirement:

Part II. C. 4. d. of the Permit states, "Spill kits shall be maintained in a ready state."

Part II. D. 2. of the Permit states, "Petroleum products, oil field production water, and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state. Position materials, equipment and activities so that leaks and spills are contained, or able to be contained, to prevent the leak or spill from leaving the facility. Clean up spills and leaks promptly to prevent the discharge of pollutants. The SWPPP shall include recovery and disposal methods for cleaning up spills and leaks."

Part II. D. 5 of the Permit states, "Minimize the exposure of industrial activity including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations to precipitation by locating these activities indoors or utilizing storm resistant coverings, where practicable."

Appendix 1, Part C. 1. b. of the Permit states, "Liquid or soluble materials including oil, fuel, paint, and hazardous substances shall be properly stored to prevent spills, leaks, or other discharges. Restricted access to storage areas shall be provided to prevent vandalism. Storage and disposal of liquid or soluble material shall comply with applicable regulations."

Corrective Action:

Ensure that all fuel, petroleum products and any other chemicals are either properly stored or have adequate leak and spill protection. Also, make sure that spill kits are located nearby and kept fully stocked. Provide EPA and NDDEQ with photos and a description of how the above corrective actions will be addressed.

Finding #3: There appeared to be a lack of stormwater controls at the facility.

While observing onsite conditions as well as facility map review, inspectors noted that there was a lack of stormwater controls onsite.

Permit requirements:

Part II. C. 4. of the Permit states, "The SWPPP shall describe the location and type of all stormwater control measures for each industrial source or activity that could contribute pollutants to stormwater runoff. A combination of best management practices (BMPs) and structural controls shall be implemented as appropriate to reduce the contribution of pollutants to stormwater runoff."

Part II. C. 4. f. of the Permit states, "Sediment and erosion controls shall be implemented on areas of operations vulnerable to erosion. The SWPPP shall conform to the requirements provided in Appendix 1. The SWPPP shall describe the appropriate control measures and when they will be implemented during the process for each major phase of site activity (such as clearing, grading for

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new mine areas or building support features). The description and implementation of controls shall address the following minimum components:

- (1) Sediment basins, or an appropriate combination of equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, fiber rolls, vegetative buffer strips, or berms are required for all down slope boundaries of the disturbance area and for those side slope boundaries as may be appropriate for site conditions.
 - (2) Temporary erosion protection (such as cover crop planting or mulching) or permanent cover shall be provided for the exposed soil areas where activities have been completed or temporarily ceased. These areas include graded slopes, pond embankments, ditches, berms and soil stockpiles.
 - (3) All control measures shall be selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee shall replace or modify the control for site situations. The permittee may deviate from the manufacturer's specifications and erosion and sediment control requirements in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPPP.
 - (4) If sediment escapes the site, off-site accumulations of sediment shall be removed in a manner and at a frequency sufficient to minimize off-site impacts. The SWPPP shall be modified to prevent further sediment deposition off-site.
 - (5) Sediment and erosion controls are expected to withstand and function properly during precipitation events of less than or equal to the 2-year, 24-hour storm event. The release of sediment or other materials due to such storm events should be minimal.
- The 2-year, 24-hour rainfall event in North Dakota ranges from about 1.76 inches in the west to 2.50 inches in the east (NOAA Atlas 14, Volume 8, Version 2, MidwesternStates 2013)."

Corrective Action:

Implement stormwater controls, including best management practices (BMPs) and structural controls for any pollutant source that could contribute to stormwater runoff. Provide EPA and DEQ with a description of corrective actions taken as well as photos showing the BMPs implemented.

Finding #4: Inspections are not being conducted at the facility.

Facility representatives indicated during the opening conference that facility inspections were not being conducted.

Permit Requirement:

Part II. C. 6. of the Permit states, "Site inspections as required in Part III(A) shall be conducted to monitor the condition of stormwater discharge outlets and effectiveness of BMPs. The SWPPP shall specify the procedures for performing inspections, including:

- a. Person(s) or position(s) responsible for inspections;
- b. Schedules and frequencies for conducting inspections;
- c. Areas and activities that will be inspected; and
- d. Information that will be recorded as part of an inspection.

Stormwater pollution prevention control measures identified in the SWPPP shall be inspected to ensure they are operating correctly and in serviceable condition. Areas that require more frequent monitoring due to the nature of the industrial activity or past leaks shall be identified in the SWPPP."

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Part III. A. 1. a. of the Permit states, “Active facilities shall be inspected at least once during each three-month period. The three-month periods shall consist of the first quarter of the year (January-March), the second quarter of the year (April-June), the third quarter of the year (July-September), and the fourth quarter of the year (October-December).”

Corrective Action:

Ensure that inspections are conducted on a quarterly basis and documented in accordance with the permit. Ensure that inspection reports are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and NDDEQ with a description of the corrective actions taken to address this finding.

Finding #5: There are no records of maintenance conducted or corrective actions completed.

Because facility representatives indicated that no inspections were being conducted there was no evidence of maintenance or corrective actions being completed.

Permit Requirement:

Part III. A. 4. of the Permit states, “A record shall be made summarizing the scope of the inspection, major observations relating to the SWPPP, and any corrective actions taken. At a minimum, the inspection record (or report) shall include:

- a. Date of inspections;
- b. Name of person(s) conducting inspections;
- c. Signature of person(s) conducting inspections or other means used to verify an inspector (e.g., work order or preventative maintenance schedule completion);
- d. Indicate if the inspection is a result of a stormwater discharge event;
- e. Signs of pollution, or the potential for pollution, from industrial activities;
- f. Inspection findings including major observations related to the SWPPP, condition of stormwater pollution prevention controls, deficiencies noted, recommendations for corrective actions, and corrective actions taken; and
- g. Documentation that the SWPPP has been amended when substantial changes are made to stormwater controls or other BMPs in response to inspections.”

Part III. A. 5. of the Permit states, “When deficiencies are noted during an inspection, corrective actions shall be performed as soon as feasible. A record of corrective and maintenance activities shall be kept. This record shall include the dates and party completing the activities.”

Corrective Action:

Ensure that inspections document maintenance and corrective actions in accordance with the permit. Ensure that findings and their corrections are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and NDDEQ with a description of the corrective actions taken to address this finding.

Finding #6: There were barrels, drums, and totes stored outside and exposed to stormwater.

All throughout the facility there were barrels, batteries, buckets, drums, tanks, and totes stored outside and exposed to stormwater. The asphalt reject pile also had no controls. None of these locations had secondary containment and none were labeled including the used oil totes. (Photos 4335, 4337-4339, 4341, 4342, 4354, 4357-4364, 4371, 4374, 4376-4383, 4385-4390)

Permit Requirement:

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Part II. C. 4. a. of the Permit states, “Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible.”

Part II. D. 2. of the Permit states, “Petroleum products, oil field production water, and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state. Position materials, equipment and activities so that leaks and spills are contained, or able to be contained, to prevent the leak or spill from leaving the facility. Clean up spills and leaks promptly to prevent the discharge of pollutants. The SWPPP shall include recovery and disposal methods for cleaning up spills and leaks.”

Part II. D. 5 of the Permit states, “Minimize the exposure of industrial activity including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations to precipitation by locating these activities indoors or utilizing storm resistant coverings, where practicable.”

Appendix 1, Part C. 1. b. of the Permit states, “Liquid or soluble materials including oil, fuel, paint, and hazardous substances shall be properly stored to prevent spills, leaks, or other discharges. Restricted access to storage areas shall be provided to prevent vandalism. Storage and disposal of liquid or soluble material shall comply with applicable regulations.”

Corrective Action:

Ensure that either all outdoor storage of pollutants that could come into contact with stormwater have adequate controls or are provided protection so they cannot come in contact with stormwater. Provide leak and spill protection, including secondary containment where appropriate. Label all drums, totes, barrels, tanks and buckets that contain pollutants. Provide EPA and NDDEQ with photos and a description of the corrective actions taken to address this finding.

One photo was sent to EPA on June 1, 2023 indicating that two of the used oil tanks had been labeled.

Finding #7: The area around the asphalt plant was stained with oil/asphalt.

While driving around the asphalt plant inspectors noticed staining on the ground around the tankers. (Photos 4369 and 4370)

Permit Requirement:

Part II. C. 4. a. of the Permit states, “The SWPPP shall describe good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern.”

Part II. D. 2. of the Permit states, “Petroleum products, oil field production water, and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of

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the state. Position materials, equipment and activities so that leaks and spills are contained, or able to be contained, to prevent the leak or spill from leaving the facility. Clean up spills and leaks promptly to prevent the discharge of pollutants. The SWPPP shall include recovery and disposal methods for cleaning up spills and leaks.”

Corrective Action:

On June 1, 2023, photos were submitted to the EPA indicating that the staining around the asphalt plant had been removed. Continue to ensure proper clean up and disposal of any leaked or spilled materials near the asphalt plant. No further action is required.

Finding #8: Concrete waste was observed dumped on the ground.

While inspecting the facility, inspectors noticed several locations where waste had been dumped or spilled. There was a pile of concrete waste, asphalt waste and rock as well as tipped over drums with potential concrete cure near the south end of the facility. (Photos 4353, 4355-4358)

Permit Requirement:

Part II. C. 4. a. of the Permit states, “The SWPPP shall describe good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern.”

Appendix 1. C. 1 of the Permit states, “Properly handle debris and waste materials.

a. Debris and waste must be handled appropriately until disposal. Litter and debris shall be collected and stored to reduce the potential for wind and water to carry the materials off site or leachate discharging from the facility. Collected material shall be taken to the appropriate facility for disposal or recycling.

b. Liquid or soluble materials including oil, fuel, paint, and hazardous substances shall be properly stored to prevent spills, leaks, or other discharges. Restricted access to storage areas shall be provided to prevent vandalism. Storage and disposal of liquid or soluble material shall comply with applicable regulations.”

Corrective Action:

Ensure that pollutants are properly stored and/or disposed of. Provide EPA and NDDEQ with photos and a description of the corrective actions taken to address this finding.

Finding #9: The discharge status of the facility cannot be confirmed.

A facility representative indicated the facility does not discharge, but it is uncertain whether this is confirmed with staff onsite when measurable storm events occur. During a phone conversation on May 26, 2023, onsite facility representatives said that they do not inform the individual who submits DMRs of any precipitation events.

Permit Requirement:

Part II. C. 7. a. of the Permit states, “The SWPPP shall outline:

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(7) Procedures for gathering storm event data.”

Appendix 3 Part A. 1. of the Permit states, “All required monitoring must be performed on a storm event that results in an actual discharge from the facility (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (three days). In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs from the facility.”

Appendix 3 Part A. 3. of the Permit states, “For storm events sampled, except snowmelt monitoring, the permittee shall record the date and duration (in hours) of the event, rainfall amount or estimates (in inches) of the event, and time (in days) since the last measurable storm event which generated runoff. For snowmelt monitoring, you must identify the date of the sampling event. The information shall be included on DMRs. The permittee shall have the option of maintaining a rain gauge on site or utilizing the nearest National Weather Service rain gauge station. Rain gauge locations or stations must be representative of the facility.”

Corrective Action:

The permittee is required to sample discharges from the facility. To do so the facility must implement a strategy for knowing when discharges may be occurring. Submit to EPA and NDDEQ a plan for how the facility will monitor precipitation events in order to determine when sampling is required.

Finding #10: There was process wastewater being stored in a pit uncovered on site.

There was what appeared to be an asphalt washout pit where a tanker truck was backed into the pit, and the pit contained water mixed with asphalt and oil. After speaking with facility representatives over the phone on May 26, 2023, the EPA was informed that the bermed area was for collecting any accidentally spilled tac oil from the tanker while its being delivered. (Photo 4365)

Permit Requirement:

Part II. C. 4. a. of the Permit states, “The SWPPP shall describe good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern.”

Part II. D. 2. of the Permit states, “Petroleum products, oil field production water, and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state. Position materials, equipment and activities so that leaks and spills are contained, or able to be contained, to prevent the leak or spill from leaving the facility. Clean up spills and leaks promptly to prevent the discharge of pollutants. The SWPPP shall include recovery and disposal methods for cleaning up spills and leaks.”

Corrective Action:

Clean up and properly dispose of the tac oil pit. Provide EPA with photos and a description of corrective actions taken to address this finding.

NPDES Inspection Report - Stormwater Industrial

Photos showing that the pit had been removed and a description of the disposal practice were sent on June 1, 2023. No further actions are needed.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

BASIC INFORMATION

Facility Name: Surefire #1 Treating Plant

Facility Location: 47.662377, -102.727642

RCRA ID: XHN200000117

Facility Contact: Lane Rossow,
701-690-6408
lane.rossow@surefire-energy.com

Notification Status: Non-notifier

Date of Inspection: September 17, 2024

Arrival Time: 1:00 p.m.

Departure Time: 2:40 p.m.

Lead Inspector: Annette Maxwell, U.S. EPA

Other Attendees:

1. Josh Henry, Surefire Energy, LLC
2. Tara Hubner, U.S. EPA
3. Jesse Newland, U.S. EPA
4. Jason Mills, U.S. EPA
5. Rob Beierle, U.S. EPA
6. Bill Schroeder, U.S. EPA
7. Terrence Morgan, TAT-ED
8. Nick Bruno, ERG (EPA Contractor)
9. Cameron Tanaka, ERG
10. Andrew Swingler, ERG

Type and Purpose of Inspection: Compliance Evaluation Inspection

Facility Type: Oilfield Waste Treatment Facility

Applicable Statute to Inspection: RCRA Section 7003

Inspection Type: Announced Inspection

Disclaimer

This report is a summary of observations and information gathered from the facility at the time of the inspection. The information provided does not constitute a final decision on compliance with RCRA regulations, nor is it meant to be a comprehensive summary of all activities and processes conducted at the facility.

FACILITY INFORMATION

Company Operator: Surefire Energy, LLC

Facility Name: Surefire #1 Treating Plant
Facility Location: 47.662377, -102.727642
Date of Inspection: September 17, 2024

General Facility and Process Description: The Surefire #1 Treating Plant facility is a commercial oilfield waste treatment facility that receives non-hazardous, RCRA Subtitle C-exempt E&P oilfield waste delivered by truck for storage and treatment. Onsite disposal does not occur at this facility. Equipment includes, but is not limited to, storage and settling tanks, centrifuge equipment, and solids storage bays.

REPORT SCOPE

The scope of this report is limited to observations and/or concerns regarding potential for impact to the environment as may be related to RCRA Section 7003, including potential for harm to wildlife. Sampling activities conducted under RCRA Section 3007 that occurred during the inspection were beyond the scope of this report. For that sampling activity, sample results will be provided by the EPA when they become available.

TOUR INFORMATION

An opening conference in which I presented my inspector credentials was held with Mr. Henry upon arrival at the site. He provided an overview of facility operations, explaining that incoming trucks are checked by Geiger counter, then unloaded and washed out before departing. Some of the oilfield waste received at this facility includes materials from completions and production operations, sand return “coil” consisting of varying ratios of sand with water and oil, and spill cleanup materials. Drilling fluids and cuttings are generally not accepted at this facility. The facility does not use filter socks but does use a filter can. Following the opening conference, we proceeded on a site walk-through.

A site map is included in Attachment 1 – Site Map. Photos collected as part of this inspection are included in Attachment 2 – Photograph Log.

Areas of the facility toured:

- Offload bay
- Tank battery area
- Centrifuge area
- Solids storage area

Data Collected and Observations:

At the offload bin, Mr. Henry said the bin was used to unload trucks like hydrovacs and for production water hauling truck wash-out. See Attachment 2, photo 1.

At the centrifuge area, I observed that oil was spilled on the ground, see Attachment 2, photo 20. Mr. Henry stated the oil was spilled earlier in the morning due to an issue with bearings, and that it would be cleaned up within about an hour. In regard to the centrifuge and other processes, he said that liquids are settled in tanks prior to running through the centrifuge, and that flyash is applied to solids before they are sent to a Republic landfill for disposal.

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At a nearby grate over a low point/sump in the north tank area secondary containment, Mr. Henry said spills flow to this area and are collected by vacuum truck. See Attachment 2, photos 17 and 21.

At the solids bay area, I observed that some oily solids had spilled out of the back to the west side. See Attachment 2, photo 22 and 23. Mr. Henry said the entire site was lined to contain spills.

Near the solids bays, I observed three spent lead acid batteries (Attachment 2, photo 8) and supersacks of flyash (Attachment 2, photo 10).

In both the north and south tank areas, I observed that liner materials were ripped and degraded. See Attachment 2, photos 11-19 and 26-28. Compliance with Spill Prevention, Control, and Countermeasure (SPCC) and other Oil Pollution Act requirements was beyond the scope of this inspection and was not evaluated.

CLOSING CONFERENCE

A closing conference was conducted with Mr. Henry before the end of the inspection. During the closing conference, I stated that I would request follow-up regarding the spilled oil.

ADDITIONAL INFORMATION

Follow-up regarding management of NORM/TENORM received and generated at the facility is needed to clarify how solids with varying radiation levels are kept separate to ensure appropriate disposal.

Additionally, oily waste that is not physically restricted from access by birds and other wildlife is a concern because of the potential for injury or mortality. Follow-up regarding cleanup of spilled oil is needed to confirm the cleanup has been completed.

SIGNATURE

Inspector: ANNETTE MAXWELL  Digitally signed by ANNETTE
MAXWELL
Date: 2025.02.14 09:12:03 -07'00'
Annette Maxwell, RCRA Inspector

Supervisor: KRISTIN MCNEILL  Digitally signed by KRISTIN
MCNEILL
Date: 2025.02.14 11:35:51 -07'00'
Kristin McNeill, Supervisor
RCRA Enforcement Section
Enforcement and Compliance Assurance Division

Attachment 1 – Site Map

Surefire #1 Treating Plant



Attachment 2 – Photograph Log

Facility Name: Surefire #1 Treating Plant
Facility Location: 47.662377, -102.727642
Date of Inspection: September 17, 2024

ATTACHMENT 2 – PHOTO LOG

Photographer: Annette Maxwell
Camera Model and ID: iPad SS8392

Photo 1: IMG_0247.jpg, 9/17/2024, 1:26 p.m. – photo of an offload bay near the north side of the facility, taken facing north.



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Photo 2: IMG_0248.jpg, 9/17/2024, 1:26 p.m. – photo of tanks located near the northeast corner of the facility, panned right from photo 1.



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Photo 3: IMG_0249.jpg, 9/17/2024, 1:26 p.m. – photo panned right from photo 2.



Facility Name: Surefire #1 Treating Plant
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Photo 4: IMG_0250.jpg, 9/17/2024, 1:26 p.m. – photo panned right from photo 3.



Facility Name: Surefire #1 Treating Plant
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Photo 5: IMG_0251.jpg, 9/17/2024, 1:26 p.m. – photo panned right from photo 4.



Facility Name: Surefire #1 Treating Plant
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Photo 6: IMG_0252.jpg, 9/17/2024, 1:30 p.m. – photo of bays storing solids located southwest of the bay shown in photo 1.



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Photo 7: IMG_0253.jpg, 9/17/2024, 1:30 p.m. – photo of a containment area located on the north side of the facility, west of the offload bay shown in photo 1 and north of the solids bays shown in photo 6.



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Photo 8: IMG_0254.jpg, 9/17/2024, 1:43 p.m. – photo of lead acid batteries stored on the north side of the facility in the western half of the site near the solids bays shown in photo 6.



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Photo 9: IMG_0255.jpg, 9/17/2024, 1:45 p.m. – photo of the western side of the solids bays shown in photo 6, photo taken facing east.



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Photo 10: IMG_0256.jpg, 9/17/2024, 1:46 p.m. – photo of bags of flyash.



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Photo 11: IMG_0257.jpg, 9/17/2024, 1:53 p.m. – photo of the south tank area, located on the east side of the facility approximately 120 feet south of the northwest corner.



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Photo 12: IMG_0258.jpg, 9/17/2024, 1:53 p.m. – photo of the same tank secondary containment shown in photo 11.



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Photo 13: IMG_0259.jpg, 9/17/2024, 1:53 p.m. – photo of the same secondary containment shown in photos 11 and 12.



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Photo 14: IMG_0260.jpg, 9/17/2024, 1:53 p.m. – photo of the same secondary containment shown in photos 11-13.



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Photo 15: IMG_0261.jpg, 9/17/2024, 1:54 p.m. – close-up of the secondary containment shown in photos 11-14, showing a rip in the liner material.



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Photo 16: IMG_0262.jpg, 9/17/2024, 1:54 p.m. – photo of the same secondary containment shown in photos 11-15.



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Photo 17: IMG_0263.jpg, 9/17/2024, 1:58 p.m. – photo of a low point in the north tank area secondary containment that was covered by a grate.



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Photo 18: IMG_0264.jpg, 9/17/2024, 1:58 p.m. – photo panned left from photo 17.



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Photo 19: IMG_0265.jpg, 9/17/2024, 1:58 p.m. – photo of the south tank area.



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Photo 20: IMG_0266.jpg, 9/17/2024, 2:03 p.m. – photo of the centrifuge located on the eastern edge of the north tank area and oil spilled onto the ground, located north of the grate shown in photo 17.



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Photo 21: IMG_0267.jpg, 9/17/2024, 2:07 p.m. – close-up of the grate shown in photo 17.



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Photo 22: IMG_0268.jpg, 9/17/2024, 2:25 p.m. – photo of the back side of the solids bays shown in photo 6.



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Photo 23: IMG_0269.jpg, 9/17/2024, 2:25 p.m. – photo panned left from photo 22.



Facility Name: Surefire #1 Treating Plant
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Photo 24: IMG_0270.jpg, 9/17/2024, 2:25 p.m. – photo panned left from photo 23.



Facility Name: Surefire #1 Treating Plant
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Photo 25: IMG_0271.jpg, 9/17/2024, 2:25 p.m. – photo panned left from photo 24.



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Photo 26: IMG_0272.jpg, 9/17/2024, 2:32 p.m. – photo of the north tank area, western end.



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Photo 27: IMG_0273.jpg, 9/17/2024, 2:33 p.m. – photo panned right from photo 26.



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Photo 28: IMG_0274.jpg, 9/17/2024, 2:33 p.m. – close-up of the liner shown in photos 26 and 27, with rips in the liner visible.

