



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 09/01/2021 To or Blank Last day or Space
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Compliance Evaluation Inspection
Site/Facility Name: Route 30 Auto & Truck Salvage, LLC
Permittee(s): Route 30 Auto & Truck Salvage, LLC
Site/Facility Operator: Tim Dyson, Owner
Site/Facility Address: 12441 Whitesville Road
Laurel, DE 19952
Latitude: 38.498720 **Longitude:** -75.528040
County/Parish: Sussex
Permit Number: DEI000324
NAICS Code: 423140 **SIC:** 5015
Unique Project #: 3E21WN088A

Site/Facility Representative(s): **Point of Contact**
Timothy L Dyson, Sr., Proprietor ☒
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Enter Supervisor's Name and Mail Code Date

Unique Project#: 3E21WN088A

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I. Introduction

On September 1, 2021, an inspection team composed of staff from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, “EPA Inspection Team”) conducted a Compliance Evaluation Inspection of Route 30 Auto and Truck Salvage, LLC (“the site”). The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the site’s National Pollutant Discharge Elimination System (NPDES) Permit No. DEI000324 (hereinafter, the “Permit”) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at 12 p.m. for the conduct of the inspection. Inspectors met with the following site representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Ingrid Hopkins	Inspector U.S. EPA, Region III	215-814- 5437	Hopkins.Ingrid@epa.gov
Shane McAleer	Inspector U.S. EPA, Region III	215-814- 5616	McAleer.Shane@epa.gov
Site/Facility Representatives			
Timothy L. Dyson	Owner/Proprietor	302-258- 4883	WestAuto62@yahoo.com
Cody Dyson	Son/Site Representative	302-875- 7129	Codyld1@gmail.com
State or County Representatives			
Bill Tanner	Inspector DNREC	302-739- 9946	Bill.Tanner@delaware.gov

Ingrid Hopkins and Shane McAleer displayed their credentials to Cody Dyson and Timothy Dyson at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with its Permit. A copy of the Permit is provided, see Attachment 2. The EPA Inspection Team informed Cody Dyson and Timothy Dyson that any information that the Site deemed to be confidential business information (“CBI”) should be identified to EPA representatives during the inspection and it would be handled as CBI according to EPA’s CBI procedures.

B. Weather and Precipitation Conditions

During the inspection, the weather was 89 degrees. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
Georgetown, DE Coastal Airport	August 27, 2021	0.11
Georgetown, DE Coastal Airport	August 28, 2021	0.12
Georgetown, DE Coastal Airport	August 29, 2021	0.00
Georgetown, DE Coastal Airport	August 30, 2021	0.04
Georgetown, DE Coastal Airport	August 31, 2021	0.00
Georgetown, DE Coastal Airport	September 1, 2021	0.83

II. Site/Facility Activity

The Site is an industrial facility that engages in the sale of secondhand auto parts and is regulated under DNREC's Regulations Governing Storm Water Discharges Associated with Industrial Activities (NPDES General Storm Water Permit Program), NPDES Permit No. DEI000324.

The property is situated on 35 acres and discharges to the Chesapeake Bay Watershed. Storm water is drained through three (3) onsite storm water outfalls. There are five employees on site, 2 people work in the yard and there is an office staff of 3. Site representatives informed the EPA Inspection Team that an average of forty (40) junk cars are received at the site each month. Vehicles are dismantled at the rack and used fluids storage area. Oils are drained to an oil separator container and are reclaimed by a hauler, that was not identified. There is a car crusher/compactor onsite, that is in disrepair and has not been utilized in two (2) years.

During the inspection, observations by the EPA Inspection Team were made pursuant to the requirements of the Permit. In-field observations are described in detail below, in Section III, of this report. Photographs were taken during the inspection by Ingrid H. Hopkins and Shane McAleer and are provided in Attachment 4.

III. Observations

Operation and Maintenance

Section 9.1.2.3 of the permit states "Any person subject to this Subsection shall at all times properly operate and maintain all facilities systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Storm Water Plan."

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

- Observation #1:** The EPA Inspection Team observed an abandoned trailer immediately adjacent to an out of service car crusher/compactor. Inside the trailer were four (4) 5-gallon pails, one (1) blue drum containing an unspecified substance, and six (6) 300-gallon totes of gas and oil. (See Photos DSCN2378.JPG; DSCN2385.JPG; DSCN2387.JPG and DSCN2394.JPG)
- Observation #2:** The site representative informed the EPA Inspection Team that in the previous five (5) months, the Owner/Proprietor spent twenty-thousand dollars (\$20,000) re-grading an unused parcel of land onsite, which also included the installation of five (5) manmade ditches for drainage. This effort was undertaken to relieve the ponding concerns and to prepare the parcel for future restructuring and expansion. (See Photos DSCN2316.JPG; DSCN2349.JPG; DSCN2350.JPG; DSCN2353.JPG; and DSCN2363.JPG)
- Observation #3:** Mechanical repairs are conducted in a maintenance garage, at the rear of the business office. Batteries and automotive fluids are also housed in the maintenance garage where there is no potential to discharge pollutants during wet weather events. (See Photos DSCN2452.JPG; DSCN2454.JPG; DSCN2457.JPG)
- Observation #4:** Displaced auto parts, mechanical equipment, scrap metals, glass, tires, and trash/debris were observed throughout the site where they are potentially exposed to stormwater. Stained soils were noted around the front-end loader, which is located at what was described as Outfall 002. (See Photos DSCN2344.JPG; DSCN2345.JPG; DSCN2372.JPG; DSCN2373.JPG; DSCN2374.JPG; DSCN2376.JPG; DSCN2396.JPG; DSCN2397.JPG; DSCN2428.JPG)
- Observation #5:** The vehicle dismantling area is located where oil and gas are drained into an oil separator container. Adjacent to this area are junk vehicle parts and equipment that could potentially be exposed to wet weather events. The site representative stated that a hauler removes spent/used fluids from the site, but the representative was unable to recall the name of the operator. (See Photos DSCN2323.JPG; DSCN2326.JPG; DSCN2327.JPG and DSCN2344.JPG)
- Observation #6:** A chicken house is used as a storage/staging area for saleable, heavy vehicle equipment and parts, waste oil and gas containers. Materials contained in the chicken house were protected from wet weather events. (See Photos DSCN2437; DSCN2409; DSCN2400.JPG; DSCN2402.JPG; and DSCN2417.JPG)

Quarterly Visual Monitoring

Section 9.1.4.3.1 of the permit states” All facilities required to monitor storm water discharges, must perform and document quarterly visual examinations of storm water discharges associated with industrial activities from each storm water outfall. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of storm water pollution. The examination must be performed during daylight hours and must be made of samples collected within the first thirty (30) minutes of when runoff or snowmelt begins discharging from the facility. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred.”

Observation #7: At the time of inspection, the site representative was unable to provide quarterly visual monitoring records to the Inspection Team.

Benchmark Monitoring

Section 9.1.4.3.2.8 Sector M – Automobile Salvage Yards - Benchmark Monitoring Requirements: Facilities identified by SIC code 5015 shall analyze grab samples in accordance with the following parameters: pH, Total Recoverable Lead, Total Recoverable Iron, Total Recoverable Aluminum, Oil and Grease, and Total Suspended Solids.

Observation #8: At the time of the inspection, the site representative was unable to provide benchmark monitoring records for the required parameters to the EPA Inspection Team.

Storm Water Plan (SWP)

Section 9.1.5.1.1 of the permit “Who engage in industrial activities identified in §9.1.1.3.1.2, excluding those facilities classified as Industrial Activity Codes HZ and LF, shall develop and continually implement a Storm Water Plan (SWP). The SWP shall identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activities from a facility. In addition, the SWP shall describe and ensure the implementation of practices and programs which are used to reduce or eliminate the pollutants in storm water discharges associated with industrial activity at a facility and to assure compliance with the terms and conditions of this Subsection.

9.1.5.3 Persons covered by this Subsection shall retain records of all information required by the SWP (i.e., monitoring results, inspection reports, and any other documentation of compliance with this Subsection) for a minimum of five (5) years.

9.1.5.5 Failure to Prepare or Amend the SWP

In no event shall failure to complete or update a SWP in accordance with this Part relieve any persons covered under this Subsection of responsibility to implement actions required to protect the waters of the State complete any actions that would have been required by such Storm Water Plan and to comply with all conditions of this Subsection.”

Observation #9: The Permit requires that a SWP be developed to identify potential sources of pollutants. The SWP also requires that particular records be maintained including, but not limited to analytical monitoring results, quarterly visual monitoring results and sources of observed storm water contamination for a minimum of five (5) years. The EPA Inspection Team requested the SWP upon arrival. Tim Dyson, Owner/Proprietor, did not produce the SWP or any required records for review. Mr. Dyson informed the EPA Inspection Team that the SWP was unavailable due to its theft, which occurred 6-8 months prior.

The EPA Inspection Team subsequently reviewed a copy of the SWP received from Bill Tanner, DNREC. The September 2019 SWP, as written, did not appear to corroborate with the activities and conditions observed on site.

Inspections.

Section 9.1.5.7.4 of the permit states “The SWP shall detail the following inspection programs. Results of each inspection shall be maintained with the SWP.”

9.1.5.7.4.1 Routine Inspections - The facility shall conduct routine inspections of the equipment and areas of the facility designated in the SWP. The SWP shall identify the frequency for which these inspections are conducted. At a minimum, routine inspections shall be conducted once per quarter. These inspections shall ensure the proper operation of plant equipment and storm water controls. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the SWP. Any deficiencies noted shall be corrected as soon as practicable, but no later than 14 days after the inspection.

Observation #10: At the time of the inspection, the site representative did not present to the EPA inspection Team documented evidence that Routine Inspections had been conducted.

Comprehensive Site Evaluations

Section 9.1.5.7.4.2 of the permit states that “Persons subject to this Part shall conduct comprehensive site evaluations. The comprehensive site evaluations shall be used to assess the effectiveness of the current SWP. The evaluation(s) are in addition to the periodic inspections required by this Part. The evaluations may substitute for a periodic inspection if it is conducted during the regularly scheduled periodic inspection.”

Observation #11 At the time of the inspection, the site representative did not present to the EPA Inspection Team documented evidence that Comprehensive Site Evaluations had been conducted.

Outfall Identification

Section 9.1.6 of the permit states that “All persons conducting industrial activities identified in §9.1.1.3.1.2 with discharges that flow through a regulated outfall, shall identify each storm water outfall covered under this Subsection with a legible outfall tag or stencil. The mechanism for identification should be attached to an outfall pipe, stenciled on an outfall pipe, or posted in close proximity of the outfall area. The identification shall indicate the designated outfall number.”

Observation #12: During the site walkthrough, the site representative noted that there are 3 outfalls onsite. It did not appear that the outfalls were tagged, stenciled, or otherwise identified. Outfall 001 is located at the front, entry corner of the chicken house (See Photo DSCN2418.JPG). The original Outfall 002 was eliminated upon the site’s regrading activity. Outfall 002 is identified at the white residential structure, adjacent to the vehicle dismantling area (See Photo DSCN2346.JPG). Outfall 003 is located at the NW corner in a field of abandoned vehicles. (See Photo tagged, stenciled, or otherwise identified. Outfall 001 is located at the front, entry corner of the chicken house (See Photo DSCN2418.JPG). The original Outfall 002 was eliminated upon the site’s regrading activity. Outfall 002 is identified at the white residential structure, adjacent to the vehicle dismantling area (See Photo DSCN2346.JPG). Outfall 003 is located at the NW corner in a field of abandoned vehicles. (See Photo DSCN2431.JPG)

IV. Records Review

During the opening conference, the EPA Inspection Team reviewed documentation including a hand drawn sketch of the ditches created onsite. The Storm Water Plan (SWP) and the Site Map

were provided by Bill Tanner, DNREC, post inspection. A copy of the Permit is provided under Attachment 2.

V. Closing Conference

After the site walk through, the EPA Inspection Team met with the site representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the facility. The EPA Inspection Team reiterated to the facility representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at 2:50 p.m.

VI. List of Attachments

- Attachment 1: Route 30 Auto and Truck Salvage Notice of Intent
- Attachment 2: Article 7, Section 9, Regulations Governing Storm Water Discharges Associated with Industrial Activities
- Attachment 3: Route 30 Auto and Truck Salvage Storm Water Plan
- Attachment 4: Photo Log

