



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/02/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Stormwater
Site/Facility Name: Pro Waste Services
Permittee(s): Pro Waste Services, Inc.
Site/Facility Operator: Pro Waste Services
Site/Facility Address: 813 East 18th Street
Erie, PA 16503
Latitude: 42.12528 **Longitude:** -80.05957
County/Parish: Erie County
Permit Number: PAG038361
NAICS Code: 562111 **SIC:** 4214
Unique Project #: 3E23WN042A

Site/Facility Representative(s): Bill Locke **Point of Contact** ☒
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I. Introduction

On May 2, 2023, 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 (“CEI”) at Pro Waste Services, Inc., located at 813 East 18th Street Erie, PA, hereinafter, (“the site”).

Pro Waste’s industrial activity is regulated under the Pennsylvania Department of Environmental Protection (PADEP) PAG-03 General Permit No. PAG038361 (“the Permit”), Appendix L – Land Transportation and Petroleum Stations and Terminals, SIC Code 4212. Notice of a reissued PAG-03 General Permit was published in the Pennsylvania Bulletin on December 24, 2023, for a new 5-year term. The reissued PAG-03 General Permit became effective on March 24, 2023. Existing permittees were required to submit a Notice of Intent (NOI) on or before March 23, 2022, to maintain coverage under the reissued PAG-03 General Permit. On March 22, 2023, Pro Waste’s consultant, Deiss and Halmi Engineering, Inc. environmental consultant submitted an NOI to PADEP for authorization to discharge stormwater.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 11:00 a.m. for 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 H. Hopkins	Inspector, EPA Region III	(215) 814-5437	hopkins.ingrid@epa.gov
Dominic Cotton	Inspector, EPA Region III	(215) 814-2046	cotton.dominic@epa.gov
Site/Facility Representatives			
William “Bill” Locke	Site Manager, Pro Transfer	(814) 434-0646	wrlocke9099@gmail.com
Steven R. Halmi, P.E.	Deiss & Halmi Engineering, Inc.	(814) 734-3640	shalmi@deisshalmi.com

Ingrid H. Hopkins displayed credentials to Bill Locke, Site Manager, and Steven R. Halmi, P.E., Deiss & Halmi Engineering, Inc., at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with Permit No. PAG038361 (hereinafter, the “Permit”). A copy of the Permit is provided in Section VI., Attachment 2. The EPA Inspection Team informed Mr. Locke and Mr. Halmi 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, weather was 42 degrees and raining. 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
Erie International Airport	April 27, 2023	0.00
Erie International Airport	April 28, 2023	0.07
Erie International Airport	April 29, 2023	0.09
Erie International Airport	April 30, 2023	0.01
Erie International Airport	May 1, 2023	0.19
Erie International Airport	May 2, 2023	0.50

C. Summary of the Site/Facility

Pro Waste Services, Inc. owns and operates the Pro Transfer and Recovery Center located at 813 East 18th Street. The facility is a municipal waste transfer and recycling operation that began in the first quarter of 2018 and is available to clients with a Pro Waste service contract. The municipal waste transfer operation accepts municipal, residential, and commercial wastes that are stored until hauled to a landfill for permanent disposal. The hours of operation are 6 a.m.-4 p.m., Monday through Friday and 6 a.m.-11 p.m., Saturday. The foundation at the site is primarily comprised of soil and gravel. The Pro Waste representatives stated that sweeper and vac trucks operate daily rounds on street and on site. The site is served by the Erie Water Works public water system and is a direct discharger to the City of Erie public sewer system. There are four separate sewer outfalls, 1. office restrooms and Maintenance Building (Building B) floor drains, 2. Waste Transfer Station (Building D) leachate, 3. Scale House Trailer (Building F) restroom and, 4. drains in the Recycle Transfer Station (Building C) collect water from recycled materials handling and the floor drains from the Maintenance Building that convey wastewater to public sewer mains on 18th and 19th Streets. Pro Waste representatives were uncertain whether these waste streams flow to a combined or sanitary sewer. Sampling point Outfall 001 is the only permitted outfall onsite. It discharges via the City of Erie MS4 to Lake Erie. (See **Attachment 1, Photograph P5010115**)

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

II. Site Activity

The EPA Inspection Team met with the Pro Waste representatives at the Scale House Trailer (Building F). Commencement of the site walkthrough began at the Recycle Transfer Station (Building C). The transfer station accepts recycling materials that are temporarily stored prior to trucking to recycling processing facilities. At the entrance to the Recycle Transfer Station (Building C), the EPA Inspection Team attempted to evaluate the system of catch basins (5) that feed a subsurface infiltration system to the city storm sewer, but the catch basins were covered with sediment and standing water. (See Attachment 1, Photograph P5010082)

Additional industrial activity includes trailer maintenance, which occurs in the Trailer Maintenance Building (Building B). Pro Waste's vehicle fleet includes seven (7) tractors and thirty (30) trailers. The Trailer Maintenance Building (Building B) is used for the general maintenance of Pro Waste trailers. At the time inspection, there were no ongoing maintenance activities occurring. The EPA Inspection Team observed two (2) trench drains, one 330-gallon hydraulic oil tank and one 330-gallon diesel oil tank. There was a series of small spills and stains. One spill had absorbent material applied but was not yet disposed of. **(See Attachment 1, Photographs P5010106, P5010107, P5010108 and P5010109)**

A 1,000 gallon above ground diesel fuel tank was relocated outside of the Trailer Maintenance (Building B) from elsewhere on the site, per Mr. Halmi. There was no secondary containment to capture leaks or spills. A fire extinguisher with an extended hose and a fully stocked spill kit were stationed in this location. **(See Attachment 1, Photographs P5010091 and P5010094)**

The Waste Transfer Station (Building D) accepts residential and municipal waste. Construction waste is also collected. Empty containers in sizes 8 cubic yards to 40 cubic yards are stored in designated areas until they are used and removed from the site for transport to the landfill. A similar process occurs at the Recycle Transfer Station (Building C), per Mr. Halmi. The EPA Inspection Team observed the oil/water separator at the Waste Transfer Station (Building D). The oil/water separator discharges to the City of Erie sanitary sewer system. Site Representatives stated that the oil water separator last received maintenance on April 13, 2023. **(See Attachment 1, Photograph P5010071)**

The EPA Inspection Team observed the newly sited wash bay, which has the capacity to accommodate one vehicle. Inside the wash bay, Mr. Halmi pointed out three (3) drums that contained engine oil, hydraulic fluid and waste oil. He stated they had been relocated from the Trailer Maintenance Building (Building B) to the wash bay. There were two (2) manholes in the wash bay. One was covered with sediment-laden rainwater. The trench drain at the ingress of the wash bay was also covered with sediment-laden rainwater. At the egress of the wash bay, a trench drain was under construction. Upon completion, the egress trench drain will also flow to the city sanitary sewer system. **(See Attachment 1, Photographs P5010082, P5010111, and P5010113)**

A 10,000-gallon sheltered and double walled, diesel fuel aboveground storage tank (AST), with a single pump, is located at the western side of the site, adjacent to Wayne Street. For immediate response to leaks and spills, a spill kit stationed at the AST. **(See Attachment 1, Photograph P5010104)**

Observations from the inspection are described in detail below. During the inspection, photographs were taken by Dominic Cotton. A photo log is provided at Attachment 1.

III. Observations

Permit Part A.III.B. Reporting of Monitoring Results (eDMR)

4. “DMRs are based on calendar reporting periods and must be received by the DEP office that approved coverage under this General Permit in accordance with the following schedule:
 - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 for the period July 1-December 31 and July 28 for the period January 1-June 30, unless otherwise stated in the applicable sector-specific appendix.”

Observation 1

The General Permit requires semiannual reporting of monitoring results. According to EPA’s Enforcement and Compliance History Online (ECHO), the Site was in Significant Noncompliance (SNC) for failure to submit DMRs for the quarterly monitoring periods covering July-September 2021, October-December 2021, July-September 2022, October-December 2022 and January-March 2023.

Permit Part B.I.E. Duty to Mitigate

“The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 FR § 122.41(d))”

Permit Part C.II.E Good Housekeeping

“The permittee shall perform good housekeeping in order to minimize pollutant discharges...”

Observation 2

The EPA Inspection Team observed several catch basins that were covered and/or impacted by sediment laden stormwater. **(See Attachment 1, Photo P5010082)**

Permit Part C.II BMPs Applicable to All Permittees

- A. “The permittee shall implement and maintain all BMPs specified in applicable sector-specific appendix or appendices, as identified on page 1 of the General Permit, unless DEP makes a determination and notified the permittee that alternative pollution prevention measures provide equivalent protection.”

Appendix L, Part V. Sector-Specific BMPs

A.3. Vehicle and Equipment Cleaning and Maintenance Areas

“Minimize contamination of stormwater runoff from areas used for vehicle/equipment cleaning through implementation of control measures including but not limited to the following: perform all cleaning operations indoors; use dry cleanup methods; ensure that all wash water drains to a proper collection system (i.e., not the storm water drainage system); treat and/or recycle collected wash water; or other equivalent measures.”

Observation 3

The trench drain at the exterior egress of the wash bay was inundated with soil and rainwater. The trench drain discharges via an underground system of PVC and HDPE structures to the City of ErieMS4 storm sewer system. The floor drains at the interior of the wash bay were covered with sediment-laden rainwater. According to the site map, the City of Erie MS4 storm sewer system is located at Wayne Street and E. 18th Street. **(See Attachment 1, Photograph P5010116)**

Permit Part C.II.D Pollution Prevention and Exposure Minimization

“The permittee shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings wherever feasible. The permittee shall implement and maintain the following measures, at a minimum: ...

11. Train employees routinely (no less than annually) on pollution prevention practices as contained in the [Pollution Prevention and Control Plan] PPC Plan.”

Observation 4

Pollution Prevention training had not been conducted in the last several years. Records of Pollution Prevention training, including the date, subject matter, persons attending and signatures of the attendees, were unavailable. **(See Attachment 3)**

Permit Part C.II.E Good Housekeeping

“The permittee shall perform good housekeeping measures in order to minimize pollutant discharges including the routine implementation of the following measures, at a minimum:

1. Implement a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The clean and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

Observation 5

The site is comprised mostly of soil and gravel. Pro Waste representatives stated that a sweeper and vac truck are deployed daily, on the street and on site. At the time of inspection, the EPA Inspection Team observed catch basins that were impacted by an ineffective maintenance program. Sediment and fines that are entrained in stormwater discharge to the Erie City MS4.

Permit Part C.II.E. Good Housekeeping

“The permittee shall perform good housekeeping measures in order to minimize pollutant discharges including the routine implementation of the following measures, at a minimum:
...

4. Eliminate floor drain connections to storm sewers.”

Observation 6

The EPA Inspection Team observed floor drains in both the wash bay and the Trailer Maintenance Building (Building B) and the Waste Transfer (Building D) that are connected to the City of Erie storm sewer system.

Permit Part C.III. Routine Inspections

A. “The permittee shall visually inspect the following areas and BMPs on a semiannual basis (calendar periods), at a minimum:

1. Areas where industrial materials or activities are exposed to stormwater. ...
5. Physical BMPs used to comply with this General Permit.

At least once each calendar year, the routine inspection must be conducted during a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event, when a stormwater discharge is occurring.

Observation 7

Mr. Locke maintains a handwritten log of weekly, routine inspections on notepaper. It is unclear if, at least once during the previous calendar year, a semiannual, routine inspection was conducted during a wet weather event.

Permit Part C.IV. Preparedness, Prevention and Contingency (PPC) Plan

A. “The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP’s “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below.

1. The PPC plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.
2. The PPC Plan must describe preventative measures and BMPs that will be implemented to reduce and eliminate pollutants from coming into contact with stormwater resulting from routine site activities and spills.

...

4. The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion and identify measures to limit erosion. Where necessary, erosion and sediment control measures must be developed and implemented in accordance with 25 Pa. Chapter 102 and DEP’s “Erosion and Sediment Pollution Control Manual” (DEP ID 363-2134-008).”

Observation 8

The March 22, 2023, PPC Plan does not discuss the implementation of pollution prevention measures employed to reduce or eliminate loose soils and sediment from

discharging into the sewer system during dry weather and wet weather events. At the time of inspection, four catch basins at the entrance of the Waste Transfer Station and one catch basin at the Wash Bay were observed covered by sediment and rainwater. **(See Attachment 1, Photograph P501082)**

Observation 9

Maintenance fluids that are contained in barrels and ASTs are positioned in close proximity to catch basins and floor drains without a secondary containment structure.

Permit Part C.IV

- A. “The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 ... and the minimum requirements below.
1. The PPC Plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.
 2. The PPC Plan must describe preventative measures and BMPs that will be implemented to reduce or eliminate pollutants from coming into contact with stormwater as a result of routine site activities and spills. ...
 5. The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants. ...
 7. The PPC Plan must include a site map that shows structures, impervious surfaces, control measures, receiving waters, stormwater conveyances, monitoring points, and non-stormwater discharge sites. ...
- B. “The permittee shall review and if necessary, update the PPC Plan on an annual basis, at a minimum, and when: ...
3. The facility’s design, industrial process, operation, maintenance, or other circumstances change in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents, or which changes the response necessary in an emergency.”

Observation 10

The site map in the PPC Plan dated, March 20, 2023, did not discuss:

1. the change in locations for 3 drums (engine oil, hydraulic fluid and waste oil) that were transferred from the Trailer Maintenance Building (Building B to the wash bay;
2. a 1,000 gallon above ground diesel fuel tank that had been relocated outside of the Trailer Maintenance Building (Building B);

3. the oil/water separator that is associated with the activities at the Waste Transfer Station (Building D); and it is not identified on the site map;
4. explanation of how the City of Erie storm sewer system is impacted by discharges from floor drains, and trench drains and maintenance of these drains;
5. details of structural and/or non-structural BMPs employed on site and maintenance of BMPs; and
6. the overall drainage system, including identifiers and descriptions for each catch basin and manhole onsite.

Permit Part C.V. Stormwater Monitoring Requirements

- A. “The permittee shall conduct monitoring of its stormwater discharges at the representative outfalls identified in the NOI in accordance with this section and the sector-specific appendix or appendices specified on page 1 of this General Permit. Outfalls identified as “No Exposure Outfalls” in the NOI do not require monitoring unless the no exposure condition changes during the term of coverage under this General Permit, at which time monitoring must commence.”

Observation 11

The requirements at Appendix L – Land Transportation and Petroleum Stations and Terminals include semiannual benchmark sampling for Total Suspended Solids Oil and Grease at Outfall 001. For the semiannual monitoring periods ending: 12/31/2022, 6/30/2022, 12/31/2021, 6/30/2021, 12/31/2020, 6/30/2020 and 12/31/2019, Pro Waste reported “No Discharge” to the eDMR system. Outfall 001 is a manhole at the northwest corner of the site. Outfall 001 is the only sampling point on site. It discharges to the City of Erie MS4 to Lake Erie. **(See Attachment 1, Photograph P5010116)**

IV. Records Review

The EPA Inspection Team reviewed the 2023 PPC Plan, site map and NOI including a handwritten record of self-inspections. Additional documentation was requested to be provided to EPA, including employee training records, routine and comprehensive site inspections.

A copy of the PAG-03 General Permit is provided at Attachment 2.

V. Closing Conference

After the site walkthrough, the EPA Inspection Team met with the Pro Waste site representatives for a closing conference. The EPA Inspection Team requested that additional documentation be provided to EPA, including: the updated PPC Plan and site map, NOI, employee training records, routine and comprehensive site inspections and the 2022 Annual Report. 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 12:45pm.

VI. List of Attachments

- Attachment 1: Pro Waste Services, Inc. Photo Log (May 2, 2023)
- Attachment 2: PAG-03 General Permit (2023)
- Attachment 3: Preparedness Prevention & Contingency (PPC) Plan, March 22, 2023