UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination System ("NPDES")
Captain Josepf J. O'Connell Inc.

From: Damian Bednarz, Inspector

DAMIAN BEDNARZ Digitally signed by DAMIAN BEDNARZ Date: 2023.01.30 16:39:36 -05'00'

Thru: Jeremy Rolfe, ECAD Intern

To: File

I. Facility Information

A. *Facility Name:* Captain Josepf J. O'Connell Inc.

B. *Facility Location*: 180 River St
Fall River, MA 02720

C. *Facility Contacts:* Kara O'Connell, Site Operator
508-237-4971, captainoconnell@comcast.net
Don Monroe, Marine Department Project Manager
260 Cranberry Highway
Orleans, MA 02653
508-237-4971, dmunroe@coastalengineeringcompany.com

D. *NPDES ID No(s).:* MAR053102, MAR05J05S

II. Background Information

A. *Date(s) of inspection:* December 16, 2022

B. *Weather Conditions:* Cloudy skies and raining, 42°

C. *US EPA Representative(s):*
Damian Bednarz, Jeremy Rolfe

D. State/Local Representative(s):
None

E. Federally Enforceable Requirements Covered During the Inspection:
National Pollutant Discharge Elimination System Multi-Sector General Permit (June 4, 2015 and March 1, 2021 – modified September 29, 2021)

F. Previous Enforcement Actions:
None

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

Captain Joseph J. O'Connell Co. Inc. ("The Facility" or "site") is a boat yard servicing area of about 3 and a half acres beside Fall River's Taunton River. It has existed since at least 1925. Its elevation is lower than the rest of the surrounding area, so much so that stormwater flow from upgradient off-site properties contribute run-on to the site. According to the site operator, Kara O'Connell, and the facility's environmental engineer, Don Monroe, the Taunton River periodically floods onto the property during select high tides, storm events, or a combination of the two. Boats and yachts are stored onsite both on uncovered parts of the property, and inside three warehouses.

V. Inspection

I announced the inspection to the Facility on December 7, 2022 by contacting both the Facility's engineer, Don Monroe, as well as the site operator, Kara O'Connell.

I arrived on-site at approximately 9 AM.

A. Opening Conference

I introduced myself and EPA intern, Jeremy Rolfe ("Inspector Team") to the Facility operator, Kara O'Connell, and the site's Marine Department Project Manager, Don Monroe. I presented my credentials and explained that our purpose for the inspection was to conduct a routine stormwater compliance inspection. Contact information was exchanged for further communication outside of the inspection. Prior to the inspection, on December 9th, 2022, Mr. Monroe had previously sent me the site's Stormwater Pollution Prevention Plan ("SWPPP") and responses to an information request letter sent to the Facility by EPA dated September 8, 2022.

Upon walking into the office building, the site operator displayed their boat wash dewatering bag. It is a porous filter media in the shape of a bag with a single 4" inlet, designed to capture particulates and allow excess flow to trickle out (slide 3). Ms.

O'Connell explained this pollution prevention item is connected to an outflow pipe within the berm of the boat wash area (slide 20, outflow #3 on SWPPP). Ms. O'Connell explained that the product was advertised online as meeting regulatory standards.

The inspector Team proceeded to ask general questions about historical operations and maintenance activities conducted on site. The site is operated by about 4 employees, all of which have been working there for a long period of time. They are typically open from Monday to Saturday, and operations are contingent on the boating season. Peak operation occurs from March 15 to June 15, and from September 15 to December 15. At other times of the year, routine site maintenance occurs however most time is spent conducting administrative duties (paperwork, emails, etc.).

We asked about the extent to which boat maintenance occurs. Ms. O'Connell explained that they do not do engine maintenance (including pulling the engine and washing the engine), woodworking, exterior painting, sandblasting, nor any boat maintenance in the boat yard (slides 1, 8, 29, 30, 33, 34, 35). Ms. O'Connell further explained that the site does store boats onsite (outside and inside) and conducts the following additional maintenance activities; minor buffing and sanding, waxing, oil and fluid changes, complimentary customer fueling, and winterization for boats. Customer fueling only occurs during peak season.

Historically, the site has conducted stormwater sampling from a single location, the City of Fall River's Municipal Separate Storm Sewer System ("MS4") outfall pipe located on the headwall of one of the docks on the site. Mr. Monroe conducted prior sampling events (slides 7, 8). Sampling responsibility was transferred from Mr. Monroe to Ms. O'Connell in 2013. The last sample taken was in 2013. The Facility ceased sampling because it believed the results were not representative of runoff from the site's industrial activities.

Ms. O'Connell mentioned that the river often floods the property, leaving trash and sediment behind. She stated that the bermed perimeter (slide 27) becomes damaged because of flooding. Stormwater run-on contributes flow to the Facility's outfalls (specifically outfall #4, see slides 27, 28, 29, 32) from both the street and upland wooded area north of the site is also uphill from the site.

B. Facility Tour

Before the tour, I asked whether the site had confidential business items to be withheld. Ms. O'Connell explained that there are no concerns, and the walkthrough proceeded. Inspector team observed flow coming onsite from the Facility's entry point, in which it immediately discharged into the Taunton River (slides 4,5,6) before comingling with runoff from any industrial activities. Inspector team also observed the city's MS4 outfall location (slide 7), which appeared to have no contribution of flow from on-site industrial activities. After being asked by the Inspection Team, Facility representatives said that there are no stormwater catchment drains on site that drain into this MS4 collection system.

The inspector team continued observing the western perimeter of the site (slide 8). Along the concrete berm, pooling was observed (slide 9). Additionally, the Facility had piped inlets to allow pooling to discharge into the river (slides 11,12,13). Inspectors noted that these discharge locations should likely be defined as individual outfalls in terms of the MSGP. Additionally, the Inspection Team mentioned that the northern perimeter outfall (outfall #4 on SWPPP) should have individual outfalls rather than a "blanket" outfall.

Inspector team observed the Facility's fueling station (slides 13, 15). Ms. O'Connell explained that during their busiest periods, fueling occurs three times a week. Fueling is seasonal, and only occurs from 8 AM to 5 PM Monday through Friday. Only Facility employees are allowed to utilize the fueling station; customers do not fuel their own boats. Ms. O'Connell further explained that there had never been a fuel spill, so no fuel area cleaning occurs. Spill prevention media is located in the neighboring warehouse (slide 39). Ms. O'Connell identified fuel tank capacity being at 3,000 gallons.

At the time of the inspection, the fueling area had been out of use since November 15, 2022. Fueling occurs at the fueling dock (slide 14). Beside the fueling area, is a small wooden shed containing buckets and oil products (slide 16). Within the shed is a fueling permit issued in 2019 by the Commonwealth of Massachusetts Executive Office of Public Safety and Security Department of Fire Services (slide 17).

Boat washing occurs in one specified area (slide 20). Ms. O'Connell explained that the boat wash area has a graded pooling area (slide 19,21), in which water is designed to be controlled before being discharged. A berm along one half of the Western side of the area has a discharge pipe where a dewatering bag is to be attached during boat washing (slide 22). According to Facility representatives, the dewatering bag is only attached during boat washing. The bag captures sediment and the boat washwater discharges through the fabric where it then flows approximately 20 feet to discharge point (#3 on SWPPP) point into the river (slide 18). Once full of sediments the bag is hauled offsite to Mid City in Westport, MA for disposal.

A small lip of asphalt is present along the Eastern side of the wash area that is also designed to control the flow path of washwater. Sediment and pieces of barnacles were observed to have accumulated along this lip, yet the presence of sediments downgradient of the lip is evidence that washwater does bypass this control measure (slides 23, 24, 25, 26).

During the inspection, stormwater was observed to be discharging from the wash area into the river (slide 18), giving some indication of the rather small capacity of the wash area depression for retaining water.

Continuing along the perimeter northbound (slide 27), blocks of rock were observed which create a permeable berm around the boat storage area. The cement on which these blocks were placed is cracked, and along the approximately 100 foot-long berm, piped discharge conduits are present at regular intervals (slides 28, 32). Inspectors estimate about 4 conduits existed. At the time of the inspection, stormwater was observed

discharging from this area by flowing underneath the blocks of rock through the cracked cement (Slide 32), as well as via plastic pipe conduits (slides 29, 31).

The boat storage area is a mix of gravel and asphalt. Stormwater was observed pooling within and discharging from the area into the river to the west (Slides 29, 30, 31, 33).

Inspection team continued to the northern section of the boat storage areas. Besides boats, various other materials first stockpiled in the area (Slide 35). Boat owners dispose of common trash in an uncovered dumpster (Slide 36) Located in the area. A dilapidated trash container labeled "no trash" and inspectors were told that the container was intended for various scrap metal items (Slide 44). contained various scrap metal items (Slide 44). Inspectors were told what the container was intended.

Two warehouses for boat storage are located in the northern section of the property and were inspected. Inside the southernmost warehouse were numerous unmarked barrels, containing, what was described by Facility representatives to be diesel fuel and some cleaning products (Slides 45, 49)

Inside the southernmost warehouse, the site's spill prevention items were present (Slide 39). The warehouse also contained various dirty buckets (Slide 40), and painting equipment (Slide 47). Ms. O'Connell explained that the painting was performed by the boat owners themselves, and not the Facility staff. The stained warehouse floor (Slides 47, 48) slopes towards the opening beneath the barn door entrance (Slide 50) That is located on the side of the building closest to the river.

Oil changes occur indoors, inside both warehouses. Used oil filters and waste oil are disposed of in a waste-oil receptacle Located outside within the Northeastern section of the Facility (Slides 43, 46). A silt sock partially encompasses the single-wall waste oil container (Slides 51, 52). Oil is pumped out of boats, placed in the original oil containers, and is then transferred to the container. The inlet is surrounded by oil absorbent pads, and an outlet from top container prevents the accumulation of stormwater. An external contractor, Western Oil, occasionally comes and empties the receptacle for offsite disposal.

C. Records Review

The Facility submitted their SWPPP to EPA prior to our arrival. Inspectors reviewed the plan dated 11/23/22.

The Facility reported no discharge on Discharge Monitoring Reports ("DMRs") by using the node discharge indicator code "C" from at least August 9, 2016 to June 11, 2021 and within Annual Reports. Therefore no samples have been taken since at least 2016.

Inspectors also reviewed a response letter submitted by the Facility on 12/9/22 in response to EPA's request for information dated 8/9/22. 308 response was also reviewed. The response identified Kara O'Connell as the responsible party for submission of DMRs. Coastal Engineering Company, Inc. has stated in this 308 response that multiple

site evaluations during storm events will be conducted in the future, and that sample bottles would become available should there be an observed discharge.

D. Closing Conference

Inspector team thanked Ms. O'Connell and Mr. Monroe for their time during the inspection. I explained that I would like the link to where the dewatering bag was purchased, as Ms. O'Connell mentioned that stormwater regulation language was featured in the product description. Additionally, I explained an inspection report will be sent to the Facility within 70 days. I also explained the need to keep the SWPPP up to date with all stormwater pollution control measures, as well as all necessary revisions to the Facility's procedures and site map.

I departed at approximately 11 AM.

Unless otherwise noted, this report describes conditions at the Facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by Facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.