



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

**Report Title:** Middle Branch Marina Clean Water Act Compliance Inspection Report  
**Inspection Date(s):** 9/29/2021  
**Regulatory Program(s):** National Pollutant Discharge Elimination System (NPDES)  
**Type of Activity:** NPDES Marinas  
**Facility Name:** Middle Branch Marina  
**Permittee(s):** Mr. Charles Cao  
**Facility Operator:** Mr. Charles Cao  
**Permittee Address:** 3101 Waterview Avenue, Baltimore, MD 21230  
**Facility Address:** 3101 Waterview Avenue, Baltimore, MD 21230  
**Facility Latitude:** 39.256689  
**Facility Longitude:** -76.626746  
**County/Parish:** Baltimore, MD  
**Permit No:** MDG999173  
**NAICS Code:** 713930  
**SIC:** 4493  
**Unique Project #:** 3E21WN069A

**Facility Representatives:**

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**EPA Inspectors:**

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**State/Local Inspectors:**

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**Report Preparer  
Signature/Date**

*Kaitlin McLaughlin*  
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 Kaitlin McLaughlin, Enforcement Officer  
 NPDES Enforcement Section (3ED32)

12/6/2021  
Date

**Supervisor  
Signature/Date**

Peter Gold, Acting Chief  
 \_\_\_\_\_  
 NPDES Enforcement Section (3ED32)

Date

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## I. Introduction

On September 29, 2021, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Inspection Team”) conducted an industrial stormwater marina inspection of Middle Branch Marina (hereinafter, “the facility”). The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the facility’s National Pollutant Discharge Elimination System (NPDES) Permit No. MDG999173 (hereinafter, the “Permit”) and applicable State and Federal regulations.

### A. Inspection Opening Conference

The EPA Inspection Team arrived at the facility at approximately 1:10 PM on September 29, 2021. A representative from the Maryland Department of the Environment (MDE) was in attendance. The following inspectors and representatives were present for the inspection:

**Table 1: Inspection Attendee List**

Name	Affiliation	Telephone	Email
<b>EPA Region III Inspectors and Contractors</b>			
Kaitlin McLaughlin	EPA Region III	215-814-2393	McLaughlin.Kaitlin@epa.gov
Monica Crosby	EPA Region III	215-814-5659	Crosby.Monica@epa.gov
<b>Facility Representatives</b>			
Charles Cao	Middle Branch Marina	410-539-2628	middlebmarina@aol.com
<b>State or County Representatives</b>			
Joseph Miller	MDE	410-537-3506	Joseph.Miller1@maryland.gov

Kaitlin McLaughlin displayed her credentials to the facility representative at the outset of the inspection, and explained the purpose of the inspection was to observe the facility and compliance with the its Permit. A copy of the Permit is provided in [Attachment 2](#).

### B. Weather and Precipitation Conditions

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

**Table 2. Precipitation Data**

Station Name	Date	Precipitation Amount (inches) <sup>1</sup>
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/24/21	0.71
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/25/21	0.00
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/26/21	0.00
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/27/21	0.00
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/28/21	0.00
LINTHICUM 0.4 ENE, MD US US1MDAA0035	9/29/21	0.00

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

### C. Summary of the Facility

Middle Branch Marina is located at 3101 Waterview Avenue, Baltimore, MD 21230. The Permit Registration Letter and Notice of Intent (NOI) identifies Mr. Charles Cao as the permittee, owner, and operator. A copy of the Permit Registration Letter and NOI is provided in Attachment 3. The facility consists of in-water piers, dry docking area, boat washing area, laundry and bathroom facilities, a storage shed, and an office. At the time of the inspection, Mr. Cao stated there were about 100 boats on site. There are twelve permanent residents on site. The facility has one permitted outfall, Outfall 001, that discharges to the Patapsco River.

### II. Facility Activity

At the time of the inspection, no boat washing or scrapping activity was occurring on site.

### III. Observations

The inspection began on Wednesday, September 29, 2021 at approximately 1:10pm in the parking lot of the facility. The inspection observations below are made pursuant to the requirements of the Permit. Photographs were taken during the inspection by Kaitlin McLaughlin and are provided in Attachment 1.

The EPA Inspection Team conducted a walkthrough of the facility with Mr. Cao and MDE Inspector Miller. The walkthrough started at the boat washing pad. Mr. Cao stated that all boats coming out of the water are rinsed on the boat washing pad. All flow is directed towards the inlet to Outfall 001 (Photo DSCN2797). Mr. Cao states that any barnacles and other solids from boat bottom washing in this area are shoveled into a dumpster (Photos DSCN2805 and DSCN2798). Mr Cao stated the dumpster is picked up once per week.

Outfall 001 discharges to the Patapsco River. The EPA Inspection Team was not able to view Outfall 001 as it was underwater at the time of the inspection (Photo DSCN2794).

**Observation 1.** Part III.A.1 of the Permit requires the facility to capture all wastewater generated from boat bottom washing activities and direct it to a treatment location. Mr. Cao stated all boat bottom wastewater flows into the inlet that leads directly to Outfall 001. There were no berms or channels observed to direct the flow of wastewater away from the inlet (Photos DSCN2828 and DSCN2796). At the time of the inspection the facility may not have been directing flows from the boat bottom washing activities to a treatment location.

**Observation 2.** The Permit Registration Letter outlines specific monitoring requirements for Outfall 001. Those requirements are listed in Table 3 below. Mr. Cao stated the facility does not sample Outfall 001 and has not ever sampled Outfall 001.

**Table 3. Outfall 001 Sampling Requirements**

Parameter	Quality or Concentration		Frequency	Sample Type
	Maximum	Units		
Total Suspended Solids	50	mg/L	4/year	Grab
Oil & Grease	15	mg/L	4/year	Grab
Copper	0.06	mg/L	2/season	Grab
Zinc	0.81	mg/L	2/season	Grab
Lead	0.08	mg/L	2/season	Grab
Flow	Report	gpd	Monthly	Estimated

The EPA Inspection Team continued the walkthrough to the dry dock areas. There were several boats in different stages of being dismantled and scrapped.

The Permit Registration Letter states that the Facility discharges into a watershed that is impaired for sediment and trash. The Permit Registration Letter also states that based on this status, the Facility must evaluate its control measures to ensure discharges from the facility are minimized.

- Observation 3.** The EPA Inspection Team observed trash and debris along the southern and eastern perimeter. See Photos DSCN2820, DSCN2819, DSCN2818, and DSCN2815.
- Observation 4.** Part III.B.1.b.iv Spill Prevention and Response Procedures of the permit requires the permittee to minimize the potential for leaks spills and other releases by among other requirements plainly labeling containers that could be susceptible to spillage and leakage and preventative measures such as barriers between material storage and traffic areas, secondary containment provisions and procedures for material storage and handling. The EPA Inspection team observed an unlabeled rusty tank along the southeastern perimeter of the site (Photos DSCB2806, DSCN2807, and DSCN2811). The tank did not have secondary containment at the time of the inspection. Mr. Cao stated the tank was for used oil. Mr. Cao estimated that the tank had not been emptied in about five years.
- Observation 5.** The EPA Inspection team observed a pallet with propane, hydraulic oil, and mechanical parts in the dry dock area of the site (Photos DSCN2822, DSCN2827, DSCN2825, and DSCN2826). The containers did not have secondary containment at the time of the inspection. There appeared to be petroleum staining on the ground underneath the pallet and mechanical parts.
- Observation 6.** The EPA Inspection team observed three containers beside and behind the laundry building. Photo DSCN2832 shows a large rusty tank, Photo DSCN2832 shows an unlabeled black drum with used drip pans on top, and Photo DSCN2836 shows a rusty lubricant drum. At the time of the inspection, it was unclear if these containers were empty.

None of the containers had secondary containment at the time of the inspection.

**Observation 7.** The EPA Inspection team observed petroleum staining in several areas of the dry dock section of the facility. See Photos DSCN2823, DSCN2837, DSCN2838, DSCN2839, DSCN2840, DSCN2841, DSCN2842, and DCSN2843. The EPA Inspection team also observed a boat actively leaking petroleum in the dry dock area of the site (Photo DSCN2830).

The EPA Inspection team continued the walkthrough to the in-water piers. Mr. Cao stated there are approximately 208 functional boat slips. At the time of the inspection, parts of the end of the piers appeared to be removed or collapsed.

The EPA Inspection Team completed the walkthrough of the piers and ended the facility walkthrough at the storage shed.

**Observation 8.** Part V of the Permit requires the facility to complete inspections, monitoring, and reporting. This includes specific requirements to conduct routine facility inspections, a comprehensive site compliance evaluation, and quarterly visual inspections. At the time of the inspection, Mr. Cao stated that he is at the facility every day and walks around the site but does not document these activities.

**Observation 9.** The Permit Registration Letter requires the Facility to have a Stormwater Pollution Prevention Plan (SWPPP). The Permit Registration Letter also states the SWPPP must be kept updated, on-site, and available for an inspector. At the time of the inspection, the Facility did not have a SWPPP. Mr. Cao stated that he provided MDE with a SWPPP, but Mr. Miller stated that the SWPPP provided to MDE is for a facility that is not Middle Branch Marina. Mr. Cao stated that he would provide an updated SWPPP after the inspection.

#### **IV. Records Review**

EPA requested the following permit required information from Mr. Cao to be provided after the inspection:

- SWPPP for Middle Branch Marina
- Any sampling records for Outfall 001
- Any information regarding the emptying or replacement of the used waste oil tank in the past 5 years
- Disposal records for any tanks or drums disposed in 2021
- Dumpster emptying schedule for 2021
- Quarterly Visual Inspection Monitoring Forms from 2020 and 2021
- Comprehensive Site Compliance Evaluation records from 2020 and 2021

- Routine Facility Inspection records from 2020 and 2021
- Picture of spill kits at Middle Branch Marina

At the time of the completion of this inspection report, the EPA Inspection Team has not received any of the above records.

## **V. Closing Conference**

After the walkthrough of the site, the EPA Inspection Team returned to the parking lot for a closing conference. The EPA Inspection Team shared preliminary observations with Mr. Cao. The EPA Inspection Team reiterated to the site 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 approximately 2:15 PM.

## **V. List of Attachments**

- Attachment 1. Photograph Log
- Attachment 2. MDG99 Permit
- Attachment 3. Permit Registration Letter and NOI