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")
E.L. Harvey (Waste Connections)
New Bedford Transfer Station

From: Alex Rosenberg, Inspector

Digitally signed by ALEX ROSENBERG
Date: 2023.11.28 16:08:03 -05'00'

Thru: Todd Borci, Manager

To: File

I. Facility Information

A. *Facility Name:* E.L. Harvey New Bedford Transfer Station

B. *Facility Location*: 1245 Shawmut Ave.
New Bedford, MA 02746

C. *Facility Contacts:* Luis Vega, Supervisor
luisvega@wasteconnections.com

Paul Montero, Manager
paulmontero@wasteconnections.com

D. *NPDES ID No(s).:* no permit

II. Background Information

A. *Date(s) of inspection:* October 30, 2023

B. *Weather Conditions:* Rainy, 55 degrees fahrenheit

C. *US EPA Representative(s):*
Alex Rosenberg, Damian Bednarz, Nafisah Ali, Anna Hatke

D. State/Local Representative(s):
None

E. Federally Enforceable Requirements Covered During the Inspection:
National Pollutant Discharge Elimination System Multi-Sector General Permit (40 C.F.R. § 122.26), Oil Pollution Prevention regulations (40 CFR Part 112).

F. Previous Enforcement Actions:
N/A

III. Type and Purpose of Inspection

Environmental Protection Agency ("EPA") inspectors conducted a compliance evaluation inspection of the Facility's applicability under the National Pollutant Discharge Elimination System ("NPDES") Multi-Sector General Permit ("MSGP") for stormwater associated with industrial activities as well as the Federal Clean Water Act ("CWA") Spill Prevention Control and Countermeasure ("SPCC") Oil regulations.

IV. Facility Description

The business is a recycling and municipal waste collection transfer and processing station. Material is accepted from public as well as industrial and municipal contractors, such as cardboard, plastic, municipal trash, construction and demolition debris, bulky waste (such as TVs and refrigerators) and metal. Approximately 10 full-time employees work at the Facility, six days per week.

The property is approximately 2.5 acres and is surrounded on three sides by wetlands. The entrance and exit are located on the east side of the property off of Shawmut Avenue, a north south trending section of road in New Bedford, Massachusetts.

Incoming material is weighed before being dumped inside the processing building. Inside the processing building once sorted and processed, material is then trucked off-site.

The industrial areas (refer to Attachment A, Photo Album, Slide 2) consists of an office trailer, approximately five roll off containers, a processing building, truck scales, and, until October 2023, a maintenance garage. The maintenance garage was recently demolished. According to Facility representatives it will not be re-built.

The business is primarily engaged in industrial activity classified under Standard Industrial Classification (SIC) Code 5093 (Scrap and Waste Materials).

V. Inspection

On October 30, 2023, United States Environmental Protection Agency personnel (Alex Rosenberg, Damian Bednarz, Nafisah Ali, and Anna Hatke), conducted an industrial stormwater Compliance Evaluation Inspection ("CEI") at E. L. Harvey, located at

Shawmut Avenue (aka Airport Drive), In New Bedford, Massachusetts ("Facility" or "Site") (slide 2). The inspection was unannounced, and the inspectors arrived on site that 9:30 AM.

A. Opening Conference

Alex Rosenberg and Damian Bednarz, both EPA Clean Water Act credentialed inspectors ("EPA Inspection Team" or "Inspectors"), presented their respective credentials to the Facility representative, Mr. Luis Vega, and conducted an opening conference beginning at approximately 11:00 am.

The EPA Inspection Team explained the purpose of the CEI was to assess the Facility's compliance status with respect to the requirements of the Clean Water Act ("CWA") and the National Pollutant Discharge Elimination System ("NPDES"). At the time of the inspection, the Facility did not have coverage under the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities ("MSGP"), nor did they possess an oil pollution prevention Spill Prevention Controls and Countermeasures ("SPCC") plan.

Mr. Vega provided the following information with respect to the Facility and its operations:

a. Facility operates 6 days a week, 7am-5pm, and on Saturday 7am-12pm.
b. Approximately 10 full-time employees, plus an additional 10 temporary "pickers".
c. Accept wet trash by municipal and private haulers, construction, and demolition debris ("C&D"), as well as other waste such as bulky items (refrigerators, TVs, mattresses), and metal, etc.
d. There are 2 functioning scales inbound, and one outbound.
e. Incoming waste is directed to be dumped inside the processing building at specific bays (e.g. Door 3 is for C&D, Door 4 is bulk, Door 5 is wet trash). Once dumped onto the floor, waste is moved around by loaders.
    i. Mixed stream waste is crushed and cut before being placed on a conveyor belt that passes in front of a line of workers who hand separate waste items.
    ii. Clean wood is run through a chipper before being transported to Canada. Nails and screws are ejected from the building into an exposed dumpster outside.
    iii. Wet trash is transported to landfills via truck.
    iv. Other waste streams are also transported off-site via truck to different destinations (i.e. scrap metal is sent to metal recyclers).
f. Demolition of the site's maintenance garage (slides 7 & 9) occurred one week prior to the inspection. The Facility is 2-3 months behind schedule for completion of the project. Stormwater control measures

observed on-site were installed by construction contractors. None existed previously.

g. Previously, their fleet of heavy equipment (3 loaders and 2 excavators) was maintained on site. With the recent destruction of the maintenance garage, equipment and trucks are now maintained at a second E L Harvey property located ½ mile down the road at 1136 Shawmut Avenue.
h. Stormwater drains located in the material receiving and exit areas do not function, and as observed during the inspection, cause severe ponding. They plan on paving the entire area, and it is assumed by Mr. Vega that stormwater conveyances will be updated.
i. A separate facility in Rochester, Zero Waste, bails the cardboard.

B. Facility Tour

Inspectors began their tour outside the processing building (slides 5, 6, & 8). The area is a paved ramp. A storage container was observed with oil storage tanks within it (slide 21). Two oil storage tanks were observed (slides 22-24). One 260-gallon hydraulic oil tank, and one 260-gallon engine oil.

An additional shipping container, use for waste storage, was located beside this oil storage container. A 55-gallon drum of Ocean Blue diesel exhaust fluid was observed between the two containers (slide 25). It was exposed to the elements and located on top of a spill containment.

Inspectors explained the need for a SPCC plan if the Facility has an aggregate above ground oil storage capacity of greater than 1320 gallons in containers of 55 gallons or more. It was also explained that diesel exhaust fluid is not counted as an oil product when calculating total storage capacity.

One additional oil storage tank containing off-road diesel is located in the Northeast corner of the site (slide 53 and 54). The tank's storage volume could not be determined due to deteriorated labels. Inspectors estimate its capacity to be approximately 500 gallons, and Mr. Vega explained that it is used to refuel their machinery and trucks. Some loaders are unable to access the tank and are therefore refueled by a third-party contractor in the building.

Inspectors next entered the processing building. The majority of unsorted waste is dumped and processed in the northwest corner (slides 17 and 18). Waste then travels via conveyor belt to the south where it is sorted into bays (slides 11-14). A pile of already sorted "clean" wood was observed stockpiled awaiting chipping (Slide 16), and a chipped wood pile was observed next to the chipper near the southern end of the building (slide 19).

Tractor trailer trucks are loaded with wood chips, undercover, at the furthest southern extent of the building.

Wet trash is collected in the Northeast corner of the building where it is then loaded undercover into shipping containers for transport.

Next, Inspectors walked the perimeter of the property in order to observe the stormwater conveyance paths and exposed industrial activities. Stormwater accumulates and creates a pond in the area of the office trailer and receiving line-up (slides 3-5). This stormwater flows towards the southern Facility boundary, past a catch basin (slides 27 and 28) and continues west and north (counterclockwise) along the property boundary. Mr. Vega explained again that the catch basin is inoperable and that the silt socks and catch basin inserts observed were placed there a week ago by the construction contractors.

Stormwater passes through a series of retention swales (slides 28, 32, 33, 43, 46, 55) along the boundary of the property, clockwise. The first two swales are interconnected by a concrete conduit pipe (slide 31) and lead to the first discharge point off-site into the adjacent wetlands (slides 35-37). An approximately 3-foot diameter standpipe located at the northern section of the swale has its discharge point hidden below murky water. It can be assumed that the discharge pipe is located underground and discharges into the wetlands to the West (Discharge Point ("DP") - DP1, Slide 2). This assumption was made due to the fact that similarly designed standpipes were present at other locations on the site, all of which contain visible discharge pipes (slide 44 – DP2, slide 46 – DP3, slide 56 – DP5). No photo was taken of DP4.

Between DP1 and DP2 a receptacle of the nails and screws from the wood chipping process was observed (slide 38). The receptacle is approximately 4 feet by 4 feet in dimension, and some nails and screws were observed on the ground surrounding it. Flow from the paved area to the West of the building enters a stormwater catch basin (slide 41) which then outlets (slide 42) into the swale leading to DP2 (slide 43). The flowpath of the discharge from DP2 into the wetlands was observed through the property's fence (slide 45).

A break in the curbing permits runoff to enter the next swale where DP3 is located (slide 46 and 47). Industrial materials and equipment are stored along the exterior of the building in this location (slide 48). The outlet from DP4 was observed within the adjacent wetland (slide 49).

An off-road diesel oil storage tank with secondary containment (slides 53 and 54) and a pressure washer are located outside of the northeast corner of the building (slides 50 and 51). Mr. Vega explained that pressure washing of equipment and vehicles is conducted right next to the oil storage tank. Wash water that accumulates in this area would flow into the swale where DP5 is located (as evidenced by a break in the curbing and deposits of sediments, slide 55).

Flow from the paved area to the east of the building would discharge into a small swale (approximately 5 ft by 5 ft in dimension), before passing through a concrete culvert into the swale where DP5 is located. The exact discharge point location from DP5 was unable to be seen beyond the fence line.

Inspectors explained that power wash water was not permitted to be discharged under the Multi-Sector General Permit for stormwater associated with industrial activities, due to the fact that it is a process wastewater and not storm water.

At the southern end of the DP5 swale, another concrete culvert pipe is present (slide 59). It is assumed that flow enters the swale at this point coming from the exit area to the south. A single catch basin is located along the side of the DP5 swale (slides 57 and 58).

Thick mud, approximately 6 inches deep in some areas, all of which had a grey color and oil sheen throughout, was present along the edge of the paved area between the refueling tank and the DP5 Swale (slide 50 and 51).

Material storage containers are located South of the DP5 swale (slide 59).

Trucks depart the site through the exit driveway (slides 61 and 62). The construction contractors have installed angular rip rap, approximately 4 to 6 inches in diameter, across the exit to prevent track-out. According to Facility representatives, this sediment control measure was not in use prior to the construction activity.

C. Records Review

There were no records to review.

D. Closing Conference

Inspectors conducted a brief closing conference at the head of the exit driveway. Inspectors explained the following basic observations it asked if Mr. Vega had any questions of his own. He did not.

- Inspectors observed industrial activities exposed to stormwater such as open dumpsters, fueling, and loading and unloading of waste materials;

- The Facility conducts and industrial activity covered by a standard industrial classification code (SIC 5093). This SIC code is applicable to the MSGP;

- The Facility does not currently have coverage to discharge stormwater under the MSGP;

- Stormwater conveyance infrastructure as well as outfalls are currently not being inspected, maintained, or monitored. Such activities are requirements under the MSGP;

- The discharge of vehicle pressure wash water off-site into a water of the U.S. is prohibited, and must be ceased; and

- Inspectors observed a number of above ground oil storage containers on site. Inspectors were unable to obtain exact capacity information for all of the containers. If the aggregate, on-site capacity of all oil storage containers of 55-

gallon or more is greater than 1,320 gallons then the Facility most additionally comply with the oil pollution prevention regulations. A requirement of SPCC applicable facilities is to create and maintain a SPCC plan.

Inspectors departed at approximately 12:30pm.

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.

Attachments

Attachment A – Photo Album