



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): 04/13/2022
Regulatory Program(s): National Pollutant Discharge Elimination System
(NPDES)
Type of Activity: Industrial Stormwater
Facility Name: Joy Recycling, LLC.
Permittee(s): Denzil Metheny
Facility Address: Joy Recycling
120 Moon Run Road
Kerens, WV 26267
Latitude: 39.008205
Longitude: -79.824791
Permit Number: Unpermitted
NAICS Code: 423140
SIC: 5015
Receiving Waters: Davis Lick /
Leading Creek
Unique Project #: 3E22WN043A

Facility Representative(s):

**Point of
Contact**
☒

Denzil Metheny, Joy Recycling, LLC. Owner
Phone: (304) 698 - 6324 Email: N/A

Eric Armstrong, Joy Recycling, LLC. Representative
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Unique Project#: 3E22WN042A

Report Preparer(s)
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U.S. EPA Region III

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- Appendix A - Photograph Log
- Appendix B - Modified 2020 West Virginia NPDES Multi-Sector
General Water Pollution Control Permit
- Appendix C - ECHO Detailed Facility Report

I. Introduction

On April 13, 2022, inspectors from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, the “EPA Inspection Team”) conducted a Stormwater Inspection (the “Inspection”) of Joy Recycling, LLC (hereinafter, “the Facility”). Representatives from West Virginia Department of Environmental Protection (“WVDEP”) also attended the Inspection. The purpose of the Inspection was to observe compliance with the Clean Water Act (“CWA”) and to verify compliance with WVDEP’s National Pollutant Discharge Elimination System (“NPDES”) Multi-Sector General Water Pollution Control Permit (“MSGP”); hereinafter the “Permit”; refer to Appendix B). The Facility is classified under Sector F of the Permit, Automobile Salvage Yard (Standard Industrial Classification (“SIC”) Code 5015 – Motor Vehicle Parts, Used).

A. Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at approximately 9:30 AM (EDT) for the Inspection. Monica Crosby and Allison Gieda displayed their credentials to Denzil Metheny and Eric Armstrong at the outset of the Inspection and explained the purpose of the Inspection was to review compliance with the Permit. The EPA Inspection Team informed Mr. Metheny and Mr. Armstrong that any information that the Facility deemed to be confidential business information (CBI) should be identified to the EPA Inspection during the Inspection and it would be handled as CBI according to EPA’s CBI procedures. Table 1 describes the individuals that participated in the Inspection.

Table 1. Inspection Attendee List

Name	Affiliation	Contact Information
U.S. EPA Region III		
Monica Crosby	Inspector - EPA Region III	Phone: (410) 305 - 2930 Email: crosby.monica@epa.gov
Allison Gieda	Inspector – EPA Region III	Phone: (304) 234 - 0232 Email: gieda.allison@epa.gov
West Virginia Department of Environmental Protection		
Thomas Ditty	Inspector - WVDEP	Phone: (304) 515 – 0061 Ext. 50061 Email: thomas.P.Ditty@wv.gov
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Facility Representative		
Denzil Metheny	Owner – Joy Recycling	Phone: (304) 698 – 6324 Email: --
Eric Armstrong	Representative – Joy Recycling	Phone: (304) 657 – 5338 Email: armstrong@acgsecure.com

B. Weather and Precipitation Conditions

During the Inspection, weather was sunny and mild. 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
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/08/2022	0.11
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/09/2022	0.25
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/10/2022	0.00
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/11/2022	0.00
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/12/2022	0.02
ELKINS RANDOLPH CO AIRPORT, WV USW00013729	4/13/2022	0.00

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

C. Summary of the Facility

Joy Recycling is an automobile salvage and recycling yard. The Facility is located at 120 Moon Run Road, Kerens, WV 26267. Industrial activity at the Facility includes crushing of used automobiles and storage of salvaged automobile parts and byproducts (i.e., pipes, tires, motor oil, etc.). Joy Recycling has two additional facilities which are located in Kingwood, WV and Montrose, WV. The Facility has one (1) outlet that is located immediately downslope of the salvage yard. Stormwater from the Facility discharges to Davis Lick, a tributary to Leading Creek which flows into the Tygart Valley River and ultimately the Monongahela River. Under the meaning of Section 502(7) CWA, 33 U.S.C. § 1362(7), Davis Lick is considered a navigable water of the United States.

II. Facility Activity

As part of the Inspection, the EPA Inspection Team visually observed Facility conditions, operations, activities, and industrial equipment in the presence of the Facility representatives. Areas viewed during the Facility site walk include:

- Vehicle dismantling area
- Fuel storage
- Vehicle storage area
- Vehicle crushing area
- Outfall 001
- Receiving stream

The Facility encompasses approximately 2.5 acres and contains an outdoor vehicle dismantling lift station, covered storage, large dirt and gravel lot for processed vehicles, and an outdoor vehicle compacting operation. Piles of crushed vehicle parts are located on a paved area beside

the crushing plant (refer to Photograph 1). The Facility also houses recycled piping materials and totes. The piping materials are located in the salvage yard (refer to Photograph 2). The empty totes that are emptied and sold for resale are housed outside near the entrance to the Facility (refer to Photograph 3). The Facility has one (1) outlet that is located immediately downslope of the salvage yard (refer to Photographs 4 and 5). Stormwater from the Facility discharges to Davis Lick, a tributary to Leading Creek which flows into the Tygart Valley River and ultimately the Monongahela River (refer to Photograph 6). At the time of the Inspection, the EPA Inspection Team observed water to be gradually flowing from the outlet into Davis Lick.

The Standard Industrial Classification (“SIC”) codes associated with the facility are 5015 (Motor Vehicle Parts, Used) This SIC codes is regulated by West Virginia’s Regulations Governing Storm Water Discharges Associated with Industrial Activities (West Virginia Administrative Code Agency 47). As such, the Facility is regulated by Subsection 47-10 and requires coverage under West Virginia NPDES Multi-Sector General Water Pollution Control Permit (“MSGP”), which is a permit by Regulations.

At the time of the Inspection, Facility representatives from Joy Recycling described operations to the EPA Inspection Team, including the individual industrial activities, lease/ownership details, and operator responsibilities. The Facility had ceased operations in Fall of 2021. Facility representatives stated that there was no one on the payroll and that everything observed on site had remained stagnant since the Facility closed in 2021. Prior to its closing, the Facility was operating part-time (1-2 days a week) since 2014.

In conversation with WVDEP permitting representatives, EPA was informed that the Facility had been issued a letter in 2019 stating that its permit coverage was set to expire on December 31, 2019. During the Inspection, WVDEP representatives explained that they had followed up with the Facility to see if it was going to apply for new coverage; however, the Facility did not submit an application as the Facility owner was questioning if he should close the Facility or let it remain open. During the Inspection, the EPA Inspection Team was informed that the Facility is considering reopening and is currently working through the process of applying for permit coverage.

The observations from the Inspection are described in detail below in the Observations section. Photographs were taken during the Inspection by Monica Crosby and are provided in Appendix A.

III. Observations

Observation #1

Permit Status

Requirement:

Appendix A, Part I.2 of the Permit (Appendix B) states that if the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit within six months of receipt of the notice to reapply using WVDEP’s online permitting system.

Observation:

According to WVDEP representatives, the Facility's coverage under the MSGP expired on December 31, 2019. During the Inspection, the Facility representative stated that the Facility ceased operation in Fall of 2021; however, an exact Facility closure date was not provided. The Facility had not submitted a renewal application within the timeframes established in the MSGP and was operating without permit coverage from December 31, 2019 throughout its closure in 2021. Facility representatives stated that operation while in business was sporadic and that the Facility has been operating part-time since 2014 (1-2 days a week). At the time of the Inspection, the Facility representatives stated that they had not applied to renew permit coverage because they were having discussions on if they should remain closed or reopen for business; however, the Facility was in the process of applying for permit coverage under the current 2020 MSGP.

Observation #2
Benchmark Monitoring

Requirement:

Permit Section A, Page 5 states that "Monitoring samples must be collected before the stormwater comingles with a receiving water as close to the receiving water body as possible. Visual examination of stormwater discharges must be conducted and documented in accordance with Section B.10."

Section A, Sector F defines Automobile Salvage Yards quarterly monitoring requirements for specified pollutants of concern.

Table F-1 (SIC 5015)
Automobile Salvage Yards Monitoring Requirements

Pollutants of Concern	Benchmark Monitoring Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	Quarterly
Total Recoverable Aluminum	0.75 mg/l	Quarterly
Total Recoverable Iron	1.5 mg/l	Quarterly
Total Recoverable Lead	0.0816 mg/l	Quarterly
Oil and Grease	15 mg/l	Quarterly
Chemical Oxygen Demand	120 mg/l	Quarterly

Observation:

According to EPA's Enforcement and Compliance History Online (ECHO) database, the Facility has failed to submit Discharge Monitoring Reports (DMRs) from January 1, 2019 through December 31, 2021 (Appendix C).

Observation #3
Visual Examination of Stormwater Quality

Requirement:

Permit Section A, Page 5 states that “Monitoring samples must be collected before the stormwater comingles with a receiving water as close to the receiving water body as possible. Visual examination of stormwater discharges must be conducted and documented in accordance with Section B.10.”

Permit Section B.10 states “the Permittee shall perform and document a visual examination of stormwater discharge associated with industrial activity for each outlet quarterly. The examination shall be conducted from samples collected within the first 30 minutes...All visual examination reports must be maintained onsite in the SWPPP.”

Observation:

At the time of the Inspection, the Facility did not document visual examinations of stormwater discharges.

Observation #4
Anti-degradation

Requirement:

Permit Part B.12 states, “According to 60 CSR series 5 all permittees are required to comply with antidegradation requirements, therefore appropriate pollution prevention controls and measures must be included in the SWPPP to afford Tier 1 protection. According to 60-5-4 Tier 1 Protection requires the permittee to protect existing uses and levels of water quality necessary to protect the existing uses shall be maintained and protected.”

Observation:

The Facility did not have a Stormwater Pollution Prevention Plan (“SWPPP”) that was present onsite with appropriate pollution prevention controls and measures to afford Tier 1 protection. The EPA Inspection team observed a fence downslope of Outlet 001 that would protect any debris from entering the roadway. There were no other stormwater pollution prevention controls observed between the salvage yard and Outlet 001 that would protect the flow of debris from entering the stream (refer to Photographs 8 and 9).

Observation #5
Stormwater and Groundwater Protection Plans

Requirement:

Permit Part B.17 requires each facility covered by the Permit to develop and implement a SWPPP and Groundwater Protection Plan (GPP). Both the SWPPP and GPP must be developed and maintained as separate stand-alone documents. The SWPPP and GPP shall be signed and retained on site. The permittee shall make plan(s) available, upon request, to the

Director or authorized representative.

Observation:

At the time of the Inspection, Facility representatives stated that the Facility has a SWPPP from 2014. According to Facility representatives, the SWPPP has not since been updated and was not available onsite at the time of the Inspection. EPA followed up with the Facility after the Inspection to request a copy of the 2014 SWPPP. The Facility responded that they would look into it, but no follow up was received. During the Inspection, Facility representatives stated they are working with WVDEP to update the SWPPP to meet all requirements in preparation for its application for permit coverage under the 2020 MSGP.

Observation #6

Operation and Maintenance

Requirement:

Permit Appendix A Part II.1 states, “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also include adequate laboratory controls, and appropriate quality assurance procedures.”

Observation:

The EPA Inspection team observed unlabeled drums, various areas of what appeared to be oil staining and fragments of debris scattered throughout the site (refer to Photographs 8 through 14). The EPA Inspection team observed various totes within the salvage yard. Many of these totes were observed to be empty with no secondary containment (refer to Photograph 15). There was one (1) tote that was observed to be filled with unknown contents (refer to Photograph 16). This tote was closed, unlabeled, and without secondary containment. There was also one (1) tote that appeared to contain gasoline. This tote was open and without secondary containment (refer to Photographs 17 and 18). The EPA Inspection Team was informed that anything observed onsite had been sitting stagnant since the Facility ceased operations in 2021.

The EPA Inspection team also observed the stream downslope of the salvage yard to be discolored with small amounts of scum, but with no distinct odors (refer to Photographs 19 through 22). The EPA Inspection team observed a stormwater runoff path coming from a vehicle dismantling lift station that had a visible sheen. This stormwater runoff path ultimately discharges to Outlet 001 (refer to Photographs 23 through 25).

The EPA Inspection team also observed two storage sheds onsite. One shed was located within the salvage yard and provided coverage and storage for spill absorbent, gas canisters, batteries, and other appliances (refer to Photographs 26 and 27). The other was a large shed located near the Facility entrance. This shed was used for the housing of totes, batteries, and other car parts. The totes had liquid in them at the time of the Inspection and were placed on wooden pallets. It appeared that the contents of the shed have the potential

to be exposed to the elements as the EPA Inspection team observed that panels of the shed's siding were missing (refer to Photograph 28).

Observation #7

Immediate Reporting

Requirement:

Permit Part IV.2 requires the permittee to report any noncompliance which may danger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of future noncompliance.

Observation:

During the Inspection, multiple stains were observed in the vehicle dismantling area. Facility representatives stated that while they try to report spills and leaks, it is difficult to call the spill line for all the spills because they happen frequently. No records of written documentation for past spills were observed at the time of the Inspection.

IV. Records Review

The EPA Inspection Team conducted a records review to evaluate the Facility's compliance with the Permit. The Facility did not have a Stormwater Pollution Prevention Plan or Groundwater Protection Plan onsite. The Facility's electronic Discharge Monitoring Reports (eDMRs) were obtained electronically and reviewed offsite after the onsite Inspection. The following were reviewed:

- Modified 2020 West Virginia NPDES Multi-Sector General Water Pollution Control Permit; and
- ECHO Detailed Facility Report.

V. Closing Conference

At the conclusion of the Inspection, the EPA Inspection Team conducted a closing conference with the site representatives and shared preliminary observations. The EPA Inspection Team reiterated to the site representatives that all preliminary observations discussed were not compliance determinations. The EPA Inspection team further explained that all preliminary observations discussed were subject to further investigation by EPA upon the review of additional records and documentation. Lastly, the EPA Inspection team stated that additional observations may be contained in the 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 1 PM (EDT).