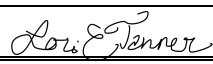


UNPERMITTED INDUSTRIAL FACILITY STORMWATER INSPECTION CHECKLIST

Inspection Date	May 15, 2024	
Time	Entry: 9:10 AM	Exit: 10:55 AM
Weather Conditions	82°F and sunny	
Media/Program	Water – CWA § 301, 402 – Industrial SW/NEC	
Operator Name:	Ferguson Waterworks	
Facility or Site Name:	Ferguson Waterworks	
Permit ID or Tracking #:	N/A; No permit at the time of the inspection	
SIC Code:	5074 – Plumbing and heating equipment and supplies (Hydronics).	
Facility Address:	2110 Peachtree Road	
(city, state, zip code)	Balch Springs, TX 75180	
Geographic Coordinates:	32.740795°, -96.63063°	
Mailing address:	2110 Peachtree Road	
(city, state, zip code)	Balch Springs, TX 75180	
County:	Dallas County	
Regular Days/Hours of Operation:	7:00 AM – 5:00 PM (M – F); Closed (Sat – Sun)	
# of Employees at location:	12	
Size of Facility (in acres):	Approximately 5.8 acres in total, with approximately 0.25 acres occupied by the Facility warehouse	
Receiving Water(s):	Hickory Creek borders the Facility to the east	
Date facility est. @ location:	2007	
Onsite Representatives:		
Name: Darren Ponewash	Title: Branch Manager	Phone: (972) 329-2692
	Email: darren.ponewash@ferguson.com	
Authorized Official:	Contacted? ☒ Yes ☐ No	
Name: Darren Ponewash	Title: Branch Manager	Phone: (972) 329-2692
	Email: darren.ponewash@ferguson.com	
Additional Personnel Participating in Inspection:		
Name: N/A	Title: N/A	
Inspector(s):	Title:	Company:
Christopher Pardo	Lead Inspector	Eastern Research Group, Inc.
Ryan Marrero-Vila	Inspector	Eastern Research Group, Inc.
Ivy Koberlein	Inspector	Environmental Protection Agency, Headquarters
Carol Johnson	Inspector	Environmental Protection Agency, Region 6

Destinee Agwuna	Inspector	Environmental Protection Agency, Region 6
Inspection Report Author:		
Name: Chris Pardo	Signature: CPardo	Date: June 10, 2024
Supervisor Review		
Name: Lori Tanner (acting for Ruben Alayon-Gonzalez)	Signature: 	Date: June 11, 2024

SECTION I – INTRODUCTION Purpose of the Inspection

The purpose of the inspection was to determine compliance with the industrial stormwater requirements under §§ 301 and 402(p) of the Clean Water Act (CWA) and its implementing regulations found at 40 Code of Federal Regulations (CFR) Part 122.26. The inspection was unannounced and consisted of interviewing Facility representatives, recording field observations, and taking photographs to document site conditions throughout the Facility at the time of the inspection.

Opening Conference

- 1) Brief narrative documenting those present, introductions, presentation of credentials, and explanation of the purpose of the inspection.

On May 15, 2024, a U.S. Environmental Protection Agency (EPA) contractor, Eastern Research Group, Inc. (ERG), conducted an industrial stormwater non-filer inspection at Ferguson Waterworks located in Balch Springs, Texas (Facility). Ivy Koberlein of EPA Headquarters, Carol Johnson and Destinee Agwuna of EPA Region 6, and Chris Pardo and Ryan Marrero-Vila of ERG (collectively, EPA Inspection Team) met with the Facility representative, Darren Ponewash. The EPA Inspection Team presented their credentials and explained that it was EPA's understanding that the Facility did not have an industrial stormwater permit. The EPA Inspection Team explained they were onsite to conduct a Clean Water Act stormwater inspection, which includes observing the current operations of the facility and assessing the potential for stormwater discharges from the Facility.

The weather at the time of the inspection was sunny and approximately 82°F. According to precipitation data from the National Oceanic and Atmospheric Administration (NOAA)¹, the Balch Springs, Texas area received 0.01 inches of rain the day prior to the inspection and no precipitation the day of the inspection.

- 2) Credentials presented to: Darren Ponewash (Branch Manager)
- 3) Facility acknowledged receiving previous outreach materials or correspondence on Permit requirements?
☐ Yes ☒ No Describe: N/A
- 4) Facility has been individually notified by permit authority or EPA that it is subject to stormwater requirements?
☐ Yes ☒ No Describe: N/A

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

FACILITY'S OPERATION & PRODUCT DESCRIPTION

Description of business and industrial activities occurring throughout the site. (Include operator's description and note any documentation that further establishes SIC code (permit applications, reports, business registries, website...)).

Ferguson Waterworks is a wholesale distributor of plumbing, heating, ventilation, and air conditioning (HVAC), and waterwork supplies [refer to Appendix B, Photograph Log (Photograph 1)]. According to the Facility representative, outdoor industrial activities include material loading/unloading [refer to Appendix B, Photograph Log (Photographs 18 and 19)], waste storage [refer to Appendix B, Photograph Log (Photographs 43-46)], vehicle maintenance and repair [refer to Appendix B, Photograph Log (Photographs 39-41)], and material storage of larger polyvinyl chloride (PVC) pipes and pipe fittings/valves [refer to Appendix B, Photograph Log (Photographs 20-27, 31, and 37)]. Higher value industrial materials such as copper and brass pipe fittings are stored in the warehouse.

Other industrial facilities owned/operated by same business entity ☒ Yes ☐ No **Describe:**

The Facility is part of the Ferguson Company, a national company with specialties in various industries such as resident plumbing, HVAC, fire and fabrication, waterworks, facility supply and maintenance, industrial, builder, and commercial/mechanical. According to the facility website, Ferguson has over 50 locations statewide, <https://www.ferguson.com>.

SECTION II – OBSERVATIONS

SITE EVALUATION

Pollutant Sources	Note location, quantity/size, design issues, any operation and maintenance (O&M) deficiencies (including the nature and extent), potential pollutants, and evidence of exposure to stormwater. Are Best Management Practices (BMPs) in place to minimize or eliminate stormwater discharges from industrial activities?
Loading/Unloading Operations	The Facility loads and unloads materials in the northeastern corner of the primary storage yard. The EPA Inspection Team observed a flatbed semi-truck which had arrived at the Facility with approximately twenty (20) 20-foot PVC pipes. Facility forklifts unloaded these PVC pipes and placed them on the various stockpiles of PVC pipes located throughout the Facility. This loading/unloading area is located on an uncovered gravel lot approximately 700 feet to the west and upgradient of Hickory Creek [refer to <u>Appendix B, Photograph Log (Photographs 18 and 19)</u>].

Industrial Manufacturing/ Processing Operations	The EPA Inspection Team observed the Facility's primary business is wholesale distribution and storage; no industrial manufacturing or processing (e.g., cutting, welding) operations were observed or reported.
Industrial Machinery & Equipment Storage	The Facility representative stated that two (2) flatbed semi-trucks, four (4) propane forklifts, and one (1) gasoline forklift are used on site. The gasoline forklift was stored underneath the awning attached to the warehouse and the two (2) flatbed semi-trucks were observed in the northeast corner of the primary storage yard

SITE EVALUATION	
Pollutant Sources	Note location, quantity/size, design issues, any operation and maintenance (O&M) deficiencies (including the nature and extent), potential pollutants, and evidence of exposure to stormwater. Are Best Management Practices (BMPs) in place to minimize or eliminate stormwater discharges from industrial activities?
	[refer to <u>Appendix B, Photograph Log (Photographs 18, 19, 32, and 36)</u>].
Storage of Industrial Materials or Products	The Facility had two (2) uncovered storage lots separated by a chain link fence. The primary storage yard for materials to be purchased is located on a gravel lot on the east side of the warehouse. The miscellaneous materials storage yard is an overgrown/vegetated portion of the Facility to the east of the primary storage yard. The primary storage yard is a gravel lot measuring approximately 200 feet by 700 feet and contains sorted piles of PVC pipes and pipe fitting/valves stored over wooden pallets, wooden crates, metal shelving units, or directly on the ground [refer to <u>Appendix B, Photograph Log (Photographs 20-27, 31, and 37)</u>]. The miscellaneous storage yard, measuring 200 feet by 300 feet, comprises loosely sorted PVC pipe piles stored directly on the ground, 55-gallon barrels in the northwestern corner, loose plastic materials, and one roll-off dumpster for solid waste collection [refer to <u>Appendix B, Photograph Log (Photographs 2-6, 10-17, and 28-30)</u>]. The Facility representative stated that the miscellaneous storage area is storage for materials which are not for resale.

Liquid Storage (e.g., Tanks, Liquid Storage Drums)	The EPA Inspection Team observed two (2) white 55-gallon barrels of fire hydrant oil, and four (4) 5-gallon buckets of dye stored uncovered on wooden pallets. The wooden pallets were sitting in ponded stormwater. These liquid storage vessels were approximately 500 feet to the west of and upgradient of Hickory Creek. [refer to Appendix B, Photograph Log (Photographs 2 and 3)]. Additionally, the EPA Inspection Team observed approximately fifty (50) 5-gallon buckets of PVC pipe lubricant throughout the Facility, twenty-one (21) of these 5-gallon buckets were stored over wooden pallets under the warehouse awning [refer to Appendix B, Photograph Log (Photograph 38)].
Waste Storage/Disposal Areas (solid and/or hazardous)	The EPA Inspection Team observed one (1) 6-yard solid waste dumpster located outside on the gravel lot in the northwestern portion of the Facility. The dumpster had a full permanent cover/lid but was partially uncovered at the time of the inspection. This dumpster contained cardboard and plastic bottles and was located approximately 1,400 feet upgradient of Hickory Creek. [refer to Appendix B, Photograph Log (Photographs 43-45)]. The EPA Inspection Team also observed one 30-yard waste collection roll-off dumpster located in the miscellaneous storage yard at the eastern portion of the Facility. The roll-off dumpster did not have a full permanent cover/lid and

SITE EVALUATION

Pollutant Sources	Note location, quantity/size, design issues, any operation and maintenance (O&M) deficiencies (including the nature and extent), potential pollutants, and evidence of exposure to stormwater. Are Best Management Practices (BMPs) in place to minimize or eliminate stormwater discharges from industrial activities?
	contained wooden pallets inside. This roll-off was about 550 feet upgradient of Hickory Creek. [refer to Appendix B, Photograph Log (Photograph 46)].
Waste Treatment Facilities (e.g., Pretreatment Systems)	None observed or reported at the Facility.
Fueling Stations/Equipment Maintenance Areas & Cleaning Areas	At the time of the inspection, the EPA Inspection Team observed a third-party vender servicing one (1) of the Facility's forklifts outside on the gravel lot in the northwestern portion of the Facility [refer to Appendix B, Photograph Log (Photographs 39-41)]. The Facility representative stated that the third party vendor maintains the Facility equipment. The vendor hauls used vehicle fluids offsite for disposal. The EPA Inspection Team did not observe any fueling stations at the Facility.

Sediment & Erosion Controls	The EPA Inspection Team did not observe any sediment and erosion controls at the Facility.
Spills/Leaks Handling	At the time of the inspection, the EPA Inspection Team did not observe any spill kits at the Facility. The Facility representative stated that the spill kits were recently moved inside the warehouse.
Outside Shelters	☐ Temporary (Date Established _____) ☒ Permanent The EPA Inspection Team observed one (1) permanent awning, measuring approximately 50 feet in length and 70 feet in width, attached to the large warehouse in the western portion of the Facility. The area under the awning was used for storage of concrete mix bags and 5-gallon buckets of PVC pipe lubricant [refer to <u>Appendix B, Photograph Log (Photographs 32-36)</u>]. The EPA Inspection Team observed ponded stormwater underneath the awning. The Facility representative stated that a sump pump beneath the ponded stormwater is used to remove water that collects underneath the awning [refer to <u>Appendix B, Photograph Log (Photographs 33 and 35)</u>]. The ground surface underneath the awning graded inwards towards this sump.
Evidence of nonstormwater sources/discharges (allowable if permitted under MSGP)?	Evidence of non-stormwater sources/discharges were not observed during the inspection.
SITE EVALUATION	
Pollutant Sources	Note location, quantity/size, design issues, any operation and maintenance (O&M) deficiencies (including the nature and extent), potential pollutants, and evidence of exposure to stormwater. Are Best Management Practices (BMPs) in place to minimize or eliminate stormwater discharges from industrial activities?
Evidence of process wastewater sources/discharges?	Evidence of process wastewater sources/discharges were not observed during the inspection.

OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS	
Number and description of each potential Stormwater Discharge Point from the Facility	The Facility slopes eastward towards a wooded area and Hickory Creek, located along the Facility's eastern perimeter. The EPA Inspection Team observed one (1) discharge point that would convey surface stormwater flow from the Facility east into the wooded area and then Hickory Creek [refer to <u>Appendix B, Photograph Log (Photographs 7-9)</u>].

Evidence of pollutants migrating offsite (stains, deposits, ponding) at discharge points, into receiving waters or in MS4	The EPA Inspection Team observed ponded water throughout the miscellaneous storage yard at the eastern portion of the Facility. During heavy rain events, stormwater would flow eastwards towards the wooded area and Hickory Creek. Two (2) white 55-gallon barrels of fire hydrant oil, four (4) 5-gallon buckets of dye, and rusted scrap metal parts were stored on top of wooden pallets which were sitting uncontained in pools of ponded stormwater. These materials were stored approximately 500 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photographs 2 and 3)]. Additionally, the EPA Inspection Team observed approximately 100 PVC pipes, which were stored in thick vegetation in the miscellaneous storage yard, located at the eastern portion of the Facility [refer to Appendix B, Photograph Log (Photographs 4-6 and 10-16)]. The closest pile of PVC pipes was located approximately 200 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photographs 4 and 5)].
Evidence of Nonstormwater Discharges leaving site (authorized or unauthorized)	Evidence of non-stormwater discharges were not observed during the inspection.
Description of general gradients/slopes onsite, all apparent discharge points, and discharge pathway from Facility to	The EPA Inspection Team observed that the ground surface throughout the Facility was mostly unpaved and primarily composed of gravel. The EPA Inspection Team observed that the ground surface transitions to a vegetated area beginning at the miscellaneous storage yard at the eastern portion of the Facility. The only paved portion of the Facility was the parking lot at the western most portion of
OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS	
Receiving Water or MS4 (storm drains, channel, swale, ditches, driveway, pipes, & etc.)	the Facility. The EPA Inspection Team observed all areas of the Facility graded eastward towards Hickory Creek and therefore, stormwater from the Facility would convey eastward as surface flow across the gravel lot into the wooded area, and from there discharge into Hickory Creek [refer to Appendix B, Photograph Log (Photographs 3, 7-10, 13, 19 and 21)].

SECTION III – AREAS OF CONCERN

- 1) At the time of the inspection, the EPA Inspection Team identified the following at the Facility:
 - a. The Facility is a wholesale distributor of plumbing, HVAC, and waterwork supplies. [SIC Code 5074 – Plumbing and heating equipment and supplies (Hydronics)].

- b. The Facility's outdoor area is where most industrial operations occur, which includes material loading/unloading, waste storage, vehicle maintenance and repair (which is done by a third-party vendor) and general material storage.
 - c. At the time of the inspection, the Facility did not have coverage under the 2021 Multi-General Stormwater Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity.
 - d. Due to the grading of the Facility, stormwater from areas used for industrial activities conveys eastward toward Hickory Creek, which borders the eastern border of the Facility.
- 2) The EPA Inspection Team observed two (2) white 55-gallon barrels of fire hydrant oil, four (4) 5-gallon buckets of dye, and rusted scrap metal parts within the miscellaneous storage area at the eastern side of the Facility. The 55-gallon barrels and 5-gallon buckets were stored on top of wooden pallets which were sitting in ponded stormwater. These materials were stored approximately 500 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photographs 2 and 3)].
- 3) The EPA Inspection Team observed approximately 100 PVC pipes stored in thick vegetation in the miscellaneous storage yard located at the eastern portion of the Facility [refer to Appendix B, Photograph Log (Photographs 4-6 and 10-16)]. The closest pile of PVC pipes was located approximately 200 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photographs 4 and 5)].
- 4) The EPA Inspection Team observed black 20-foot polyethylene stormwater pipes and pipe fittings/valves stored in the miscellaneous storage yard at the eastern portion of the Facility. Ponded stormwater was observed throughout this area and many of the black stormwater pipes and pipe fittings/valves were sitting directly in the ponded stormwater. These materials were located approximately 550 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photographs 15-17 and 30)].
- 5) The EPA Inspection Team observed one (1) 30-yard waste collection roll-off dumpster located in the miscellaneous storage yard at the eastern portion of the Facility. The roll-off dumpster did not have a full permanent cover/lid and contained wooden pallets inside. This roll-off was located approximately 550 feet upgradient of Hickory Creek [refer to Appendix B, Photograph Log (Photograph 46)].

SECTION IV – LIST OF APPENDICES

Appendix A – Aerial Location

Appendix B – Photograph Log