



NPDES Compliance Inspection Report

Mahoney Environmental Solutions, LLC

Seattle, Washington

Ecology ISGP Permit # WAR010447

Inspection Date: June 21, 2023

Prepared by:

Rick Cool
U.S. Environmental Protection Agency, Region 10
Enforcement & Compliance Assurance Division
Water Enforcement & Field Branch
Surface Water Enforcement Section

Inspector Signature/Date:

Supervisor Signature/Date:

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(Unless otherwise noted, all details in this inspection report were obtained from conversations and communications (e.g., emails, Teams meeting, submissions, etc.) with Zach Shelton, Jeff Bamford and Kyle Barker, and from reviews of documents and direct inspection observations)

I. Facility Information

Facility Name:	Mahoney Environmental – Seattle
Facility Owner/Operator:	Mahoney Environmental Solutions, LLC
Physical Address:	6333 1 st Avenue South Seattle, WA 98108
Lat/Long:	47.547054, -122.334808
Mailing Address:	6333 1 st Avenue South Seattle, WA 98108
Facility Contacts:	Zach Shelton, Facility Manager (June 2022 SWPPP designation) (cell) (206) 409-1146 (plant) (206) 299-4610 zshelton@mahoneyes.com Jeff Bamford, Operations Manager (June 2022 SWPPP designation) (cell) (206) 475-8519 (plant) (206) 299-4610 jbamford@mahoneyes.com Kyle Barker, Environmental Compliance Manager (cell) (317) 739-7003 kbarker@mahoneyes.com
Permit Number:	WAR010447
NAICS Code:	311225 – Fats and Oils Refining and Blending
SIC Code:	2079 – Shortening, Table Oils, Other Edible Fats and Oils, Not Elsewhere Classified
Facility Size:	Approximately 0.63 acres
Receiving Water:	Duwamish River, Puget Sound

II. Inspection Information

Inspection Date:	June 21, 2023
Inspectors:	Rick Cool – EPA; Jessica Kasmari – WA Ecology
Arrival Time:	8:15 AM
Departure Time:	Approximately 12:45 PM
Weather:	Sunny, dry.
NPDES Purpose:	To evaluate compliance with the requirements of the State of Washington Department of Ecology’s National Pollutant Discharge Elimination System – Industrial Stormwater General Permit and the Clean Water Act (CWA).

III. Permit Information

Mahoney Environmental Solutions, LLC’s Seattle facility (“Facility”) is permitted under the State of Washington Department of Ecology’s (Ecology) National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit (ISGP). The NPDES/ISGP tracking number assigned to the Facility is WAR010447.

The current version of Ecology’s ISGP became effective on January 1, 2020 and it is set to expire on December 31, 2024.

According to a Mahoney Environmental Solutions, LLC (MES) letter, dated June 6, 2022, to Ecology, MES purchased a subset of assets from General Biodiesel Seattle LLC in November 2020 and leased the Facility.

The Facility had coverage under Ecology’s ISGP when it was operated by General Biodiesel Seattle, LLC. MES submitted a Transfer-of-Coverage form (dated November 13, 2020) to Ecology in December 2020. Ecology’s October 7, 2021 letter to MES acknowledged receipt of the Transfer-of-Coverage form and notified MES that ISGP coverage was effective November 13, 2020.

The Facility is subject to provisions of Ecology’s ISGP S6, and Appendix 4, Existing Dischargers to Impaired Water Bodies, because the Facility stormwater discharge is to a Puget Sound Sediment Cleanup Site (i.e., Duwamish Waterway including East and West Waterway). *See e.g.*, ISGP S6.C.2, Footnote 6; S6.C.2, Table 7 (benchmark and sampling requirements for total suspended solids, TSS); S6.C.2.d. – 2.f; and the Ecology ISGP Appendix 4 website link that includes a current website-based spreadsheet referencing the MES WAR010447 coverage and related stormwater discharge point is to a Puget Sound Sediment Cleanup Site.

IV. Background

The Facility's primary industrial activity is used cooking oil (UCO) collection from local restaurants and industries, processing the UCO via phase separation, and ultimate distribution and shipping the processed UCO off-site for further processing via railcar or truck. Under the MES current operations, the Facility no longer converts material to biodiesel.

The typical Facility operations day was described during the June 21 inspection's opening conference and some information was derived from Facility documents. The Facility daily operations are generally as follows: MES route collection trucks collect UCO from local restaurants and industries. The collection trucks are offloaded inside the Facility where the UCO is transferred via a hose to the unloading or receiving bin (a/k/a the coffin or unloading tank). Food waste and other solids are also removed during a process step at the unloading/receiving bin, using a screening device, a removal conveyance chute and 55-gallon drums for storing the removed food and waste solids.

The UCO is pumped from the unloading bin via solid piping to Tanks P1 and P2 (approximately 10,000 gallons each) which are outfitted with internal heating coils for phase separation processing (i.e., reduce water content with heating temperatures in the range of 150° F). The processing in these two tanks was described as a continuous process, not a batch process.

The phase-separated water effluent is decanted from the processing tanks and loaded into wastewater tanks and the oil emulsion is pumped into an emulsion tank. The processed UCO goes into finished UCO storage tanks to be shipped out of the Facility via railcar or tanker truck. The transfer to the railcars uses a pump, flexible hose and valve system. The wastewater is shipped via tanker truck for final disposal.

The Facility employs approximately 8-9 employees, including two Facility operators and about 5 route drivers. Typical Facility operating hours are 6:00 a.m. to 6:00 p.m. during the work week, with a couple of route drivers that work on UCO pick-ups during evening hours. Route trucks are equipped with spill kits.

The Facility occupies about 0.63 acres of a larger approximate 2.5 acre parcel developed with a 11,236-square foot warehouse. MES operations are primarily in the northern ¼ of the warehouse. The area around the MES location include a rail siding/spur on the east side, adjacent to the warehouse, and a vegetated strip of land along the Lower Duwamish Waterway (LDW). The MES June 2022 Storm Water Pollution Prevention Plan (SWPPP) indicates that the vegetated strip is not owned by MES. The SWPPP also indicates that all grease/UCO unloading and processing operations occur within the warehouse.

The June 2022 SWPPP indicates almost all storm water discharged for the Facility is from the roof drains that discharge on the west side (the side next to the LDW) of the warehouse, then onto a common paved roadway with sheet flow towards the vegetated strip on the bank of the LDW. The paved roadway and the vegetated strip are separated by a concrete curb with periodic, spaced curb cuts allowing the sheet flow to flow through and discharge to the vegetated strip and then to the LDW.

The June 2022 SWPPP indicates the storm water Sample Point No. 1 is located where stormwater from the building roof drains combine with paved roadway runoff that enters the LDW. The SWPPP indicates that stormwater on the eastern side of the warehouse (e.g., rail spur area) infiltrates into the ballast along the rail siding.

When MES initiated operations in the Facility in late 2020, subsequent stormwater sampling results triggered ISGP S8 level one and level two corrective actions which actions were implemented throughout 2021 and early 2022. The MES 2022 Annual Report indicates a copper benchmark was exceeded in Quarter 1 (Q1), 2022 and documented a subsequent consultant determination the then existing sampling outfall was not representative of MES runoff.

The consultant recommended a sampling point location change which MES' Modification Form (signed April 26, 2022) was submitted to Ecology identifying the new sampling point located in the southwestern corner of the MES paved roadway area. The Modification Form's sampling location description was identified as sheet flow over the parking lot.

During the June 21 ISGP inspection, inspectors asked for clarification on the location of the sampling discharge point. By email (June 30), Mr. Barker provided a response that Michael Johnson of Lean Environmental (i.e., LE is MES' stormwater sampling consultant) confirmed that LE is collecting the stormwater samples at the southwest corner of the Facility as the storm water leaves the pavement. LE uses the dustpan sampling method for sampling stormwater sheet flow, as described by Facility representatives during the June 21 inspection.

MES discharge monitoring reports (DMRs) for Q2 and Q4, 2022 and Q1-Q2, 2023 show no numeric benchmark exceedances. MES reported no discharge in Q3, 2022.

Prior to the EPA-lead June 21 ISGP inspection, Ecology had previously inspected the Facility on September 28, 2021. The Ecology inspection report indicated that MES had completed the cleanup of a September 21, 2021 vegetable oil spill, with no discharge to the LDW. This September 2021 spill event is documented in detail in the June 2022 SWPPP appendices. The Ecology inspection report indicated that the MES DMRs were current as of the date of the inspection and that MES stormwater monthly inspection reports were available and up to date.

The Ecology inspection report also identified six compliance requirements and recommendations (Inspection Report, Section D) that were eventually included in an Ecology May 13, 2022 letter requesting an MES response. MES submitted a June 6, 2022 response letter to Ecology and noted that a consultant had been engaged to update the SWPPP. The MES letter also addressed each of the remaining five Inspection Report Section D items.

Based on discussions with Facility representatives, it is this inspector's understanding that MES implemented the General Biodiesel Seattle LLC SWPPP until MES began implementing its June 2022 SWPPP.

As part of the pre-inspection process, EPA requested various documents from MES in an EPA June 5, 2023 email, that included a request for all Storm Water Pollution Prevention Plan(s)

(SWPPP) & all related SWPPP content requirements (e.g., site map, industry activities inventory, BMPs, spill prevention and emergency clean-up plan, BMP maintenance records, sampling plan, etc.) used and implemented by MES since November 1, 2020. The MES response submissions included a copy of the General Biodiesel Seattle LLC's SWPPP, Version 3 (January 2020) (233 pdf pages).

In its submissions responding to EPA's June 5 request, MES also included a May 16, 2023 MES employee reporting form discussing a spill incident involving a third-party tanker truck (contractor hauler) that had been filled with finished UCO product and apparently left the loading area without checking and locking the tanker top hatch. Inspectors discussed this spill incident with Facility representatives during the June 21 inspection's opening conference.

According to Facility representatives, the truck movement resulted in sloshing within the tanker and some spillage of finished UCO product from the top hatch to the roadway area on the north side of the MES portion of the warehouse's outside paved roadway which was cleaned up without any finished UCO product discharge to the LDW.

Based on the discussions, it is this inspector's understanding that MES has revised its SOPs to ensure an MES employee confirms tanker top hatches are closed, sealed and locked in place prior to the transport truck's departure from the Facility loading area.

This recommendation for MES consideration: MES may want to ensure additional employee training is conducted on any revised and updated SOP for tanker truck loading to ensure tanker truck trailer hatches are appropriately fixed and secured (e.g., locked, etc.). This additional updated SOP training would be in accord with ISGP S3.B.4.i.5.iii which provides the Permittee's SWPPP training plan include spill response procedures, good housekeeping, maintenance requirements, and material management practices.

V. Inspection Chronology

The Facility inspections were announced combined NPDES/ISGP and CWA Section 311 spill prevention, control and countermeasure (SPCC) inspections. I sent a June 2, 2023 email to Mr. Shelton and Mr. Bamford introducing myself and describing the proposed inspections. In subsequent communications, we eventually arranged the June 21 combined inspections.

During the June 21 inspections, I was accompanied by Jessica Kasmari, Ecology's Duwamish lead stormwater inspector.

I arrived at the Facility about 8:15 a.m., and Ms. Kasmari joined us shortly thereafter in the Facility break room. Facility representatives included Zach Shelton, Jeff Bamford and Kyle Barker. For context, Mr. Barker's scope of work is generally the MES corporate environmental compliance domain, with environmental regulatory work potentially at all MES facilities nationwide, including the MES Seattle Facility.

The Facility combined inspections consisted of an initial opening conference in the Facility break room, a walk-through tour of the Facility, some limited onsite records review and

discussion, and ending with a closing conference of our on-site observations and preliminary areas of concern, and some requests for further documentation (e.g., secondary containment calculations, BMP maintenance records, etc.).

During the opening conference, I presented my EPA-issued inspector credentials to the Facility representatives and provided a copy of an EPA Small Business Resources Information Sheet. I discussed the purpose and scope of the inspections, and gave an overview of the four-part inspection process I use for both NPDES and SPCC inspections.

After completing the opening conference, we conducted a brief document review of some on-site documentation and then conducted a walk-through of the Facility with all three Facility representatives.

As we walked through the Facility, we shared our observations and some general, initial preliminary areas of concern and compliance assistance suggestions.

We completed the Facility walk-through which include all internal processing areas within the Facility, the rail spur and rail car loading area (east side of the Facility) and the western Facility paved lot. We conducted a preliminary closing conference with Mr. Barker and Mr. Bamford, noting the observations and areas of concern were preliminary. We also identified and requested additional documentation submissions, in part because some previously request documents (i.e., June 5 email and at the time of opening conference) had not yet been made available for review.

We were accompanied throughout the inspections by the Facility representatives at all times, and we were not denied access to any portion of the Facility.

Subsequent to the on-site inspection work conducted on June 21, MES sent three revised and updated DMRs to EPA on June 26. On August 3, 2023, I sent MES an email outlining and reiterating requested documentation, including secondary containment calculations and BMP maintenance records. On August 10, I had a Teams meeting call with Mr. Bamford and Mr. Barker to discuss follow-up matters, including discussion of the rail car loading process and loading timelines, as the current information implicated secondary containment issues regarding use of the rail car as supplementing Facility UCO storage.

VI. Opening Conference

The opening conference started with introductions and discussion of roles and responsibilities, and a broader discussion of Facility operations. A summary of a Facility operations day is included above in this inspection report. The opening conference summary below includes supplemental information derived also from the June 2022 SWPPP and during discussions with Facility representatives during the Facility walk-through.

From a stormwater discharge perspective, there are multiple businesses occupying the approximate 11,300 square foot warehouse with MES occupying the approximate ¼ north portion of the warehouse site. The Ecology's ISGP coverage only applies to the MES portion of the warehouse, with its immediately associated east-side rail spur and common paved roadways

on the Facility's north and west sides. The Facility representatives explained the warehouse roof consists of tar and only a few metal vents.

There are two MES-related roof drain spouts leading to two Grattix Boxes located on the Facility's west side near the LDW. These Grattix Boxes were originally a specific source control BMP listed and identified in the General Biodiesel Seattle LLC's January 2020 SWPPP which MES operated under when MES took over the Facility in November 2020. The boxes were also addressed in MES ISGP S8 corrective action reports in the 2021 time period. The General Biodiesel SWPPP indicated the filtration boxes were installed to address potential metals and turbidity generated from aerial dust deposition to the warehouse rooftop. The General Biodiesel SWPPP also stated the Grattix Boxes will be inspected monthly and maintained according to the Operations and Maintenance Guide provided in the 2020 SWPPP, Appendix C.

As explained by Facility representatives, the Grattix Boxes' filtration and metals removal capabilities may have been rendered less effective since property owner planted a tree in each of the two boxes serving the MES' two roof downspouts. Note this inspection report's Area-of-Concern discussion about the Grattix Boxes' continued use as a MES stormwater treatment BMP and issues related to the boxes' inspection, operation and maintenance.

The MES June 2022 SWPPP, Sec. 4.2.3, pages 7-8, lists eleven (11) bulk storage tanks and one 6000-gallon unloading bin (also referred to as a tank or coffin). However, that page 7-8 tank inventory does not appear to account for a 12th tank, a 7200-gallon utility tank. The unsigned MES SWPPP, Attachment 3, to the June 6, 2022 MES letter to Ecology includes a Bolton & Menk, Appendix A – Site Plan (last rev. May 19, 2022) that identifies 12 bulk storage tanks and one unloading tank in the Facility. Additionally, the MES June 2022 SPCC Plan, Section 8.1, lists 12 tanks, and that Plan's Tables 5.1 and 7.1 list 12 tanks, including Tanks U2 and W3, in addition to the 6000-gallon unloading tank. The available MES' "Monthly Visual Inspection Checklist for SPCC" for the time period of February 2022 through April 2023 (also the June 30, 2023 inspection report) show that MES continues to inspect Tank W3.

The SWPPP, Sec. 4.2.3, indicates all tanks are located inside containment structures inside the warehouse, and Sec. 3.4 states all processing tanks are located inside secondary containment. However, the SWPPP does not include any containment dimensions, containment displacement descriptions or calculations, or other containment calculations to demonstrate compliance and conformance with the ISGP S3.B.4.b.i.4.a provisions regarding minimum containment volume requirements for petroleum/oils and other chemical solids or liquids that have the potential to contaminate stormwater. Facility representatives were not able to provide copies of any such consultant or professional engineer prepared Facility tank containment calculations at the time of the June 21 inspection.

However, Facility representatives stated the Utility Tank U2 (5000 gallon) and Wastewater Tank W3 (5000 gallon) were decommissioned and removed from service in 2020 due to a lack of adequate secondary containment for these two tanks.

The Facility has installed a low-height drive-over berm inside a Facility doorway (e.g., north side truck entrance) as a means to promote containment within the warehouse processing areas. According to the SWPPP, all process area floor drains have been sealed.

As noted previously in this inspection report, the route trucks are unloaded within the Facility. The Facility has a bulk route truck offloading SOP for drivers to off-load the UCO to the 6000 gallon unloading bin (a/k/a, the unloading tank or the coffin).

According to the June 2022 SWPPP, truck washing does occur on-site using a 3rd party vendor. The SWPPP indicates all truck wash water is contained and removed by the vendor.

The June 2022 SWPPP, Sec. 9.1.1, states that outdoor paved areas will be vacuum swept a minimum of twice a month.

The June 2022 SWPPP, Sec. 9.1.2, indicates the Facility outdoor paved areas will be pressure washed a minimum of once per month or as needed by a vendor to remove accumulated pollutants but in an August 10, 2023 follow-up conference call, Facility representatives confirmed this pressure washing BMP was not being implemented as described in the SWPPP (i.e., minimum of once per month) – pressure washing is occurring periodically but not on a regular minimum monthly basis.

A spill kit is located near the railcar loading area and near the public UCO drop-off, collection area on the Facility's west side near the southern-most Grattix Box.

The June 2022 SWPPP, Sec. 9.1.1, indicates that two different types/styles of pillow/tube socks have been installed in the concrete curb cuts along the roadway pavement, just prior to the vegetated strip along the LDW bank. The SWPPP indicates one style includes an ion exchange resin to address capture and retention of copper and zinc from stormwater flows, and the other style is designed to reduce suspended solids and turbidity in the stormwater. However, the SWPPP is silent as to the pillow/socks operations and maintenance (O&M) procedures, including replacement schedule/frequency, needed to maintain the treatment and removal effectiveness of the pillows/socks. Facility representatives were not able to identify the schedule or frequency of change-out (i.e., replacement) of the pillows/socks being implemented by their stormwater sampling consultant but they have submitted inquiries to their stormwater sampling consultant for information related to the pillow/socks O&M procedures.

The Facility also operates a public-available self-serve covered UCO drop-off collection area outside the west side of the Facility's warehouse where the public can drop off smaller quantities of UCO. MES has a 190-gallon collection tank stationed here and also a spill kit in this drop-off collection area. Facility representatives indicated this collection tank operation is monitored on a daily basis.

After completing the opening conference, we conducted a brief document review of some on-site documentation and then conducted a Facility walk-through, always in the presence of and with the Facility representatives.

VII. Facility Walk Through

We began the Facility walk-through by walking the primary storage tank area (**Photos 1 & 2**) that includes the unloading bin (**Photo 5**). The primary storage tank area and unloading bin are enclosed in a concrete, yellow-painted containment wall (**Photos 2 & 5**). The unloading bin processing includes the removal of food waste and waste solids that are conveyed to 55-gallon drums using a chute (**Photo 5**).

Immediately adjacent to the primary storage tank area is the route truck unloading area where we observed hydraulic oil and waste oil drums on spill pallets (**Photo 3**). The truck unloading area included a low height spill containment berm across the garage door opening (**Photos 4 & 12**).

We observed several drums and related UCO containers that were empty and clean, awaiting distribution for use by MES customers. I discussed how the empty drums and containers should be stored in light of SPCC requirements. We also observed the Utility Tank U2 and Wastewater Tank W3 (**Photo 6**).

Processing tanks P1 and P2 are located in a containment area that is below (i.e., step down) the truck unloading area floor (**Photo 7**).

We walked the rail car loading/transfer area on the Facility's east side (**Photo 10**), where we observed the staged spill kit in that location (**Photo 13**). As we walked the paved areas on the Facility's north and west sides, we observed the prior sampling point in the northwest corner of the Facility where the consultant raised concerns the Facility stormwater was commingling with stormwater from the materials handling facility to the north of the MES facility.

On the west side of the Facility, we viewed the two Grattix Boxes with the property owner-installed trees (**Photos 8 & 11**). Finally, we observed the covered public-available self-serve UCO collection drop-off area on the south side of the southernmost Grattix Box (**Photo 11**). This collection area included a 190-gallon collection tank and a spill kit.

VIII. File Review

The various records and documents reviewed as part of these inspections include, but are not limited to, the following list below. For example, a substantial number of Facility-related documents (e.g., DMRs, Ecology-generated documents, etc.) were uploaded from the Ecology PARIS database. MES also provided a substantial number of documents (e.g., monthly SWPPP-related inspection reports, visual observation checklists, etc.) before the June 21 inspections based on an EPA pre-inspection request. Additionally, some of the files and documents reviewed are cited in other parts of this inspection report.

- Washington State Department of Ecology's NPDES/Industrial Stormwater General Permit (Issuance Date: November 20, 2019; Effective Date: January 1, 2020).
- MES December 10, 2020 letter to Ecology requesting ISGP coverage transfer.

- Ecology's October 7, 2021 letter granting the ISGP coverage transfer request.
- MES Spill Prevention, Control and Countermeasure (SPCC) Plan (June 2022).
- MES monthly visual inspection checklists for SPCC purposes, January 2021 – June 2023.
- MES Corrective Action Level 1 and Level 2 reports completed in 2021.
- Quarterly MES DMRs and as applicable stormwater lab report, chains of custody and associated stormwater sampling data for Q4 2020 through Q2 2023.
- Monthly SWPPP-based stormwater inspection reports/checklists for January 2021 – June 2023 and as available, associated monthly visible inspection checklists and good housekeeping checklists (e.g., Forms 11a and 11b).
- Stormwater Pollution Prevention Plan (SWPPP) (June 2022); Appendix 3 – SWPPP Certification Form signed and dated September 23, 2022.
- General Biodiesel Seattle LLC's Stormwater Pollution Prevention Plan (SWPPP), Version 3 (January 2020).
- MES SWPPP training records for 2020-2022, and a MES SWPPP and SPCC training power point presentations that appears to be based on Mendota Agri-Products site.
- BMP maintenance records for vacuum sweeping, January 2022 through August 7, 2023.
- Facility's ISGP-based annual reports for 2018 – 2022.

The June 2022 SWPPP, Sec. 9.1.1, states outdoor paved surfaces will be vacuumed with a vacuum sweeper or a sweeper with a vacuum attachment a minimum of twice per month. On August 14, 2023, MES provided Pro-Vac sweeping invoices for January 2022 through August 5, 2023 which showed vacuum sweeping events occurring twice monthly through July 2023, showing generally about two weeks between each monthly sweeping event. The submissions included an invoice for a sweeping event occurring on August 5, 2023.

For purposes of the ISGP vacuum sweeping minimum quarterly requirement, I also reviewed MES monthly industrial stormwater inspection reports for the period of December 2020 through December 2021 specifically for report form entries related to the ISGP required minimum quarterly vacuum sweeping. These reports' hand-written entries for the report form's entry "Date of last quarterly vacuum/sweep" indicate vacuum sweeping was completed in each calendar quarter for the period of December 2020 through December 2021.

IX. Areas of Concern

Observations, document reviews, discussions and other applicable information results in the identification of the following areas of concern:

A. Lack of Complete Required Additional Sampling

ISGP S5.B. addresses additional stormwater sampling requirements for specific industrial groups. ISGP S5.B.1. states: “In addition to the requirements in Table 2, all Permittees identified by an industrial activity in Table 3 shall sample stormwater discharges as specified in Condition S4 and *in Table 3.*” (italics added for emphasis).

Table 3 includes additional benchmarks and sampling requirements applicable to specific industries. Relevant to this MES Facility, Table 3, Part 1, includes the NAICS Group, Food and Kindred Products, 311xxx – 312xxx. For these specific industrial groups, the ISGP Table 3 requires the Permittee to conduct quarterly sampling for three additional pollutant parameters: (1) BOD₅; (2) Nitrate + Nitrite Nitrogen, as N; and (3) Total Phosphorus.

The MES December 10, 2020 letter to Ecology requesting a transfer of the ISGP WAR010447 coverage stated that MES fell under the NAICS code 311613, rendering and meat byproduct processing. The MES April 26, 2022 Modification of Permit Coverage Form submitted to Ecology to change the sampling outfall location listed the associated SIC code 2079 for its industrial process, and described used cooking oil collection and processing as the type and nature of its industrial activity.

Additionally, MES’s June 2022 SWPPP, p. i, listed the Facility SIC code as 2079 and the Facility NAICS as 311223. Generally, NAICS 311223 covers industrial activities associated with fats and oils refining and blending.

The June 2022 SWPPP, Sec. 11.1, included in its list of applicable Facility benchmark values, the pollution parameters BOD, Nitrate/Nitrite Nitrogen and Total Phosphorus. However, the SWPPP’s BOD reference did not specifically reference the BOD 5-day test (i.e., BOD₅).

In response to EPA’s pre-inspection document review request, MES submitted a pdf document (59 pdf pages) captioned *SWPPP June 2022 Appendices*. Under that document’s Appendix C, Storm Water Monitoring Worksheets, there was a two-page document labeled as an Environmental Standard Operating Procedure (SOP) and titled *Storm Water Monitoring* with an SOP effective date and revision date of April 15, 2022 (pdf pages 14-15 of 59) identifying responsibilities (No. 4) and approvals (No. 5) to be conducted by the Facility manager. This SOP sampling procedures provided in part as follows, which SOP excerpt does not include the ISGP Table 3 parameters for BOD₅ and Total Phosphorus:

- Collect the required grab samples per sampling protocol identified in the Scope for the following analysis: CBOD, COD, TSS, and Nitrate/Nitrite Nitrogen, Copper, and Zinc.

Available DMR information submitted by MES indicates the Facility has not sampled and analyzed its stormwater discharges on a quarterly basis for BOD₅, Nitrate + Nitrite Nitrogen, as N and Total Phosphorus for the time period of Q4 2020 through Q2 2023.

B. Lack of SWPPP Documentation of Compliant Tank Containment

ISGP S3.B.4.b.i.4.a provides the Permittee shall: “Store all hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater, or use double-walled tanks.”

The June 2022 SWPPP, Sec. 4.2.3, lists eleven (11) bulk storage tanks and one 6000-gallon unloading bin (also referred to as a tank or coffin) but note this inspection report’s discussion above that there appear to be 12 bulk storage tanks (including Tanks U2 and W3), in addition to the 6000-gallon unloading tank in the Facility.

The SWPPP, Sec. 4.2.3, indicates all tanks are located inside containment structures inside the warehouse, and Sec. 3.4 states all processing tanks are located inside secondary containment. However, the SWPPP does not include any containment dimensions (e.g., wall height, length, area dimensions, etc.), containment displacement descriptions or calculations, or other containment calculations to demonstrate or document compliance and conformance with the ISGP S3.B.4.b.i.4.a provisions regarding minimum containment volume requirements for petroleum/oils and other chemical solids or liquids that have the potential to contaminate stormwater.

In response to an EPA August 3, 2023 informal request for any SPCC-related secondary containment calculations for the AST storage areas, a Facility representative provided an undated site plan with hand-written containment dimensions for three containment areas inside the Facility warehouse on August 4, 2023. The MES response indicated no formal containment dimension documents could be located but MES was planning to revise the Facility’s SPCC plan with more formal and detailed containment data in the near future.

In summary, the Facility was not able to provide copies of any consultant or professional engineer-prepared Facility oil storage container containment calculations (e.g., taking into account documented displacement descriptions and calculations, etc.) to demonstrate and document compliance and conformance with the ISGP S3.B.4.b.i.4.a provisions as of the date of this inspection report.

Note, during the opening conference, Facility representatives stated the Utility Tank U2 (5000 gallon) and Wastewater Tank W3 (5000 gallon) were decommissioned and removed from service in 2020 due to a lack of adequate secondary containment for these two tanks. Subject to MES check, neither the June 2022 SWPPP or the June 2022 SPCC Plan discuss the Tanks U2 and W3 decommissioning or removal from service and there is no documentation in those two plans indicating either tank has been permanently closed in accord with the SPCC 40 CFR Part 112 provisions (see definition of permanently

closed in Part 112.2). It appeared during the June 2021 inspection, that Tank U2 has been re-purposed for another Facility process and Tank W3 has been included in the MES' monthly visual tank inspection reports for the Facility SPCC work from at least February 2022 through April 2023 (also the June 30, 2023 inspection report).

From the context of ISGP S3.B.4.b.i.4.a. and if storage is still occurring in accord with this ISGP provision, MES has inadequate containment for Tanks U2 and W3 based on the Facility representatives' representation underlying the tanks' apparent reasons for their alleged decommissioned or removed-from-service status.

C. Missing Sample Documentation Information

ISGP S4.B.4.c., 4.d. and 4.f. provide as follows: For each stormwater sample taken, the Permittee shall record the following information and retain it on-site for Ecology review:

- c. A notation describing if the Permittee collected the sample within the first 12 hours of stormwater discharge events; or, if it is unknown (e.g., discharge was occurring during start of regular business hours).
- d. An explanation of why the permittee could not collect a sample within the first 12 hours of a stormwater discharge event, if it was not possible. Or, if it is unknown, an explanation of why it is unknown if a sample was collected within or outside the first 12 hours of stormwater discharge.
-
- f. Method of sampling, and method of sample preservation, if applicable.

The June 2022 SWPPP does not describe the current *sheet-flow* method of sampling that is apparently being implemented by MES's stormwater sampling consultant, as a result of the April 2022 change in the sampling monitoring point. As noted previously, Lean Environmental uses the *dustpan sampling method* for sampling stormwater sheet flow.

In the context of anticipated MES SWPPP revisions to address expressly the dustpan sheet-flow method of sampling, the Ecology inspector has recommended that MES discuss with LE the need to ensure the dustpan-related equipment is plastic, not metal.

In response to EPA's pre-inspection June 5th document review request, MES submitted a pdf document (59 pdf pages) captioned *SWPPP June 2022 Appendices*. Under that document's Appendix C, Storm Water Monitoring Worksheets, there was a two-page document labeled as an Environmental Standard Operating Procedure (SOP) and titled *Storm Water Monitoring* with an SOP effective date and revision date of April 15, 2022 (pdf pages 14-15 of 59) identifying responsibilities (No. 4) and approvals (No. 5) to be conducted by the Facility manager.

This SOP did not describe the current *dustpan sheet-flow* method of sampling that is apparently being implemented by MES's stormwater sampling consultant, as a result of the April 2022 change in the sampling monitoring point and the SOP did not describe any applicable sample preservation methods.

The MES submitted pdf document (59 pdf pages) captioned *SWPPP June 2022 Appendices* included a Stormwater Sample Collection Form (pdf p. 16 of 59) for the MES Facility that, based on sampling documentation records submitted to EPA, appears to have been used by MES and its stormwater sampling consultant up through Q2, 2022.

However, the MES sampling documentation records submitted to EPA for Q4-2022, Q1 and Q2 2023 do not show the use of this SWPPP-based Form. Instead, it appears the consultant is making entries for pH and turbidity sampling and the consultant's visual sheen observations on the sampling Chain-of-Custody form that is submitted to the laboratory instead of making the sampling documentation entries on the Stormwater Sample Collection Form included in the June 2022 SWPPP Appendices.

However, the Chain-of-Custody forms filled out for the three sampling events cited above (i.e., Q4-2022, Q1 and Q2 2023) do not include any sampling documentation information or data entry locations for the required ISGP B.4.c. and 4.d. elements related to the sampling event time in comparison to the stormwater discharge event timing.

D. SWPPP & BMP Implementation for Grattix Boxes

ISGP S3.B.4.a – General BMP Requirements, states in part: “The SWPPP must explain in detail how and where the selected BMPs will be implemented.”

ISGP S3.B.4.b.i.3 and S3.B.4.b.i.3.b provide in relevant part as follows: “**Preventative Maintenance:** The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. *The SWPPP shall include the schedule/frequency for completing each maintenance task.* The Permittee must:

...

- b) Maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and *other stormwater drainage/treatment facilities* in accordance with the maintenance standards set forth in the applicable Stormwater Management Manual, other guidance documents or manuals approved in accordance with S3.A.3.c, demonstrably ***equivalent BMPs*** per S3.A.3.d, or an O&M Manual submitted to Ecology in accordance with S8.D. . . .” (bolding in original; italics added for emphasis).

The 2019 SWMMWW includes S417 – *BMPs for Maintenance of Stormwater Drainage and Treatment Systems*, which provides in relevant part:

- First bullet: Inspect and clean treatment BMPs, conveyance systems, and catch basins as needed, and determine necessary O&M improvements.

ISGP S7.A.1 states: “The Permittee shall conduct and document visual inspections of the site each month.” ISGP S7.B.6 requires, in part, that each inspection shall include an assessment of all BMPs that have been implemented, noting BMP effectiveness, locations of BMPs needing maintenance, and locations where additional BMPs or different BMPs are needed. ISGP S7.C.1 states in relevant part: “The Permittee shall

ensure each inspection report documents the observations, verifications and assessments required in S7.B”

The General Biodiesel Seattle LLC’s January 2020 SWPPP, Sec. 4.3.2, noted the downspout filtration boxes (i.e., the Grattix Boxes) were installed to address potential metal and turbidity generated from aerial deposition to the warehouse rooftop. Their SWPPP indicated the Grattix Boxes were to be inspected monthly and maintained according to the Grattix Box Operations and Maintenance Guide provided in the SWPPP’s Appendix C.

The General Biodiesel SWPPP, Appendix D, Blank Forms, included an industrial stormwater monthly inspection form that expressly identified the Grattix Boxes as a BMP that needed to be inspected monthly (*see, e.g.*, SWPPP pdf page 158 of 233).

The General Biodiesel SWPPP’s Grattix Box O&M Guide described the routine O&M practices and filtration media replacement schedule needed to maintain the boxes’ filtration effectiveness. The Grattix Boxes were also an item included on the General Biodiesel’s monthly stormwater inspection checklist as a good housekeeping BMP that needed to be routinely inspected and evaluated for any possible O&M work to be completed.

For context, MES continued to use and rely on the Grattix Boxes as a BMP after it initiated Facility operations in November 2020, including Box testing during work on MES Level One and Level Two corrective actions implemented in 2021. MES testing showed the Grattix Boxes removed copper and zinc from the roof-sourced downspout stormwater (*see, e.g.*, MES NPDES Stormwater Level One Report, June 26, 2021).

The MES NPDES Stormwater Level One Report (January 11, 2021), Applicable BMP Review, noted the BMP that the Grattix Boxes were to be inspected monthly and maintained according to the O&M Guide in the General Biodiesel’s SWPPP, Appendix C. However, the MES Report noted that preventative maintenance has not been implemented regularly. The Report’s Corrective Action Report Form indicated the following corrective action had been taken: “Review and implement guidance on Grattix Box Operation and Maintenance.”

During the June 21 inspection, Facility representatives questioned whether the Grattix Boxes’ filtration effectiveness might be impaired by the property owner’s apparent placement of a small tree in each of the two existing downspout filtration boxes but they did not describe any BMPs that were routinely implemented to maintain filtration effectiveness and did not discuss possibility of removing the trees and evaluating the need for filtration media replacement at this time.

The June 2022 SWPPP does not expressly identify or describe the two Grattix Boxes as an existing Facility BMP to be operated, inspected and maintained.

Additionally, the June 2022 SWPPP does not include any specific BMPs, or inspection or maintenance task schedules or frequencies, for the Grattix Boxes.

The Grattix Boxes are also not expressly listed in the MES' monthly stormwater inspection report form (*see* MES June 2022 SWPPP appendices, Appendix E, Site Inspection Forms) as a BMP that needs to be routinely inspected as was done in the General Biodiesel's monthly inspection blank form (*see, e.g.,* January 2020 SWPPP, Appendix D, Blank Forms, pdf page 158 of 233). However, a hand-written note indicating the Grattix Boxes were still operational was included in the MES April 6, 2021 monthly stormwater inspection report and the July 2021 report indicates one of the boxes needs fixing. This inspector was not able to locate any other reference to the Grattix Boxes in monthly stormwater inspection reports after the July 2021 report.

The Grattix Box O&M Guide that was included in the General Biodiesel January 2020 SWPPP, Appendix C, is not included in the MES June 2022 SWPPP appendices.

During inspection discussions, Facility representatives indicated there were no BMP maintenance records available regarding the Grattix Boxes.

E. SWPPP & BMP O&M for Curb Cut Pillows & Socks

ISGP S3.B.4.a – General BMP Requirements, states in part: “The SWPPP must explain in detail how and where the selected BMPs will be implemented.”

ISGP S3.B.4.b.i.3 and S3.B.4.b.i.3.b provide in relevant part as follows: “**Preventative Maintenance:** The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. *The SWPPP shall include the schedule/frequency for completing each maintenance task.* The Permittee must:

...

- b) Maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and *other stormwater drainage/treatment facilities* in accordance with the maintenance standards set forth in the applicable Stormwater Management Manual, other guidance documents or manuals approved in accordance with S3.A.3.c, demonstrably ***equivalent BMPs*** per S3.A.3.d, or an O&M Manual submitted to Ecology in accordance with S8.D. . . .” (bolding in original; italics added for emphasis).

The 2019 SWMMWW includes S417 – *BMPs for Maintenance of Stormwater Drainage and Treatment Systems*, which provides in relevant part:

- First bullet: Inspect and clean treatment BMPs, conveyance systems, and catch basins as needed, and determine necessary O&M improvements.

From a historical perspective, the MES June 6, 2022 letter to Ecology noted the MES' consultant replaced the previously installed curb-cut treatment berms on August 24, 2021 and following some stormwater sampling results, the consultant replaced the treatment berms with a different style but the MES letter does not state the date of the subsequent

replacement nor does the MES letter state whether any further change-out or replacement was done in the intervening time period up to the June 6, 2022 letter.

Also, the MES NPDES Stormwater Level One Report (June 26, 2021) included discussion of the treatment berms (e.g., silt socks, berms designed with ion exchange media to capture copper and zinc) that were used in the Facility's stormwater monitoring sample point. The Report also noted: "Current BMP of treatment berm were replaced on August 24, 2021." The Report's corrective action report form page, in response to a question about the need for a SWPPP revision, stated: "Replacement schedule needs to be determined for current BMP utilized."

Note, a September 8, 2021 MES monthly stormwater inspection report contains a handwritten note that indicates all socks were replaced at the outfall areas but it is assumed this note was a reference to the August 24, 2021 treatment berm replacement that would have occurred just 14 days prior to the September 8 inspection.

The June 2022 SWPPP, Sec. 9.1.1, states two types of pillow/socks were installed in the Facility LDW-adjacent curb cuts to reduce TSS/turbidity and bind copper and zinc. The SWPPP does not indicate when the pillows/socks were installed or when the pillows/socks were last replaced or changed out.

The SWPPP is generally silent with regard to pillow/sock-specific O&M BMPs and schedule/frequency of maintenance tasks, replacement timing or criteria to be used to evaluate when preventative replacement is needed. The SWPPP does not include a replacement schedule for the pillows/socks despite MES' recognition as early as June-July 2021 that a replacement schedule was needed for these types of treatment berms.

During the June 21 inspection, Facility representatives were not able to recall the date of the last replacement change out or any prior O&M maintenance tasks of the curb-cut pillows/socks, and were not able to describe what criteria were used to evaluate effectiveness of the pillow/socks for possible replacement, or any defined schedule/frequency for change-out or replacement.

F. SWPPP & BMP Implementation for Self-Serve UCO Collection Area

ISGP S3.4.a states: "The Permittee shall describe each BMP selected to eliminate or reduce the potential to contaminate stormwater and prevent violations of water quality standards. The SWPPP must explain in detail how and where selected BMPs will be implemented."

ISGP S3.B.4.a – General BMP Requirements, states in part: "The SWPPP must explain in detail how and where the selected BMPs will be implemented."

ISGP S3.4.b.i.2, Good Housekeeping, provides in part: "The SWPPP shall include BMPs that define ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. The SWPPP shall include the

schedule/frequency for completing each housekeeping task, based upon industrial activity, sampling results and observations made during inspections.”

ISGP S3.B.4.b.i.3, Preventative Maintenance, provides in part: “The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP shall include the schedule/frequency for completing each maintenance task.”

ISGP S3.B.4.b.i.4.a states: “Store all hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater, or use double-walled tanks.”

The Facility operates a covered public-available self-serve UCO collection drop-off area on the south side of the southern-most Grattix Box (**Photo 11**). The self-serve collection drop-off area is on the west side of the Facility immediately adjacent to the paved roadway abutting the vegetated strip along the LDW. The collection drop-off area is outfitted with a spill kit and according to Facility representatives, the collection area includes a 190-gallon collection tank.

The June 2022 SWPPP does not describe this self-serve UCO collection drop-off area or include any plan text narrative acknowledging its existence and operation. For example, the area is not mentioned or described under the SWPPP Sec. 4.3.2 (bulk oil); Sec. 8.1 (outdoor storage areas) or Sec. 8.2 (outdoor material transfer activities).

However, the unsigned SWPPP, Attachment 3, to the June 6, 2022 MES letter to Ecology includes a Bolton & Menk, Appendix A – Site Plan (last rev. May 19, 2022) which plan legend refers to Item No. 5, UCO Collection Area and that UCO collection area is located on the Site Plan in the southwestern corner of the Facility.

The SWPPP does not list or describe any BMPs that are specifically targeted at this collection drop-off site like inspection frequency, transfer procedure, etc. A Facility representative did indicate the drop-off UCO collection area and collection tank are monitored daily, and as noted above, there is a nearby spill kit.

The SWPPP does not list or describe the 190-gallon UCO collection tank, the tank storage type (e.g., steel, poly, single or double-walled, etc.) or the associated volume and description of the tank’s secondary containment. The SWPPP lacks documentation from which compliance with ISGP S3.B.4.b.i.4.a can be determined, confirmed or corroborated.

G. BMP Maintenance Records Recordkeeping and Availability

ISGP S9.D.1. and S9.D.1.g. generally provide in relevant part as follows: “The Permittee shall retain the following documents *onsite* for a minimum of five years: . . . g. All BMP maintenance records.” (italics added for emphasis)

ISGP S3.B.4.i.6, opening paragraph, states in part: “The SWPPP shall include documentation of procedures to ensure compliance with permit requirements for inspections and record keeping.”

As background, EPA’s June 5, 2023 email to MES describing the inspections’ framework included an informal request for ISGP and SPCC related documentation if provided by MES could be reviewed prior to the inspections to save time during the on-site file review portion of the inspections. The June 5 informal request include a request for BMP maintenance records (ISGP S9.D.1.g.) for all calendar year quarters, 2020 Q4 – 2023 Q2. No BMP maintenance records were provided in response to this request prior to the inspection. These records were not provided during the on-site document review portion of the inspection so a request was renewed during the June 21 inspection closing conference for copies of these records.

Not having received these records subsequent to the June 21 inspection, this inspector sent an August 3 email to MES making a request for these records for a reduced time period, 2022 Q2 through 2023 Q3 to date.

On August 14, 2023, MES submitted vendor vacuum sweeping invoices as summarized in this inspection report (Part VIII, File Review). On August 16, 2023, MES indicated it was working with its vendor to get responsive records in response to the EPA request for BMP maintenance records (e.g., invoices, etc.) for the BMPs, truck washing/cleaning that apparently occurs outside on the west side of the Facility and for the outdoor paved area pressure washing (e.g., invoices, etc.).

H. Storm Drain Solids BMPs and Sampling Requirements

ISGP S6.C.2.d. and 2.e provide in part that permittees discharging to certain impaired waters and Puget Sound Sediment Cleanup Sites must conduct accumulated solids removal BMPs and take samples of storm drain solids for analysis at least once in the term of the ISGP.

ISGP S6.C.2.d.i and d.ii address an option for a waiver application from the storm line drain cleaning requirement. ISGP S6.C.2.e.i and e.ii address an option for a waiver application from the storm drain solids sampling and analysis requirements.

The Facility is subject to provisions of Ecology’s ISGP S6, and Appendix 4, Existing Dischargers to Impaired Water Bodies, because the Facility stormwater discharge is to a Puget Sound Sediment Cleanup Site (i.e., Duwamish Waterway including East and West Waterway). See e.g., ISGP S6.C.2, Footnote 6; S6.C.2, Table 7 (benchmark and sampling requirements for total suspended solids, TSS); S6.C.2.d. – 2.f; and the Ecology

ISGP Appendix 4 website link that includes a current website-based spreadsheet referencing the MES WAR010447 coverage and related stormwater discharge point is to a Puget Sound Sediment Cleanup Site.

The Facility's 2021 NPDES Level One and Level Two Reports acknowledge the Facility's discharge location is to a 303(d) listed water body.

In November 2020 and until approximately late April 2022, the MES Facility's stormwater discharge outfall was located in the northwest corner of the Facility, allegedly the stormwater discharge was being affected by apparent stormwater runoff from the neighboring facility (cement company) to the north of the Facility. The Facility's 2021 Annual Report's discussion addressing copper benchmark exceedances noted that the highest copper concentration measured onsite was from the muck at the bottom of the Facility's stormwater outfall.

As discussed previously in this inspection report, MES' stormwater sampling consultant recommended a sampling point location change which MES' Modification Form (signed April 26, 2022) was submitted to Ecology identifying the new sampling point located in the southwestern corner of the MES paved roadway area. The Modification Form's sampling location description was identified as sheet flow over the parking lot.

The Facility's June 2022 SWPPP does not include any narrative discussion of the ISGP S6 provisions related to storm drain solids BMPs, or solids sampling and analysis requirements. The June 2022 SWPPP does not describe how the modification from the original stormwater sampling outfall (with muck at the bottom of the outfall) to the April 2022 adopted dustpan sheet flow sampling method affects the Facility's sampling plan with regard to the ISGP S6 requirements imposed on the permittee for storm drain solids BMPs and solids sampling and analysis.

In sum, the currently available information indicates that at least one of the Facility's stormwater discharge locations (i.e., the northwest located outfall) was identified in 2021 as having muck in the bottom of the outfall where the Facility was conducting stormwater sampling. The June 2022 SWPPP is silent in regard to the ISGP S6 ISGP S6.C.2.d and 2.e requirements imposed on an ISGP permittee and there was not information provided that MES had made any application to Ecology for any potentially applicable waivers under the ISGP S6 provisions.

I. Facility-Specific SWPPP Employee Training

ISGP S3.B.4.b.i.5, Employee Training, provides in part the SWPPP shall include BMPs to provide SWPPP training to for employees who have duties in areas of industrial activity subject to the ISGP and in accord with ISGP S3.B.4.b.i.5.a.i and 5.a.iii, the content of the training must include an overview of what is in the SWPPP and spill

response procedures, good housekeeping, maintenance requirements and material management practices.

The June 2022 SWPPP, Sec. 9.5, states that all Facility employees will be trained on all aspects of the SWPPP “per Mahoney’s Employee Training Procedure (See Appendix E).” As an aside, the June 2022 SWPPP table of contents describes Appendix D as employee training records and Appendix E as site inspection forms.

In response to EPA’s pre-inspection document review request, MES submitted a pdf document (59 pdf pages) captioned *SWPPP June 2022 Appendices*. Under that document’s Appendix D, Employee Training Records, there was a three-page document labeled as an Environmental Standard Operating Procedure (SOP) and titled *Storm Water Pollution Prevention Plan (SWPPP) Employee Training* with an SOP effective date and revision date of April 15, 2022 (pdf pages 27-29 of 59) identifying responsibilities (No. 4) and approvals (No. 5) to be conducted by the Facility manager. The SOP stated the purpose of a training program is to teach personnel at all levels of responsibility the components of the SWPPP, and topics covered in training included contents and requirements of the SWPPP including spill control and cleanup.

Appendix D also included a Mahoney one-page document (pdf page 30 of 59) captioned *Training Log Update March 2021* which stated in part “[a]ll SPCC/SWPPP training modules have moved to online courses *with additional site follow-up as needed.*” (italics added for emphasis). The April 2022 SWPPP Training SOP does not mention the SWPPP on-line training modules and Facility representatives did not articulate what, if any, additional Facility-specific follow-up was being provided regarding the Facility’s SWPPP.

As part of the MES document submission, two training power-point presentations (SWPPP and SPCC) for the Mahoney’s Mendota Agri-Products facility were provided and those presentations did include Mendota-specific information. However, Facility representatives did not discuss whether there were any similar Seattle Facility specific on-line training modules with Facility-specific SWPPP training for MES’ Seattle Facility employees.

The Facility also provided a copy of a computer-generated print-off of 2022 Mahoney stormwater and SPCC training records for Facility employees that took the on-line training module courses. It was not clear from on-site discussions whether these on-line training modules were designed and include Seattle Facility-specific SWPPP details or whether the modules are a generic SWPPP training package with no Facility-specific SWPPP details.

However, no additional Facility-specific SWPPP training records (like the April 2022 SOP’s training roster template, pdf page 29 of 59) were provided by the Facility

documenting what, if any, additional or supplemental Seattle Facility-specific SWPPP training has been conducted for the time periods of November 2020 through June 2023. In sum, the ISGP requires facility-specific employee training, and it does not prohibit the use of other training tools assuming facility-specific training is at least covered in the training. The MES June 2022 SWPPP and April 2022 SWPPP employee training implicitly appear to indicate the Facility is supposed to train its employees on the Facility SWPPP; however, the March 2021 Training Log Update creates some ambiguity about what type and content Facility training is actually occurring because the June 2022 SWPPP and April 2022 SOP do not explain what is in the on-line training modules and what, if any, “additional site follow-up” site-specific SWPPP training is conducted and provided to the Seattle Facility employees.

J. DMR and Sampling Procedure Anomalies

ISGP S4.C states: “The Permittee shall ensure that analytical methods used to meet the sampling requirements in this permit conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless specified otherwise in this permit.”

ISGP S9.B.2 and Table 9 provide in part that the permittee shall ensure that DMRs are submitted to Ecology by the DMR due dates in Table 9 which provide that for the reporting period of Quarter 2 (Q2), April - June, the DMR due date is August 15.

ISGP General Conditions, G2.D, Certification, requires that any person signing a document shall make the following certification which includes in part that the information submitted is, to the best of that person’s knowledge and belief, true, accurate and complete.

The Facility’s DMRs, and as applicable, any associated chains-of-custody and laboratory reports for Q4-2022 through Q2-2023 were reviewed as part of this EPA inspection.

The following areas-of-concern are noted:

- DMR Q1-2021: The DMR did not have reported values for pH, turbidity or total petroleum hydrocarbons. The DMR notes/comments explained the reasons for the missed sampling which were situations within the Facility’s control, and the DMR notes/comments explained that procedures were put in place to address the missed sampling issues.
- DMRs Q2 & Q3, 2021: An MES employee appears to have conducted the sampling, including pH sampling, which samples were delivered to the laboratory in a time period (e.g., 2 hours+, next day) that far exceeded the accepted holding time for pH samples under 40 CFR Part 136 (i.e., analyze within 15 minutes).
- DMRs Q1 & Q2, 2023: The DMRs included the wrong unit of measurement (i.e., pollutant concentrations for benchmark comparisons were originally reported as mg/L instead of ug/L) for the DMRs’ copper and zinc results. MEC-corrected DMRs were submitted on June 26, 2023.

- DMR Q2-2022: The original DMR, signed and submitted on November 19, 2022, indicated there had been no stormwater discharge in Q2; consequently, there were no reported pollutant parameter results in this submitted original DMR. However, a stormwater sample had been taken on June 12, 2022 and analyzed with laboratory results reported to MES. An MES-corrected DMR with the laboratory report and other pollutant sampling results was submitted on June 26, 2023 with an explanation for the original non-reporting situation in the corrected DMR notes/comment section.

Additionally, the original DMR was submitted in November 2022 and it is considered a late DMR submission in light of the required ISGP due date of August 15, 2022.

- For context, the 40 CFR Part 136 preservation temperature for the Facility's pollutant parameters samples is typically a lab-receipt temperature of less than or equal to 6 degrees C (approximately 42.8 degrees F).

In at least seven (7) quarterly chains-of-custody, the laboratory's reported cooler receipt temperatures that exceeded the regulatory preservation temperature of 6 degrees C.

For example, for the Q1-2023 delivered samples, the laboratory report indicated the sample was received at 10:35 a.m., approximately 4.5 hours after the apparent sample collection time, and that the temperature of the cooler at receipt was 11.5° C. The laboratory report noted a *receipt exception* that the sample was received at the laboratory outside the required temperature criteria of <6 C and there was no cooling media present in the sample cooler.

K. SWPPP Anomalies & Inaccuracies

ISGP S3.A requires all permittees shall implement a SWPPP developed by qualified personnel and ISGP S3.B, Specific SWPPP Requirements, describes various SWPPP content requirements.

ISGP S3.A.5 requires, in part, the Permittee to sign and certify all SWPPPs in accordance with ISGP General Condition G2 each time they revise or modify a SWPPP to comply with Conditions ISGP S3.A.3 (update of the SWPPP). The required SWPPP Certification Form is contained in the ISGP, Appendix 3. The SWPPP Certification Form is required for the Permittee to sign and certify that the SWPPP is complete, accurate and in compliance with Conditions S3 and S8 of the ISGP.

The MES's June 2022 SWPPP includes a copy of a MES representative (i.e., environmental compliance manager) signed and dated Appendix 3 – SWPPP Certification Form. See MES June 2022 SWPPP, page ii (signed 09/23/2022).

Missing Tank. The June 2022 SWPPP, Sec. 4.2.3, states the Facility has eleven (11) bulk storage tanks and one 6000-gallon loading bin. On information and belief as previously discussed in this inspection report, the Facility appears to have 12 bulk storage tanks, of which Facility representatives indicated that Tanks U2 and W3 are decommissioned and not in service. The current SWPPP Section 4.2.3 listing appears to be missing a reference and count of one 7200-gallon utility tank.

Missing Appendices & Transfer Procedures, Inaccurate Cross References. The signed MES June 2022 SWPPP Table of Contents (TOC) lists Appendices A – G. MES provided EPA with a separate pdf document (58 pdf pages) captioned “SWPPP June 2022 Appendices.” That Appendices pdf document had the Appendices A – G referenced in the June 2022 SWPPP’s TOC.

However, the June 2022 SWPPP narrative includes citations to non-existent Appendices H and I. For example, the SWPPP, Sec. 8.2, refers the reader to a non-existent Appendix H for a Rail Car Transfer Procedure. No such rail car transfer procedure was available in either the June 2022 SWPPP or the Appendices pdf document cited above.

Without going into exacting detail, the June 2022 SWPPP narrative has numerous appendix citation inaccuracies which need correcting in a revised SWPPP with an updated, comprehensive table of contents and complete and accurate appendices (*see, e.g.,* appendix references in SWPPP Sections 6.0; 8.2; 9.1.2; 9.2.4; 9.5; and 9.6.1).

Decommissioned Tanks & Inadequate Secondary Containment. During the June 21 inspection, Facility representatives indicated that Tanks U2 and W3 were decommissioned or taken out-of-service in 2020 due to a lack of adequate containment.

However, the June 2022 SWPPP is silent with regard to the operating status of these two tanks or the inadequate status of their containment. The SWPPP, Sec. 4.2.3, lists these tanks with their respective tank volumes (i.e., Tank U2 at 5000 gallons and Tank W3 at 5000 gallons) and includes a statement that all tanks are located inside containment structures. However, during the June 21 inspection, inspectors observed that a huge opening had been cut out of the Tank U2 and was being used in a manner that would not result in 5000 gallons of storage capacity. In sum, the SWPPP’s narrative does accurately reflect the apparent operating status as observed during the June 21 inspection, and available information seems to indicate their apparent operational status and the apparent lack-of-adequate containment was information available at the time the 2022 SWPPP was updated, finalized and signed.

L. Facility Monthly Inspection Report Anomalies & Missing Content

Missing Facility Locations. ISGP S7.C.1. and ISGP S7.C.1.b. state: “The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP, for Ecology review. The Permittee shall ensure each inspection report documents the observations, verifications and assessments required in S7.B and includes: . . . b. Locations inspected . . . “

MES uses an industrial stormwater monthly inspection report template that was devised by Ecology, and the template’s page 2, includes a Good Housekeeping BMP, Part No. 3 entry to evaluate whether the report’s listed locations are free from accumulated dust/sediment, debris, contaminants, and/or spills/leaks of fluids. The template’s Part No. 3 entry includes a category for “other areas of industrial activity” with approximately 8 blank lines where the Permittee’s inspector can write in the specific locations inspected.

Available monthly inspection reports for the period of December 2020 through June 2023 were reviewed. For three reports (i.e., Dec. 2020, January-February 2021), the inspector wrote in one specific location for this Part No. 3 entry, which was generally the rail track/rail spur.

Available monthly inspection reports for the period of March 2021 through June 2023 did not list or have any other inspector-entered hand-written entries for any other specific Facility locations inspected.

Subject to MES check, the following Facility locations are not specifically or expressly identified in the template's Part No. 3 entry for the particular observation requirement summarized above. Accordingly, the following areas should be listed in an MES monthly inspection report as areas of industrial activity that should be inspected monthly:

- Rail track/rail spur & rail car loading area;
- Public self-serve UCO collection area; and
- Wastewater tanker truck loading area.

Report Entries of Concern regarding Observations of Stormwater Discharges. ISGP S7.B, Inspection Components, requires, in part, that each inspection shall include:

- ISGP S7.B.1: "Observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged off-site; or discharged to waters of the State,"
- ISGP S7.B.2: "Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharge(s)."

ISGP S7.C.1 and ISGP S7.C.1.e provide as follows:

The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP, for Ecology review. *The Permittee shall ensure each inspection report documents the observations, verifications and assessments required in S7.B and includes: . . .*

e. Name, title, and signature of the person conducting site inspection; and the following statement: *"I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."* (italics added for emphasis)

For the purposes of this Area-of-Concern, only six MES monthly reports (i.e., January – June 2023) were selected to illustrate the entries of concern; that is, reports prior to

January 2023 were not reviewed and evaluated for the purposes of highlighting the specific report entry concerns summarized below.

The Ecology-devised industrial stormwater monthly inspection report template used by MES has the following three particularly relevant report entries, paraphrased here and in the Table column headings below:

- Weather Information: Description of weather conditions (e.g., sunny, cloudy, raining, snowing, etc.);
- Weather Information: Was stormwater (e.g., runoff from rain or snowmelt) flowing at outfalls and/or discharge areas shown on the Site Map during the inspection? [___ Yes; ___ No; ___ Comments]; and
- Observations of Stormwater Discharges: Is the discharge free of floating materials, visible oil sheen, discoloration, turbidity, odor, foam or any other signs of contamination? [___ Yes; ___ No; ___ NA. A comment report column is available for the inspector to describe their Findings and Remedial Action Documentation:]

Note, none of the reports' last column entry for Findings and Remedial Action Documentation contained any entries; i.e., all were blank.

2023	Weather	Was Stormwater (runoff from rain or snowmelt) flowing at Outfalls or Discharge Areas?	Observation of Stormwater Discharges – Is the discharge free of . . . ?
Jan	raining	No	Yes
Feb	clear	No	Yes
Mar	partly cloudy	No	Yes
Apr	sunny	No entry	No
May	sunny	No	No
Jun	sunny	No	No

It is not clear from the totality of each report why an entry of “NA” was not used for the observations of stormwater discharge content and appearance when the report indicates there was not stormwater discharge/runoff at the outfalls or discharge areas. The reports do not include any Findings to explain this apparent inconsistent set of entries.

It is also concerning that any “No” entry for the “free-from” nuisance conditions in the discharge question is not further explained in the Findings column with some entries related to remedial actions to address the particular nuisance conditions apparently observed.

For consideration, the MES inspector should consider adding written comments to the report's Finding column if there is a need to clarify any other entries or report responses which might cause confusion or appear somewhat inconsistent.

Missing Compliance Determination Certifications. ISGP S7.C.1 and ISGP S7.C.1.c provide as follows:

The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP, for Ecology review. The Permittee shall ensure each inspection report documents the observations, verifications and assessments required in S7.B and includes: . . .

c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G2, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.

Each MES industrial stormwater monthly inspection report, Part III, Certification Statements and Signatures, contains the following certification followed by entry blocks for the inspector's name (printed), the inspector's signature, the inspector's title and date:

Inspector - Certification: This section must be completed by the person who conducted the site inspection prior to submitting this form to the person with signature authority (see Permit Condition G2) or a duly authorized representative of that person.

☐ The facility is in compliance with the terms and conditions of the SWPPP and the Industrial Stormwater General Permit.

☐ The facility is out of compliance with the terms and conditions of the SWPPP and the Industrial Stormwater General Permit. This report includes the remedial actions that must be taken to meet the requirements of the SWPPP and permit, including a schedule of implementation of the remedial actions.

"I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."

The MES' Facility monthly inspection reports for December 2021, January – December 2022, and January – April 2023 did not include any hand-written entries by the identified inspector making a compliance or non-compliance determination. Both check boxes on these reports were left blank but the reports were signed and dated. Note, the May – June 2023 reports do contain the inspector's compliance determination entries.

M. Update the SWPPP

ISGP S3.A.3.and 3.b provide as follows:

a. The Permittee shall modify the SWPPP if the owner/operator or the applicable local or state regulatory authority determines during inspections or investigations that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The Permittee shall modify the SWPPP:

i. As necessary to include additional or modified BMPs designed to correct problems identified.

ii. To correct the deficiencies identified in writing from Ecology within 30 days of notice.

b. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged.

A number of the previously cited EPA Areas-of-Concern (e.g., implementation of missing sampling parameters, missing utility tank listing, lack of O&M procedures and related schedule/frequency for curb cut pillow/socks maintenance and replacement, Grattix Boxes, etc.) were evident and should have been identified by MES previously resulting in a timely SWPPP revision and update.

X. Closing Conference

A closing conference was conducted after the Facility walk-through with Mr. Bamford and Mr. Barker. During the closing conference, we discussed our inspection observations, preliminary findings and next steps, including requests for additional documentation not yet provided in response to previous requests (e.g., secondary containment calculation documentation, BMP maintenance records, etc.). We discussed some of the preliminary areas of concern identified during the inspection and document reviews and as summarized above, noting these were preliminary areas of concern subject to review and revision. I gave a brief overview of the post-inspection process during the closing conference. I thanked the Facility representatives for their time, assistance and cooperation.

ATTACHMENT A – Photograph Log

(Photographs Nos. 1-9 taken by Rick Cool, EPA, with a Panasonic Lumix FH-25 camera)

(Photographs Nos. 10-13 taken by Jessica Kasmari, Ecology Duwamish St. Wtr. Lead Inspector)