



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Christopher Carignan, General Manager
E.T. Cote & Son Auto Exchange, Inc.
37 9th Street
Leominster, MA 01453

Subject: July 25, 2022, EPA Inspection

Dear Mr. Carignan:

On July 25, 2022, the U.S. Environmental Protection Agency (EPA) performed an inspection at E.T. Cote & Son Auto Exchange, Inc., located at 37 9th Street, Leominster, MA (Facility), regarding compliance with the National Pollutant Discharge Elimination System program of the Clean Water Act (CWA). A copy of the inspection report is included as an attachment to this letter along with a photo album.

Specific comments, informed by the inspection, are as follows:

1. The industrial activities taking place at the Facility are classified under the Standard Industrial Classification (SIC) code 5015 which is an applicable code under the Multi-Sector General Permit for stormwater discharges associated with industrial activities (MSGP). This means that, as currently configured, stormwater discharges from the Facility are not permitted unless you obtain permit coverage under the MSGP.
2. The Facility was observed to have a capacity of above-ground oil storage above the applicability threshold (1,320 gallons) of the Oil Pollution Prevention regulations (40 C.F.R. Part 112). This means that the Facility is required to have prepared and implemented a Spill Control and Countermeasures (SPCC) plan consistent with the Oil Pollution Prevention Regulations, or you must bring the Facility's above-ground oil storage capacity below the regulatory threshold.

Please report the following to the EPA in an electronic format to Alex Rosenberg at Rosenberg.alex@epa.gov.

3. Within 30 days of receiving this letter, submit an estimate by which you expect the Facility will be able to submit a Notice of Intent (NOI) to discharge under the MSGP. The NOI must be submitted via the Central Data Exchange (CDX). A fact sheet on how to sign-up for an account on CDX is attached (#1). Fact sheets covering NOI submittal (#2) and monitoring data submission (through a second electronic database named NeT-DMR) (#3) are also attached. Upon submission of your Facility's NOI, please email Mr. Rosenberg, indicating the date of such submission.

4. Within 60 days of receiving this letter, submit a copy of the facility's Stormwater Pollution Prevention Plan (SWPPP). A SWPPP template can be found on the national MSGP website¹.
5. Within 30 days of receiving this letter, provide either (a) evidence that the Facility's oil-storage capacity is below 1,320 gallons, or (b) a copy of the Facility's tier-1 SPCC plan. EPA has a *tier-1* SPCC plan template available online².

Please refer any questions related to technical issues in this letter to me at 617-918-1709 or at Rosenberg.alex@epa.gov. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or at kopf.jeff@epa.gov.

Sincerely,

 ALEX
ROSENBERG
2022.08.03
10:16:52 -04'00'

Alex Rosenberg, Inspector
Water Compliance Section
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for July 25, 2022, EPA Inspection
Inspection Photo Album
Fact Sheet – Applying for MSGP Coverage Step 1 (CDX)
Fact Sheet – Applying for MSGP Coverage Step 2 (NOI & SWPPP)
Fact Sheet – Applying for MSGP Coverage Step 3 (NetDMR)

CCs (electronic only):

David Boyer, MASS DEP
Laura Schiffman, MASS DEP
Susannah King, MASS DEP
Jeff Kopf, Senior Counsel, US EPA

¹ <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance#guidance>

² <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>



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REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: 2022-08-01
Finalized Date: *Dated as shown on electronic signature*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
E.T. COTE & SON AUTO EXCHANGE, Inc.

From: Alex Rosenberg, Inspector  ALEX ROSENBERG
2022.08.03 09:39:38
-04'00'

To: File

I. Facility Information

- A. *Facility Name:* E.T. COTE & SON AUTO EXCHANGE, Inc.
- B. *Facility Location:* 37 9thSt
Leominster, MA 01453
- C. *Facility Contacts:* Christopher Carignan, General Manager
978-537-2420, etcote@gmail.com
- D. *NPDES ID No(s):* N/A

II. Background Information

- A. *Date(s) of inspection:* July 25, 2022
- B. *Weather Conditions:* Overcast
- C. *US EPA Representative(s):*
Alex Rosenberg & Rachel Olugbemi
- D. *State/Local Representative(s):*
None
- E. *Federally Enforceable Requirements Covered During the Inspection:*
National Pollutant Discharge Elimination System, Multi-Sector General
Permit (June 1, 2021) (40 C.F.R. §122)
- F. *Previous Enforcement Actions:*
None

III. Type and Purpose of Inspection

U.S. Environmental Protection Agency (“EPA”) compliance evaluation under EPA’s National Pollutant Discharge Elimination System (“NPDES”) 2021 Multi-Sector General Permit (“MSGP”) for stormwater discharges associated with industrial activities.

IV. Facility Description

The Facility conducts auto parts salvage from an area of approximately 5-acres located over a few adjacent parcels of land. According to facility representatives, they purchased the business 13 years ago, but the site had been home to auto salvage operation for generations previously. The surrounding neighbors are all one-family residential homes.

Stormwater flow discharges down 9th street (Slide 56) into a catch basin located at the intersection of Spruce St. and 9th St.

According to Facility representatives, the Facility processes approximately 50-70 cars per month and after being crushed, they are sold to a metal recycling company such as Sims.

The Facility owns a satellite warehouse located at 3 7th Street that it uses to store automotive parts. The satellite property is fully enclosed and was therefore not inspected.

V. Inspection

REGION 1 Lead Inspector, Alex Rosenberg, and inspector Rachel Olugbemi, arrived at the T Cote & Son Auto Exchange Inc (the “Site” or “Facility”), located at 37 Ninth St, at 10:49 AM (ET) on 07/25/2022 for an unannounced inspection.

Both inspectors presented credentials to Christopher Carignan, the general manager, and informed him that this was a REGION 1 inspection to determine compliance with the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) permit program.

This report is based on information supplied by E T Cote & Son Auto Exchange Inc representatives, observations made by the REGION 1 inspector, and records and reports maintained by the permittee and the REGION 1 including: direct observations made by the REGION 1 Inspector(s), photographs taken by REGION 1 inspector(s), verbal or written statements made by information supplied by E T Cote & Son Auto Exchange Inc representatives (the permittee) during or subsequent to the on-site Inspection, and materials, processes, data, photographs, or documents shown, demonstrated, or submitted to the REGION 1 inspector(s) by E T Cote & Son Auto Exchange Inc representatives during or subsequent to the on - site Inspection.

A. Opening Conference

Thomas Carignan, Christopher Carignan's father and the Facility's owner, joined the inspection during the opening conference. In addition to the two Carignans, the Facility has eight employees.

Mr. Rosenberg explained what obtaining and complying with a MSGP permit entails including the creation of a Stormwater Pollution Prevention Plan ("SWPPP"), sampling and submittal of sampling data via the electronic reporting system "NeT-DMR", and the implementation of corrective actions if sample results show pollutant levels above certain benchmark thresholds.

The Facility representatives expressed familiarity with the MSGP permit and stated that they believed their automobile laydown areas are entirely bermed. The representatives also mentioned that they had previously been in contact with the Massachusetts Department of Environmental Protection about the removal of an infiltration gallery.

B. Facility Tour

Inspectors walked the site with Facility representatives.

Wet cars are stored in Area "A" (see slide 2) before they are drained and dismantled within one of the three garage bays in Area "B" (see slide 2), or the one bay in Area "D" (see slide 2).

Area A was fully bermed (slides 16-22). No stormwater conveyance paths were observed leaving this area.

Cars are drained of their fluids and parts are removed in three garage bays (slides 6-8) that open directly onto 9th Street (Area B on slide 2). Two engines were observed on the concrete, exposed to the elements, outside of the garage bays (slides 10-12). Oil was leaking from these parts onto the ground. Oil stains on the concrete outside of the garage bays were observed (slide 9).

Drainage from this area would flow down the western edge of 9th Street (slide 14). Mr. Rosenberg explained what type of sampling is required by the MSGP, and how a sample could be collected from a shallow stormwater flow path.

A crusher (slide 25), placed on a concrete pad with a 1-foot-high concrete berm is operated in Area "C" (see slide 2). Already drained cars are stored in this same area (slides 27 & 28). The entire area is bermed along the perimeter downgradient of the stormwater flow direction (slides 29-37).

Crushed vehicles (slides 39-41) and parts storage racks (slides 49-51) are stockpiled in Area "D" (see slide 2). A single garage bay is also located in Area D (slides 42-45). The garage is heated by propane. Stormwater flow that goes North towards an entrance along the northern border of the property on Water Street is stopped by a slight raised paved berm. Mr. Rosenberg recommended possibly increasing the height, and therefore the

efficacy, of the berm in this location (see dotted orange berm line on slide 2). Mr. Rosenberg suggested documenting any corrective actions taken by taking photographs and submitting any updates to the Inspectors following the inspection.

Used oil is collected and stored on-site in 250-gallon totes (slides 46, 51) for use in a waste oil furnace located in Area B. In terms of oil storage capacity, inspectors observed eight 250-gallon totes, a waste oil furnace tank of approximately 250-gallons, a gasoline tank with approximately 300-gallon capacity, and approximately three 55-gallon drums (slide 44, 50). None of the storage containers had secondary containment. Mr. Rosenberg explained the CWA oil regulations and the following paths towards compliance; either reduce the Facility's capacity below 1,320 gallons, or create a Spill Pollution Controls and Countermeasures ("SPCC") Plan and build appropriately sized secondary containment.

All batteries are stored under cover.

C. Closing Conference

Mr. Rosenberg reviewed the following observations with facility representatives.

- The industrial activities taking place at the Facility are classified as standard industrial classification code 5015, and therefore the facility must apply for coverage under the 2021 MSGP. Mr. Rosenberg forwarded to Mr. Carignan a link to the MSGP website and a template for a SWPPP the day following the inspection.
- The Facility is applicable to the oil regulations and therefore must either reduce its capacity to below 1,320 gallons or draft and implement a SPCC plan. Mr. Rosenberg forwarded to Mr. Carignan a link to the SPCC *tier-1* plan template the day following the inspection.

Inspectors departed at approximately 12:00 pm.

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.