



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*)

Mark McLellan, Senior Vice President
SPS New England
95 Behen Street
Everett, MA 02149
mmclellan@spsne.com

Subject: August 16, 2023, EPA Inspection

Dear Mr. McLellan:

On August 16, 2023, the U.S. Environmental Protection Agency ("EPA") performed an inspection at SPS New England, located at 95 Behen Street, Everett, MA (the "Facility"), regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act. A copy of the inspection report is enclosed with this letter.

EPA Inspectors observed a vessel being power washed on-site during the inspection. Under the Clean Water Act ("CWA" or "Act") § 301, it is unlawful for any person to discharge any pollutant into waters of the United States without authorization under specific provisions of the CWA, including § 402 (NPDES) or § 404 (discharge of dredged or fill material). This includes, but is not limited to, the discharge of process wash water ("process water"), paint chips and/or dust from sanding or painting activities. Evidence from the inspection suggest that process water, paint chips and dust from sanding or painting activities are being discharged into the adjacent waterbody either directly or possibly through a drainage system.

Provide a response to each of the items below within 30 days of the receipt of this letter to Damian Bednarz of my staff at bednarz.damian@epa.gov.

- Facility personnel explained that power washing and other vessel restoration activity have historically occurred at this location, albeit infrequently. Indicate the number of months since January 1, 2018 during which a boat or multiple boats were either washed, sanded, re-surfaced, painted or had other maintenance activities conducted at the Facility.
- Describe what steps are being taken to cease all unauthorized discharges of process water and or paint chips/dust into the Island End River, directly adjacent to the Facility, including any and all Best Management Practices implemented within the working area in order to contain the discharge of pollutants during dry weather and wet weather events.
- During the inspection EPA was told by Facility representatives that all process water is collected via a linear drain, which flows into a storage tank. Facility representatives described the purpose of this system is to contain seepage of contaminants from historic

hazardous wastes buried on-site. Provide a detailed explanation of this captures system including, but not limited to, a conveyance diagram the depicts all influent and discharge points, storage tank capacity, operations and maintenance protocols for the system (i.e. frequency of inspection, cleaning and upkeep) and contact information of the responsible party who operates and maintains the system.

Provide a response, addressing the items noted above, to Damian Bednarz of my staff within 30 days of receipt of this letter. You may refer any questions related to technical issues in this letter to Mr. Bednarz, at 617-918-1482 or bednarz.damian@epa.gov, or have your attorney contact Jeff Kopf, Senior Enforcement Counsel at 617-918-1796 or kopf.jeff@epa.gov.

Sincerely,

TODD BORCI

Digitally signed by TODD
BORCI
Date: 2023.10.02 15:39:26
-04'00'

Todd Borci, Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for August 16, 2023, EPA Inspection
Photo Album for August 16, 2023, EPA Inspection

CCs (electronic only):

Susannah King, MADEP
John Macauley, MADEP
Greg Bashaw, SPS Ship Captain
Jeff Kopf, US EPA
Alex Rosenberg, Damian Bednarz, US EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
SPS New England

From: Damian Bednarz, Inspector

**DAMIAN
BEDNARZ**

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DAMIAN BEDNARZ
Date: 2023.10.02 13:56:22
-04'00'

Thru: Alex Rosenberg, Inspector

To: File

I. Facility Information

- A. *Facility Name:* SPS New England
- B. *Facility Location:* 95 Behen Street
Everett, MA 02149
- C. *Facility Contacts:* Greg Bashaw, Ship Captain
- D. *NPDES ID No(s):* NA, unpermitted

II. Background Information

- A. *Date(s) of inspection:* August 16, 2023
- B. *Weather Conditions:* 72°, cloudy
- C. *US EPA Representative(s):*
Alex Rosenberg, Damian Bednarz
- D. *State/Local Representative(s):*
NA
- E. *Federally Enforceable Requirements Covered During the Inspection:*
40 C.F.R. § 122.26 – NPDES Multi-Sector General Permit ("MSGP") for
Stormwater Discharges Associated with Industrial Activity (issued January 15,
2021, modified September 29, 2021)
- F. *Previous Enforcement Actions:*
None known

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

SPS New England (the “Facility”) is a contract construction company staged in Everett, MA. The Facility specializes in bridge, highway, transit, and marine construction projects. Equipment necessary for construction projects are loaded onto barges and are sent to the project destination. The Facility stages multiple tugboats and barges as well as equipment on standby should a project require it. The Facility footprint is approximately 2 acres. To the west of the Facility is the Island End River, which flows into the Mystic River located about 2,000 feet downstream to the South.

V. Inspection

EPA Inspectors Alex Rosenberg and Damian Bednarz (“Inspector Team”) arrived at approximately 12 PM.

A. Opening Conference

Inspector Team was greeted by SPS Construction’s ship captain, Greg Bashaw. Mr. Rosenberg explained the reason for the inspection which involved an anonymous complaint sent to EPA of a pressure washing operation resulting in paint chips escaping the Facility boundaries.

Mr. Bashaw explained that SPS New England (the “Facility”) owns 5 tugboats and 5 construction barges, and that these vessels are maintained at a shipyard in Newburyport, MA. About 20 feet away from where the Inspector Team was standing, one tugboat, approximately 40 feet in length, was propped up on metal stilts and wood beams. Mr. Rosenberg asked about the nature of the work being conducted on the tugboat. Mr. Bashaw stated that a power washing operation was occurring on the tugboat’s underside to remove its paint in order to then repaint. The Facility had decided to conduct engine work at this location at the same time, rather than the shipyard in Newburyport, because of its relatively small size compared to the rest of the fleet. Mr. Bashaw explained that power washing and engine work are not typical operations that occur at the Facility, and that this work was temporary. Mr. Bashaw also mentioned that the Facility does not conduct any kind of cargo loading or unloading, and that their main function was to load equipment and construction supplies onto barges for various projects.

B. Facility Tour

The Inspector Team observed the propped-up tugboat with deteriorating paint on its underside (slide 1, 2). Mr. Bashaw mentioned that the power washing operation is not complete yet, and that the crew would return after their lunch break to continue working on it. Red paint residue was observed on the pavement below the tugboat (slide 3). Inspector Team also observed red colored water and paint residue flowing into a long

drainage channel covered by grates (slides 4-6). This same red colored water appeared to be stagnant within the drain at the time of observation (slide 7). The drain system continues towards the neighboring property beyond a chain-link fence (slides 10, 11) to the North and then passes through a parking lot. To the South, the drain leads towards the Facility storage areas (slide 12). The total length of this drain is about 800 feet from one end to another.

Mr. Rosenberg asked about the purpose of this drainage system and where it discharges. Mr. Bashaw stated that, based on his understanding, waters captured here are contained under the concrete and do not daylight into the nearby river. Further, Mr. Bashaw stated that he did not know about the capacity of the system, what organization manages it, or how often the wastewaters are disposed of. He explained that all he knew was that the system was designed to specifically capture waste that might seep from the remediated superfund site over which the property is located, and that it is therefore permissible to allow tainted waters, such as pressure waters, to enter it. Mr. Bashaw recommended contacting the city of Everett to find out more about the drains.

Mr. Bednarz and Mr. Bashaw investigated the Facility boundary with Island End River. Mr. Bednarz observed floating debris and particulates in the water (slide 13, 14) in addition to paint chips of the same color as the tugboat's underside along the dock's edge (slide 15). Mr. Bashaw stated that most debris found on the property are from seagulls as they often drop clams from above to access the food inside the shells.

D. Closing Conference

Inspector Team and Mr. Bashaw had regrouped at the work trailer. The power washing crew had arrived back on site from their break. One worker joined the conversation. In discussion about work being conducted on the tugboat, he had mentioned that power washing and blasting occurs infrequently. He recalled that he conducted painting and blasting at some point in the last year when they renewed the seawall of the property that is half submerged in the water.

Mr. Rosenberg explained that while power washing occurs, the Facility must implement measures such as (berms and/or protective barriers) to ensure no discharge of pollutants (wash water, paint chips or dust) is discharged into the river. Mr. Bashaw then instructed the team of workers to put up a temporary barrier while the washing continued. The Inspector Team did not see the installation of this temporary barrier while on-site.

Mr. Rosenberg explained the applicability of the MSGP permit is based on the types of exposed industrial activities that occur on site, and how conducting maintenance on vessels might make the Facility applicable to Sector Q or Sector R. Mr. Rosenberg also explained that an inspection report will be produced and sent to the Facility within 60 days of this inspection.

Inspector Team left the Facility and followed the drainage system to the North. No discharge point or outfall was observed however vertical open pipes were present within the middle of the drain. Waters might drain through these pipes (slide 18).

There were two flow paths within the drain. One side was wet, and the other was dry. Power wash water was draining to the wet side, and it is the wet side that connects to the location with the vertical drain pipes. Mr. Rosenberg also noticed 3 manhole covers in the Facility parking lot (slide 29) which might be access points for water management infrastructure. In this area, Inspector Team also noted several dilapidated 55-gallon drums which appeared to be full of liquid (slide 30). They were also visibly rusting from the outside.

Inspector Team departed at approximately 1 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.