



**United States Environmental Protection Agency
Region I – New England
5 Post Office Sq., Suite 100
Boston, Massachusetts 02109-3912**

Via Electronic Mail *(date indicated on electronic signature)*

Mr. Lloyd Harsip, President
Harsip Brothers, Inc.
320 Fourth Street
Chelsea, MA 02150
lloyd@harsip.com

Re: Clean Water Act Inspection on March 2, 2022

Dear Mr. Harsip:

On March 2, 2022, the U.S. Environmental Protection Agency (“EPA”) conducted an announced inspection at the Harsip Brothers, Inc. facility located at 320 Fourth Street in Chelsea, Massachusetts (“the Facility”). The EPA inspector reviewed Facility metal recycling operations, non-stormwater/process wastewater collection and transfer systems, industrial material and activities, oil storage and transfer operations, warehouse operations, and material, material stockpiles, and activities exposed to rain events. The EPA inspector also reviewed chemical storage and evaluated for potential slug load discharge(s) into the municipal wastewater treatment works and/or surface waters.

Attached is the inspection report and pictures taken during the inspection. EPA is requesting the Facility address issues and deficiencies presented in the report and comments in pictures that are noted in parenthesis. EPA is requesting you provide a written response within 30-days of receipt. The response should be emailed to Joseph Canzano at canzano.joseph@epa.gov.

The inspector observed industrial materials and activities occurring not undercover and not within a storm-resistant shelter that were exposed to rain. The inspector observed certain drums and bins with metal shavings and turnings stored outside and not sealed. Some of these drums and bins were in a deteriorated condition and liquid was leaking from them. The inspector also observed a section of the warehouse building where the roof was leaking, and rainwater was coming into contact with scrap metal.

Facility representatives were informed by the inspector that it did not appear that the Facility qualified for the federal Conditional Exclusion for “no exposure” under 40 C.F.R. §122.26(g), and that the Facility’s No Exposure Certification (“NEC”) for Exclusion from EPA’s MSPG (Certification Number MANOE3781) will likely be discontinued by EPA. By this letter, EPA is informing you that based on the conditions at your Facility, you should immediately begin the process of developing a Stormwater Pollution Prevention Plan (“SWPPP”) and submit a Notice of Intent (“NOI”) for coverage under EPA’s NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (“MSGP”). Please ensure that you comply with all applicable provisions set forth in Part 8, Subpart N of the MSGP related to Scrap

Recycling and Waste Recycling Facilities, in particular, Part 8.N.3 (“Additional Technology-Based Effluent Limits”) that addresses stockpiling of turnings and materials exposed to cutting fluids (outdoor storage).

Finally, on March 22, 2021, EPA received an email from Paul G. Richard, P.E., Principal/Senior Project Manager, Wood Environment & Infrastructure Solutions, indicating that he has been retained by your company to bring the Facility into compliance with MSGP requirements. In particular, he indicated he expects to complete the following by April 29, 2022:

- Eligibility and Action Area Determinations
- Stormwater Pollution Prevention Plan (SWPP)
- Training of the Pollution Prevention Team
- Submit Notice of Intent (NOI) for coverage under the 2021 MSGP

We appreciate the company taking these actions to obtain MSGP coverage. Please keep EPA updated as to your progress in obtaining such coverage.

Upon your receipt of this letter (via email), EPA is requesting you provide an electronic reply to Mr. Canzano acknowledging receipt of this letter and the inspection report. If you have any questions about this letter or the inspection report, please email Mr. Canzano or you can reach him by telephone at (617) 918-1763.

Sincerely,

DENNY DART  Digitally signed by DENNY DART
Date: 2022.03.24 09:55:13 -04'00'

Denny Dart, Branch Chief
Enforcement & Compliance Assurance Division

Enclosures: (electronic)
Images and Pictures

cc: Alex Rosenberg, Stormwater Compliance Coordinator, EPA, Rosenberg.Alex@epa.gov
Abed Ragab, Stormwater Program Coordinator, EPA, Ragab.Abdulrahman@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Enforcement & Compliance Assurance Division
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Subj: Inspection Report - Clean Water Act

Inspector: Joseph Canzano, Inspector & CWA Compliance Engineer
Enforcement & Compliance Assurance Division (ECAD-EWC)
Water Compliance Section (WCS)

**JOSEPH
CANZANO** Digitally signed by
JOSEPH CANZANO
Date: 2022.03.23
12:46:36 -04'00'

I. Facility Information

- A. Facility Name:* Harsip Brothers, Inc.
- B. Facility Location:* 320 Fourth Street
Chelsea, MA 02150

42° 23' 56" N
71° 02' 36" W
- C. Facility Contact/s:* Mr. Lloyd Harsip, President and Co-Owner
Lloyd@harsip.com
(617) 884-1761
- D. ID No(s):* ICIS-NPDES¹ (MANOE3781)
National Oil Data Base (R1-MA-00366)
Facility Registry Service ID (110040088936)

II. Background Information

- E. Date(s) of inspection:* March 2, 2022
- F. Weather Conditions:* Sunny, 40-degree Fahrenheit
Previous 30-Day Measurable Storm Events²:
Feb 3rd - .28" and Feb 4th - .94"
Feb 7th - 1.29" and Feb 8th - .50"
Feb 18th - .34" and Feb 22nd - .49"
Mar 1st - .16"

¹ National Pollutant Discharge Elimination System ("NPDES")

² <https://www.wunderground.com/dashboard/pws/KNHTINKE2/graph/2021-09-19/2021-09-19/monthly>

G. US EPA Inspector(s): Joseph Canzano

H. State/Local Representative(s): None

I. Federally Enforceable Requirements Covered During the Inspection:

- 40 C.F.R. Part 112, Oil Pollution Prevention Regulations
- 40 C.F.R. Part 122, NPDES Regulations

III. Type and Purpose of Inspection

The purpose of the site inspection is to view Facility metal recycling operations, non-stormwater/process wastewater collection and transfer systems, industrial material and activities and oil storage and transfer operations, and industrial material and activities that are potentially exposed to precipitation, and material stockpile and processing areas. EPA's inspector also reviews chemical storage/evaluates for potential slug load discharge/s into the municipal wastewater treatment works and/or surface waters.

IV. Disclaimer:

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 by Facility and as understood by EPA. This report may not capture all operations and activities ongoing at the Facility and 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/s.

V. Facility File Review

According to Federal Emergency Management Agency ("FEMA") flood information³ the Facility is identified in a Flood Hazard Zone. The Facility, based on its location, has reasonable potential to discharge stormwaters, non-stormwaters, oils, and chemicals to surface waters directly and/or indirectly. Surface flow overland from the Facility yard, municipal street and surrounding area enters the City of Chelsea's municipal separate stormwater sewer system ("MS4") which drains/discharges into Island End River.

According to EPA's records, on December 8, 2015, and October 12, 2020, the Facility submitted into EPA's electronic NPDES eReporting tool ("NeT") a No Exposure Certification ("NEC") form⁴, i.e., Exclusion from EPA's Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP"). The Facility reported on the form a primary standard industrial classification code ("SIC") of 5093, Scrap and Waste Materials. The Facility reported and certified industrial materials or activities are not exposed to precipitation, now or in the foreseeable future.

³ <https://msc.fema.gov/portal/home>

⁴ Form 3510-11.

On December 2, 2021, EPA electronically mailed the Facility a Request for Information (“RFI”) letter⁵ (the “Request”) informing the Facility EPA reviewed the Facility’s October 12, 2020, NEC application and based on review of certain information the Facility may be subject to EPA’s NPDES regulations for the discharge of industrial stormwater at 40 C.F.R. § 122.26, as it appears the Facility may not meet the NEC criteria. The letter requested the Facility review EPA’s Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Storm Water, and if the Facility determines industrial materials and activities are exposed to rain and runoff from the Facility/property flows into the municipal separate stormwater sewer system, then the Facility shall develop and implement a Stormwater Pollution Prevention Plan (“SWPPP”) and electronically submit a Notice of Intent (“NOI”) to be covered by the 2021-MSGP⁶.

On December 30, 2021, the Facility submitted a response to EPA’s RFI letter containing photographs. Photographs show industrial materials and activities from metal recycling operations not fully protected by storm-resistant shelters to prevent exposure to rain, snow, snowmelt, and runoff. The photographs show materials stored in open containers, loading, and unloading areas not completely under cover or without a storm-resistance shelter/cover, containers not completely sealed or in containers not suitable for exterior wet weather conditions.

On February 11, 2022, and February 22, 2022, EPA inspector Joseph Canzano contacted the Facility (Mr. Lloyd Harsip) and announced EPA would be conducting a site inspection on March 2, 2022. Mr. Harsip agreed to the date.

VI. In-Briefing

The inspector arrives at the site at ~9:00 a.m. and was greeted by Mr. Harsip. The inspector presented credentials and requested permission to enter the Facility and conduct the site inspection. Mr. Harsip (“Facility representative”) agrees. The inspector reviewed health and safety protocol, logistics for conducting the inspection and the purpose of the inspection. The inspector informs the Facility representative the site inspection will include, but is not limited to, a review of industrial material and activities, material storage/stockpile areas, oil and/or liquid chemical storage and transfer operations, warehouse building and runoff discharge points/outfalls.

The inspector informs Facility representative photographs in the Facility’s December 30, 2021, response to EPA’s RFI shows industrial materials and activities not fully protected by storm-resistant shelters to prevent exposure to rain, snow, snowmelt, and runoff, and materials potentially exposed to rainwater and stored in open drums/bins and not completely sealed or in containers not suitable for exterior wet weather conditions. The inspector informs Facility representative the Facility’s NEC will likely be discontinued by EPA and the Facility will be required to develop a SWPPP and submit a NOI to be covered by the 2021-MSGP.

⁵ Docket No. CWA-308-R01-FY22-04.

⁶ 2021-MSGP reissued March 1, 2021.

The Facility representative informs the inspector he does not have complete knowledge of the federal stormwater permit program or MSGP, and the responsibility for environmental matters was the duty of family member who has since left the business. The family member retired from the business about two years ago.

Mr. Lloyd Harsip's son, Mr. Kevin Harsip, joins the inspection. Kevin Harsip tells the inspector he also does not have complete knowledge of the program and the business relies on the consultant for education and guidance.

Using a Facility computer, the inspector shows Facility representatives EPA's website for the federal industrial stormwater program⁷, reviews the conditions for no exposure in the guidance manual⁸, and explains conditions for developing and implementing a SWPPP and filing procedures for permit coverage. The inspector shows Facility representatives specifically Sector N ("Scrap Recycling and Waste Recycling") Facilities, in Part 8 of the 2021-MSGP. The inspector explains Sector N facilities are required to, among other things, collect and analyze industrial stormwaters discharged from the property outfall for certain indicator and sector-specific benchmark pollutants of concern identified in Part 8.N.6 and 7 of the 2021-MSGP.

The inspector shows Facility representatives the permit prohibition for non-stormwater discharges from metal turnings containment area/s and informs Facility representatives discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit. The inspector shows Facility representatives the section of the permit which states that the Facility shall minimize contact of stormwater with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater from these areas can be discharged, provided that any stormwater is first collected and treated by an oil and water separator or its equivalent. The Facility would be required to regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

Facility representatives inform the inspector residual liquid/fluids from metal turnings is captured at the loading dock in a containment area and a worker periodically pumps out the liquid into a plastic tote using an electric submersible pump. A disposal company periodically comes to the Facility and collects the liquid for disposal. The Facility provides the inspector with a copy of a quote for disposing of the waste liquid.

⁷ <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>

⁸ <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-conditional-no-exposure-exclusion>

Facility representatives inform the inspector the Facility retrieves/collects drums/bins, sorts, and repackages specialty metals from milling operations from commercial accounts. The Facility collects drums/bins using Facility owned and operated open-bed trucks. A majority of the drums/bins contain scrap metal in the form of chips, shavings and turnings. A majority of retrieved drums/bins are owned by the Facility and are reused/recycled. Turnings could be in the form of stainless steel, aluminum and nickel from metal forming, machine and milling operations. Drums/bins arriving at the Facility may contain residual machine cutting/cooling fluids which can adhere to the metal during milling. The use of cutting fluids is standard industry practice and helps to flush the chips from the part being milled and cools the area, which protects the cutting tool and slows tool wear.

Facility representatives inform the inspector that customers are responsible for insuring cutting fluids (as best as possible) are removed from turnings prior to placing in drums/bins for pick up. The Facility accepts turnings from only water-based milling operations. With the exception of one customer, the Facility does not accept turnings from oil-based milling operations. Drums/bins that have turnings from oil-based milling operations are delivered to the Facility in a sealed container and standard operating practice is to not mix with water-based turnings. The metal is to remain separated. The inspector recommends drums/bins used for oil-based turnings be clearly marked/labeled from drums/bins used for water-based turnings in order to prevent cross-contamination.

The Facility representative inform the inspector the company is a family owned and operated business, and Facility operations have been at the current location on Fourth Street in Chelsea since at least the 1970s. The company employs 4 people, 1-shift per day, Monday through Friday from 6:00 a.m. to 2:00 p.m. The average amount of metal processed through the Facility is between 40,000-pounds and 120,000-pounds twice per month. After potential sorting and repackaging of scrap metal turnings in drums/bins the drum/bin is ready for transport to a larger scrap metal storage facility/location. The property is about .66 acres in area, periodically floods from poor municipal street drainage, and is situated in a neighborhood undergoing redevelopment. The inspector observes, directly across the street from the Facility property a four-story multi-family residential apartment/condo development project under construction.

The inspector informs Facility representatives photographs will be taken during the site walk.

VII. Site Inspection

Mr. Lloyd Harsip and Kevin Harsip escorted the inspector throughout the Facility yard and warehouse building. The site inspection started at the entrance/exit gate on Fourth Street. The elevation of the Facility's yard is below the elevation of Fourth Street. The entrance/exit area is bermed and at a higher elevation than Fourth Street to minimize street runoff from entering the Facility yard. The inspector observes street runoff comingling with Facility snow-melt runoff as trucks enter the property and drag/track-in pooled stormwater from the street on the property.

Snow piles on Fourth Street, across from the street from Facility entrance/exit gate, showed the presents of metal shavings/turnings, and a few metal pucks. Facility representatives were unaware of the situation and informed the inspector the Facility will no longer push and pile

Facility snow in the street and the street will be cleaned. The inspector recommends the Facility coordinate with the city and install a drain filter at the municipal drain on Fourth Street. The Facility yard is asphalt paved and sloped in a manner that all runoff from certain areas in the yard flow into a single storm drain. The drainage area for the drain includes material storage and stockpiles, drums/bins, empty and full, an open loading dock, storage shed and truck parking.

The inspector observes water (white in color) entering the yard drain. The drain, at times, appeared to be obstructed and clogged and causes pooling water. Water is not freely flowing into the drain. Facility representatives indicated that the origin of the discolored water may have been from an earlier spill in the day from a leaking drum/bin. The inspector observes a material storage area, against the building, partially covered with polyethylene tarps. Tarps were observed to be failing/torn and did not completely cover the bins. The inspector observes snow melt entering the bins and contacting material in the bins, and liquid leaking from the bottom of the bins to the ground and flowing toward the yard drain. The inspector recommends the Facility install a drain filter on the yard drain and periodically clean and document maintenance for the yard drain. The inspector informs Facility representatives the yard drain would be the Facility's stormwater compliance monitoring point/outfall location.

The inspector observes a significant amount of metal chips and turnings on the pavement throughout the Facility yard and in snow piles. Facility representatives indicate chips and turnings can periodically spill from drums/bins to the ground and due to the recent snowstorm, chips are being moved around the yard from snow plowing activities. The Facility relies on a city street sweeper machine to provide yard sweeping, however in recent months the city sweeper machine has not been to the Facility. The inspector recommends the Facility purchase a pavement vacuum type sweeper and clean the yard of chips daily and prior to every rain event.

The Facility owns and operates several open-bed trucks for retrieving/collecting drums/bins containing metal shavings/turnings from customers. The inspector observes three open-bed trucks parked in the yard the day of the inspection. The inspector observes spilled metal chips/turnings in the bed of a truck. The Facility representative indicates metal chips may have been spilled during loading or unloading. The inspector informs Facility representatives open drums containing chips/turnings in an open-bed truck may be a potential source of pollution in stormwaters. The inspector recommends truck beds be vacuumed/swept for chips daily and prior to every rain event.

The Facility uses a commercial 10-yard rubbish dumpster for miscellaneous waste materials. The inspector observes the dumpster lid to be deformed, damaged and not fully storm-resistant and over filled. The lid did not completely cover waste materials and is not preventing rain from entering the dumpster. The inspector recommends a more storm-resistant dumpster and for the Facility to not over fill the dumpster.

Facility representatives explain the process for workers when receiving drums/bins containing metal turnings. Drums/bins may be stored/placed on wooden pallets manually or with the aid of a fork truck. Operators using a fork truck hoist drums/bins throughout the yard and warehouse. Drums/bins are off-loaded from trucks and placed on the loading dock or moved into the warehouse. The inspector observes tarps being used for covering drums and cardboard box bins containing metal turnings being stored outside on the loading dock. Some of the tarps observed

are failing/torn and did not completely cover drums/bins. The inspector observes snow melt and ice in certain drums/bins. The inspector informs Facility representatives materials and activities may be sheltered with temporary covers (e.g., tarps) until a permanent enclosure can be achieved. Workers may sort and transfer scrap metal and turnings from one drum/bin to another. Sorting may be performed on the open-loading dock or in the yard. Certain drums/bins may be moved inside the warehouse, remain on the dock, or be stored outside in the yard or inside a detached three-sided storage shed.

Facility representatives show the inspector a pavement area next to the loading dock where residual turnings fluids pool/collect from sorting and transfer. Fluids that drip from turnings at or on the loading dock drain onto the pavement and collect in a low spot next to the dock. Facility representatives inform the inspector an operator will periodically pump fluids from the spot into a tote for disposal. Fluid is pumped into the tote using an electrical (plug-in type) submersible pump and a standard garden type hose. The inspector informs Facility representatives the area is to be labeled in a SWPPP as the “turnings containment area” and stormwater from the area can be discharged, provided stormwater is first collected and treated by an oil and water separator or its equivalent control measure. The inspector recommends the Facility continue to collect and dispose of residual fluids and informs Facility representative non-stormwater discharges from turnings containment areas are not covered by the 2021-MSGP. Discharges from containment areas in the absence of a storm event (“dry weather conditions”) are prohibited. The inspector observes ice/snow melt mixing with residual liquids in the area.

The Facility stockpiles/stores some of its drums/bins, empty and/or containing metal shavings, outside throughout the yard or on the open loading dock, under a storage shed or inside the warehouse building. The inspector observes certain drums/bins/containers stored outside and not sealed, deteriorating, and/or leaking liquid, and a section of the warehouse building roof leaking water and water coming into contact with industrial materials, i.e., cardboard storage bins. The inspector informs Facility representatives rain contacting material and potential residual cutting fluids still present on metal turnings and leaking fluids from containers is a source of pollution and risk for contaminating runoff. The inspector recommends the Facility install an industrial tent covering over the open loading dock and turnings containment area. The inspector also recommends the Facility install an industrial vinyl curtain on the detached storage shed and for workers to not overfill the shed with bins beyond the roofline.

VIII. Closing Conference

Following the site walk the inspector reviews certain issues and observations with Facility representatives and recommends the following:

- The Facility does not qualify for the federal Conditional Exclusion for “no exposure” under 40 C.F.R. §122.26(g). The Facility representatives can expect the Facility’s NEC (MANOE3781) to be discontinued by EPA.
- The Facility should immediately begin the process of developing a SWPPP and submit a NOI for coverage under EPA’s MSGP.

- The Facility should immediately implement, and document/record technology-based effluent limits set forth in Part 8.N.3 of the MSGP, specifically the section that address stockpiling of turnings and materials exposed to cutting fluids (outdoor storage).
- Clean yard drain and municipal street drain and install drain filters that are designed to remove site specific pollutants.
- Clean metal chips/turnings from municipal street and clean/sweep/vacuum chips/turnings in yard. Cover loading dock and turnings containment area.
- Install vinyl curtain on the detached storage shed.
- Purchasing a street/pavement sweeper, and an oil/water separator for yard drain.
- The Facility does not store more than 1,320-gallons of oil in containers 55-gallons or greater. Following the inspection, the Facility will receive from the inspector a form entitled "Notice of SPCC Inspection". The form will indicate that at the time of the inspection the inspector did not observe conditions requiring further action related to the Oil Pollution Prevention regulations but that the Facility should develop and implement a SWPPP and submit a NOI for coverage under EPA's NPDES-MSGP.

The inspector exited the Facility at 2:00 p.m. End of report.