



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

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

Mr. Hank Galante, Owner
Regal Auto Parts, Inc. d/b/a Brockton Auto Parts
511 Thatcher Street
Brockton, MA 01007
brocktonautoparts@gmail.com

Subject: May 19, 2023 EPA Inspection of Regal Auto Parts, Inc. d/b/a Brockton Auto Parts

Dear Mr. Galante,

On May 19, 2023, the U.S. Environmental Protection Agency ("EPA") performed an inspection at Brockton Auto Parts, located at 511 Thatcher Street, Brockton, MA ("the Facility" or "site"), regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act ("CWA" or the "Act"). A copy of the inspection report and associated photo album are enclosed in this letter.

During the inspection, EPA inspectors observed exposed scrap metal and automobiles used for the sale of parts in close proximity to stormwater catchment basins. The inspectors verified that the Facility does not have any NPDES permit coverage for stormwater discharges associated with industrial activity at the site.

Provide a response to each of the sections below by the deadlines identified in each section. Communicate your decision as to which action the Facility has taken and proof of completion of that action in an electronic format to Damian Bednarz of my staff at bednarz.damian@epa.gov. The questions in section #3 relate to the presence of oil storage containers at the Facility and compliance with the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112.

1. The industrial activities taking place at the Facility are classified under both the Standard Industrial Classification ("SIC") codes 5093 (Scrap and Waste Materials) and 5015 (Motor Vehicle Parts, Used) which are applicable codes under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") Subpart N—Sector N—Scrap Recycling and Waste Recycling Facilities and Subpart M—Sector M—Automobile Salvage Yards. Stormwater discharges from the Facility are not authorized unless and until the Facility obtains coverage under the MSGP.
 - a. **Within 30 days of receipt of this letter**, submit an estimate of the date by which you expect the Facility to submit a Notice of Intent ("NOI") to discharge under the MSGP. The NOI must be submitted via the Central Data Exchange ("CDX"). General information on e-reporting can be found here <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities->

[ereporting#accessingmsgp](#). Steps for obtaining coverage under the MSGP include:

- i. Signing-up for an account on CDX – see attachment (#1), also available at: <https://cdx.epa.gov/about/userguide>;
- ii. Adding Net-MSGP program service within CDX – see attachment (#2);
- iii. Submitting an NOI – see attachment (#3); and
- iv. Adding NeTDMR account for monitoring data submission – see attachment (#4).

Upon submission of your Facility’s NOI, notify Mr. Bednarz by email, indicating the date of such submission.

Within 60 days of receipt this letter, submit a copy of the facility’s Stormwater Pollution Prevention Plan (“SWPPP”). A SWPPP template can be found on the national MSGP website.¹

2. The Brockton Auto Parts Facility contains a berm that cannot be adequately maintained or inspected due to excessive vegetation and inventory blocking access to the berm.
Within 60 days of receipt of this letter, provide an explanation of what measures the company has taken to ensure that the efficacy of the Facility’s berm and other existing stormwater control measures can be verified.
3. Based on EPA’s on-site compliance evaluation of the Facility, it appears an oil discharge from the site could reasonably be expected to enter nearby surface waters as described in 40 C.F.R. § 112.1.
 - a. Identify the total oil storage capacity of the Facility.
 - b. If the Facility’s total oil storage capacity is above the thresholds set forth in 40 C.F.R. § 112.1 (d)(1) (i.e., the Spill Prevention Control and Countermeasures “SPCC”-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons—or—the aboveground oil storage capacity of the Facility is greater than 1,320 gallons (including, at a minimum volume, 55-gallon drums), state whether the Facility has an SPCC Plan and, if so, provide a copy of the SPCC Plan to EPA.
 - c. If your Facility must create an SPCC Plan or revise its existing SPCC Plan, submit a copy of such new or revised SPCC Plan **within 30 days**. If completion of the SPCC Plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented.

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

- d. If you believe that your Facility is not subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112 and is therefore not required to have an SPCC Plan, explain that basis for your belief, including appropriate documentation.

You may refer any questions related to technical issues in this letter to Damian Bednarz of my staff at 617-918-1482 or bednarz.damian@epa.gov. Legal issues may be directed to Sam Horowitz, Enforcement Counsel, at (617) 918-1512 or horowitz.samuel@epa.gov.

Sincerely,
Todd Borci, Manager
Enforcement and Compliance Assurance Division

Enclosures:
Brockton Auto Parts Inspection Report and Photo Album

Attachment #1 - Step 1 CDX_Quick_User_Guide.pdf
Attachment #2 - Step 2 How_to_Add_NeT-MSGP_Program_Service.pdf
Attachment #3 - Step 3 NOI_MSGP_2021.pptx
Attachment #4 - Step 4 Creating_New_Account_NetDMR.pptx

CCs (electronic only):

Susannah King, MA DEP

Dan DiSalvio, MA DEP

Sam Horowitz, Enforcement Counsel, 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")
Brockton Auto Parts

From: Damian Bednarz, Inspector **DAMIAN
BEDNARZ** Digitally signed by
DAMIAN BEDNARZ
Date: 2023.07.13 14:27:40
-04'00'

Thru: Alex Rosenberg, Inspector

To: File

I. Facility Information

- A. *Facility Name:* Regal Auto Parts, Inc. d/b/a Brockton Auto Parts
- B. *Facility Location:* 511 Thatcher Street
Brockton, MA 02302
- C. *Facility Contacts:* Hank Galante, Owner
brocktonautoparts@gmail.com
508 577 0074
- D. *NPDES ID No(s):* NA

II. Background Information

- A. *Date(s) of inspection:* May 19, 2023
- B. *Weather Conditions:*
Sunny, clear skies, 60°
- C. *US EPA Representative(s):*
Damian Bednarz, Alex Rosenberg
- D. *State/Local Representative(s):*
N/A

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Multi-Sector General Permit (March 1, 2021 – modified September 29, 2021), Oil Pollution Prevention regulations (40 C.F.R. Part 112).

F. Previous Enforcement Actions:

None

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

Regal Auto Parts, Inc., doing business as Brockton Auto Parts (“Brockton Auto”), is a business in Brockton, Massachusetts located at 511 Thatcher Street (the “Facility” or “site”) that repairs, resells, and stores scrap vehicles. The property is roughly 7.5 acres, with a customer base allowed to “pick n pull” components from inventoried vehicles from within the lot as well as purchase used vehicles. The business operates Monday through Saturday from 8 AM to 5 PM, and Sunday from 9 AM to 5 PM, and has 6 full time employees. A neighboring scrap business, Everett Auto Parts, is just 150 meters southeast along Thatcher Street. The two automobile scrapping businesses share a portion of their perimeter and are otherwise separated by a wetland (Slide 13) as well as a resident’s home and private property (Slide 69).

V. Inspection

Damian Bednarz and Alex Rosenberg (“EPA Inspectors”) arrived at the Facility at approximately 12 PM and were greeted by Brockton Auto’s receptionist, EPA Inspectors asked to meet with the business owner. The receptionist called for him, and after a couple of minutes, Hank Galante, owner of Brockton Auto, met with the EPA Inspectors in the Facility’s lobby.

A. Opening Conference

EPA Inspectors displayed their credentials and explained the purpose of the inspection, which was to determine applicability under the 2021 Multi-Sector General Permit (“MSGP”). The site was unpermitted at the time of the inspection. Mr. Rosenberg explained that EPA Inspectors had observed a discharge leaving the front of Brockton Auto’s property on August 23, 2022 flowing across the street to the east side of Thatcher Street (Slide 4, discharge absent). Additionally, Mr. Rosenberg observed a front loader moving scrap piles in the area adjacent to Thatcher Street (Slide 2).

When EPA Inspectors asked why the site no longer had MSGP permit coverage, Mr. Galante stated that previously, an engineer determined that the site does not require permit coverage since there were no discharges due to an implemented berm. The Facility

submitted a notice of termination to EPA in 2015. The Facility had originally applied for MSGP coverage in 2001. Further, Mr. Galante described that municipal sewer construction activity is being undertaken on the North side of his property within an easement that extends to the municipal sewer pump station to the southwest of the site. He stated that the activity may have caused part of his stormwater containment berm to be removed. He also said that the Town of Whitman's sewer authority had required the installment of a pump station underneath the northwestern side of the property which required moving part of Mr. Galante's inventory to allow for the Town of Whitman to dig and develop this infrastructure.

EPA Inspectors asked about the lifecycle of a vehicle at Brockton Auto. Mr. Galante explained that if the vehicle is not in sellable condition as is, it is drained of oil and antifreeze on site. The waste oil feeds a waste oil burner (Slide 40), and the antifreeze is put in Mr. Galante's vehicles or given to customers. Further, if there are parts from the vehicle that have resale value, the vehicle is kept in inventory. Otherwise, the drained vehicle is crushed, and the metal scrap is sold to Schnitzer Steel, Spiegel Scrap, or Excel, which are commercial scrap metal recyclers in Massachusetts and other parts of New England. Mr. Galante said Spiegel Scrap collects scrap waste almost every day. When EPA Inspectors asked how many vehicles go through his business every year, Mr. Galante said that about 1,000 cars are processed at the site each year.

B. Facility Tour

EPA Inspectors and Mr. Galante began the Facility Tour in the street-facing side of the business. Mr. Galante explained many vehicles in this area are for sale in their current condition, and some are awaiting minor repairs to be sold (Slide 3, 5, 17). When asked where these repairs are taking place, Mr. Galante said vehicles are pulled into one of several garage bays for maintenance (Slide 17).

Vehicles stored in the area have the year of the vehicle and an identification number for the business' internal computer system written on the windshield. EPA Inspectors observed piles of car parts and paint buckets (Slide 9), vehicles presumably not in sellable condition (Slide 15), a truck with scrap metal debris in the back (Slide 15), and several scrapped engines (Slide 19–20). Mr. Rosenberg explained that this industrial waste material exposed to stormwater, adjacent to the stormwater drain on Thatcher Street (Slide 18), is an applicable industrial activity under the 2021 MSGP.

EPA Inspectors observed piles of scrap material and liquid storage vessels, such as a 265-gallon tote (Slide 6, 33) and several 55-gallon drums (Slide 7), within the accessway on the north side of the site's garage and parts storage area (Slide 34). In addition, EPA Inspectors observed components from scrap vehicles piled along the accessway (Slide 35, 36). EPA Inspectors also observed vehicle fuel tanks, wheels, tires, various pieces of scrap metal, electrical wiring, truck beds, hoses, rotors, and other such items in exposed piles. When asked about the flow direction of stormwater in this section of the property, Mr. Galante explained that the stormwater typically pools in the area during major storm events and then discharges via the accessway towards the street (Slide 20).

Mr. Bednarz asked about existing stormwater controls just north of this accessway where vehicles stored for parts were located. Mr. Galante explained that a berm was present to the North just before an area of wetland. Due to how closely packed in the vehicles are and overgrown vegetation, EPA Inspectors could not observe this part of the berm (Slide 21–23). Mr. Galante explained that flow from this area also flows towards the accessway. Mr. Galante mentioned that his entire inventory had to be shuffled and moved around because of the construction for the Town of Whitman’s sewer authority. The Town’s plan is to excavate in a southwestern trending line near the northern extent of the site and fill in the area once the infrastructure is installed (Slide 29, 53).

EPA Inspectors observed an uncovered metal roof structure under which Mr. Galante said the Facility drains vehicle liquids (Slide 39). Mr. Galante said the roof structure’s plastic cover has been missing for a couple of months, after the previous cover was torn. He said he intends to get it replaced (Slide 37).

EPA Inspectors observed an exposed hydraulic crusher (Slide 38) approximately 30 yards to the west of the metal roof structure.

Due to accessibility limitations and the proximity of vehicles within Brockton Auto’s inventory, the remainder of the Facility Tour was conducted by Mr. Bednarz and Mr. Galante. Mr. Bednarz attempted to document and photograph existing stormwater control measures of the business, but some areas were inaccessible due to physical obstructions and safety concerns, as many vehicles were stacked on top of each other and metal protrusions were common (Slide 23–24, 58, 61).

Mr. Bednarz asked to see the waste oil burner and oil handling area and went inside the building with Mr. Galante. The business garage building had narrow corridors and housed many car components. Mr. Bednarz observed employees working. Mr. Bednarz saw and photographed the waste oil burner (Slide 40). Mr. Bednarz also observed other oil receptacles, ranging from buckets to large plastic and 55-gallon metal drums (Slide 41–45). Mr. Galante explained all containers in the area were filled with oil waiting to be burned for disposal. Mr. Bednarz asked about the practice of the movement of oil, and Mr. Galante said that first vehicles are drained outside using 5-gallon pales and are transferred to 55-gallon drums indoors before being placed in the burner. Mr. Bednarz also observed more 55-gallon barrels and a single-walled yellow tank with an approximate capacity of 500 gallons in one of the garage bays (Slide 46).

Upon exiting the garage bay area, Mr. Bednarz observed two stormwater catchment grates (Slide 47, 49) adjacent to another scrap piling area (Slide 48). Mr. Bednarz saw that the catchment basins were full of sediment and trash. When asked about where they drain to, Mr. Galante stated that he did not know. One of the two grates had an engraving “dump no waste drains to waterways.” Inspectors informed Mr. Galante that it is important to know where all stormwater conveyances lead to from areas of industrial activity.

The remainder of the Facility Tour was conducted in the “pick n pull” area of Brockton Auto Parts. EPA Inspectors saw customers looking at inventory throughout the

inspection. Towards the back of the site (western perimeter), Mr. Bednarz observed a large, vegetated berm with vehicles placed on top (Slide 52). Beyond the fence was a covered landfill. EPA Inspectors also observed dirt piles along the area where the Town of Whitman's construction project from last Fall was implemented (Slide 53).

Mr. Galante stated that stormwater flow enters his site from the southern perimeter, through a gate leading to Everett Auto Parts (Slide 56–57, 69). Mr. Galante explained that this stormwater, sometimes leaves behind an "orange leachate" (Slide 63). An access easement to the covered landfill located to the west of the site, and a municipal pump station, share the border between Everett's Auto Parts and the Facility.

Mr. Bednarz could not reach the fence that separates the two businesses, Brockton Auto and Everett Auto, due to the presence of stacked vehicles in close proximity to one another (Slide 58). Mr. Bednarz observed the perimeter of Brockton Auto's business and an area of wetland to the southeast from several vantage points (Slide 59, 60) where space permitted. Mr. Bednarz also observed the orange leachate (Slide 63) in an area approximately 15 feet away from metal scrap piles (Slides 61–, 62, 64, 65). One other section of the perimeter permitted a sight line of the adjacent wetland located approximately 10 feet to the east (Slide 66). Scrap debris outside of the fencing, and outside of the Facility's perimeter (Slide 68).

Mr. Galante stated that the wetland area located to the southeast of the Facility overflows during heavy rainfall events and discharges into the catch basin at the entrance to the Facility.

D. Closing Conference

EPA Inspectors regrouped and discussed post inspection procedures. EPA Inspectors informed Mr. Galante that they would send an inspection report within 60 days, and that no determinations of MSGP applicability were to be made on site. EPA Inspectors and Mr. Galante exchanged contact information. Mr. Rosenberg explained that in the meantime, Mr. Galante should familiarize himself with the MSGP because all observations indicate that a permit is likely to be necessary, and to communicate to EPA any changes to site practices or stormwater control measures that are implemented.

EPA Inspectors departed at approximately 1:30 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.