



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 06/28/2022
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Stormwater
Facility Name: Smith Concrete Co.- Claxton Smith
Permittee(s): Smith Concrete Co.
Facility Address: 2262 Pennsylvania Ave, Charleston, WV 23302
Latitude: 38.36943 **Longitude:** -81.60847
Permit Number: WV0117170
NAICS Code: 327390 **SIC:** 3272
Receiving Waters: Elk River
Unique Project #: 3E22WN045A

Facility Representative(s)*:

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Point of Contact



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*Additional attendees listed on Page 2 of the Inspection Report

Report Preparer
Signature/Date

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U.S. EPA Region III

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List of Attachments

- Appendix A - Facility Current Permit
- Appendix A.2 - Facility 2016 Permit
- Appendix B - Site Map
- Appendix C - Photograph Log
- Appendix D - WVDEP 09/2021 Inspection Report
- Appendix E - Stormwater Pollution Prevention Plan (SWPPP)
- Appendix F - Groundwater Protection Plan (GPP)

I. Introduction

On June 28, 2022, inspectors from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, the “EPA Inspection Team”) conducted a Stormwater Inspection (the “Inspection”) of Smith Concrete Company’s Charleston Plant (hereinafter, “the Facility”). A representative from West Virginia Department of Environmental Protection (“WVDEP”) also attended the Inspection. The purpose of the Inspection was to observe compliance with the Clean Water Act (“CWA”) and to verify compliance with the Facility’s WVDEP National Pollutant Discharge Elimination System (“NPDES”) Permit No. WV0117170; hereinafter the “Permit” (refer to [Appendix A](#)).

A. Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at approximately 9:00 AM (EDT) for the Inspection. Monica Crosby displayed her credentials to Mike Beasy and James Davis at the outset of the Inspection and explained the purpose of the Inspection was to review compliance with the Permit. The EPA Inspection Team informed Mr. Beasy and Mr. Davis that any information that the Facility deemed to be confidential business information (CBI) should be identified to the EPA Inspection during the Inspection and it would be handled as CBI according to EPA’s CBI procedures. Table 1 describes the individuals that participated in the Inspection.

Table 1. Inspection Attendee List

Name	Affiliation	Contact Information
U.S. EPA Region III		
Monica Crosby	EPA Region III - Inspector	Phone: (410) 305 - 2930 Email: crosby.monica@epa.gov
Edward Simas	EPA Region III - Inspector (In-Training)	Phone: (215) 814 - 2120 Email: simas.edward@epa.gov
West Virginia Department of Environmental Protection (WVDEP)		
Ryan Harbison	Inspector - WVDEP	Phone: (304) 926 – 0470 Ext. 49771 Email: ryan.t.harbinson@wv.gov
Facility Representative		
Michael Beasy	Manager - Smith Concrete Co.	Phone: (304) 741 - 6033 Email: smithpoca@aol.com
James Davis	Lab Technician – Smith Concrete Co.	Phone: (304) 410 – 7609 Email: redddavisforlife@gmail.com

B. Weather and Precipitation Conditions

During the Inspection, weather was sunny and mild. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the Inspection and 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/23/2022	0.02
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/24/2022	0.00
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/25/2022	T ²
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/26/2022	0.28
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/27/2022	0.74
CHARLESTON YEAGER AIRPORT, WV USW00013866	6/28/2022	0.00

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

² 'T' values in the Precipitation Amount category indicate a "trace" value was recorded

C. Summary of the Facility

Smith Concrete is a manufacturer of ready-mix concrete or other concrete products. The Facility receives deliveries of raw materials including, sand, gravel, and limestone, which are all stored in outdoor storage bins or designated storage areas within the plant yard. The raw materials are then transferred to the concrete plant on an as-needed basis using an end-loader and automated conveyer system. Other materials, such as fly ash, cement, and admixtures are normally stored in covered areas. Once needed, these materials are delivered to the trucks where they are then mixed with a water-admixture solution to form concrete. The concrete is then transported to the job site for placement. Smith Concrete has one additional facility located in Poca, WV.

The Facility has two (2) outlets that are located immediately downslope of the plant. Stormwater from the Facility discharges to Elk River, a tributary to the Kanawha River. Under the meaning of Section 502(7) CWA, 33 U.S.C. § 1362(7), Elk River is considered a navigable water of the United States.

II. Facility Activity

As part of the Inspection, the EPA Inspection Team visually observed Facility conditions, operations, activities, and industrial equipment in the presence of the Facility representatives. Areas viewed during the Facility site walk include:

- Truck unloading area
- Concrete plant
- Current Truck loading area
- Former truck loading area
- Fuel storage
- Two (2) sedimentation basins
- Truck washout area
- Outlet 001 and Outlet 002

The Facility encompasses approximately 2 acres and contains a truck unloading area with raw material storage piles, a building that houses the admix room, storage, lab, and office space, a concrete mixing plant, a truck loading area, and a wash area. The Facility also contains a wash reclaimer system that is no longer active, and a former wash area that has since been closed. A site map is contained in Appendix B. The Facility has two (2) outlets that are located immediately downslope and directly adjacent to the Elk River, a tributary to the Kanawha River that flows into the Ohio River. Prior to each outlet's point of discharge, the Facility has a sedimentation basin constructed to collect water and thus help provide the runoff with the retention time required for settling. At the time of the Inspection there was no active flow coming from these outlets.

The Standard Industrial Classification ("SIC") codes associated with the Facility is 3272 (Concrete Products, except Blocks and Brick). This SIC code is regulated by West Virginia's Regulations Governing Storm Water Discharges Associated with Industrial Activities (West Virginia Administrative Code Agency 47). As such, the Facility is regulated by Subsection 47-10 and requires coverage under a West Virginia NPDES Water Pollution Control Permit, a permit by Regulations. The Facility was initially covered under West Virginia's Multi-Sector General Permit, but coverage was replaced by an individual permit that became effective on April 01, 2016, and expired on February 16, 2021 ("2016 Permit")(Appendix A.2). The 2016 Permit was superseded by the Facility's current Permit, which was issued on January 19th, 2022, became effective on March 01, 2022, and is set to expire on January 18, 2027. This current Permit included the addition of Outlet 002.

The observations from the Inspection are described in detail below in the Observations section. Photographs were taken during the Inspection by Edward Simas and are provided in Appendix C.

At the time of the Inspection, Facility Representatives described operations to the EPA Inspection Team, including the individual industrial activities, ownership details, and operator responsibilities. For the past few years, most of the company's operations have been carried out at the Poca Plant. The Charleston Plant is operated on an as-needed basis, with the dependent variable being how big the job is and where it is located (i.e., closer to Charleston versus Poca). Facility representatives stated that the Charleston Plant is usually operated once every couple of months and that the Facility went from producing 400 yards of concrete a day to about 60 yards/day. The Facility's mixing trucks and crushers are housed at the Poca Plant.

The raw materials are brought in via a dumping truck and dropped into outdoor storage bins or designated concrete storage areas within the plant yard (refer to Appendix C, Photographs 1 and 2). During the Inspection, the Facility Representative stated that when the plant was operating regularly, these raw materials would be covered, but with the plant operating infrequently, these storage piles are not normally covered. This raw material is then taken to the aggregate loading area where it is carried via conveyer belt into the mixing tank (refer to Appendix C, Photographs 3 and 4). The mixing trucks are then loaded with water and cement aggregate water where it is then mixed in the truck to form concrete. Prior to leaving the site, each mixing truck is washed down to ensure that any aggregate-water on the outside of the truck, as well as any aggregate dust that may have collected, do not leave the site (refer to Appendix C, Photograph 5). The concrete is then transported to the job site for placement.

III. Observations

Discharge Limitations and Monitoring Requirements

Requirement:

Permit Part A.001 outlines the monitoring requirements of stormwater runoff from Outlet 001. Limits are on a report-only basis, with the exception of Iron which has a maximum daily limit of 1.5 mg/l. All pollutants have a quarterly sampling and monitoring requirement.

Permit Part A.002 outlines the monitoring requirements of stormwater runoff from Outlet 002. Limits are on a report-only basis, with the exception of total suspended solids (TSS) which has a maximum daily limit and pH which has instantaneous minimum and maximum limits. All pollutants have a monthly sampling and monitoring requirement, with the exception of chlorine and chemical oxygen demand (COD) which require quarterly monitoring.

Observation #1:

Based on the Discharge Monitoring Reports (“DMRs”) provided by the Facility from January 2018 to the present, Outlet 002 experienced a pH violation in May of 2022 and Outlet 001 experienced violations of Iron and total suspended solids (“TSS”) in August of 2018. The Facility has DMR Non-Receipt violations from November of 2018 until August of 2019; November of 2019 until January 2020; and May 2020 until September 2020. Of these, all pollutants required report-only monitoring except TSS, pH and Iron which, under the 2016 Permit, had limit monitoring requirements. According to a September 2021 WVDEP Inspection Report (refer to, [Appendix D](#)), the Facility operators were under the belief that sampling only needed to be done when they were present during an active storm event. The Facility has since been monitoring according to the frequencies outlined in the Permit. During the Inspection, the WVDEP representative explained that the Facility’s report-only sampling is considered as their benchmark monitoring. The identified effluent exceedances are outlined in Table 3 below:

Table 3. DMR data

Monitoring End Date	Outlet #	Parameter	DMR Value	Unit	Permit Limit	Unit
8/31/2018	001	Iron, total recoverable	9.90	mg/L	<= 1.5	mg/L
8/31/2018	001	TSS	370	mg/L	<= 50	mg/L
5/31/2022	002	pH	5.4	S.U	>= 6	S.U

Stormwater Pollution Prevention Plan

Requirement:

Part C.16 of the Permit states, “The permittee shall implement and maintain the storm water pollution prevention plan (SWPPP) for the site. The plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the industrial activity at the facility and to assure compliance with

the terms and conditions of this permit. A copy of this document shall be retained at the site for review upon request.” The Facility’s SWPPP is provided in Appendix E.

Observation #2:

The Facility provided both onsite, and electronically afterwards, their most recently revised SWPPP, dated 9/16/2021. The EPA Inspection Team made the following observations:

- SWPPP Part 3.11 states, “dumpster is used to collect solid waste and other garbage generated at the garage and processing plant. The dumpster is emptied weekly by Waste Management.
 - During the Inspection, Facility Representatives stated that due to the extreme decline in production at this plant, the company moved the dumpster to the Poca plant. The Facility Operator carries any waste out and disposes of it at the Poca Plant.
- SWPPP Part 1.4 states, “The truck wash basin is equipped with a ramp so that sediment can be removed and baffles to aid in reducing suspended sediment. The overflow water is pumped via piping to the outfall basin to the east of the diesel tank building.” This is depicted in the Facility Site Map located within Attachment B of their SWPPP, in which the truck wash area is described as being pumped to the outfall.
 - During the Inspection, Facility Representatives explained that the truck wash area doesn’t drain anywhere unless there is a heavy rain, in which it will overflow towards the sediment basin for Outlet 001. The Facility operator will pump the sludge into a large pile of recycled scrap material so that water filters out through the sediment. This practice was not outlined in the provided SWPPP.

Good Housekeeping

Requirement:

Part C.1 of the Permit states that, “the permittee shall practice good housekeeping including maintaining the facility grounds. There shall be no scattered parts, equipment, debris, etc. Any and all drums shall be either stored in a covered area or kept upon pallets and properly sealed.”

SWPPP 3.2 states, “the plant management encourages good housekeeping by proper equipment maintenance and monthly inspections.”

Observation #3:

During the Inspection, the EPA Inspection Team observed a fluid to be actively dripping from the front loader on-site. When asked what this fluid could be, Facility Representatives stated it was most likely hydraulic fluid (Appendix C, Photographs 6 through 8). Also observed was a closed, 5-gallon bucket filled with hydraulic fluid located adjacent to the front loader. Facility representatives stated the fluid was scheduled to be put into the front loader later that

day following the Inspection (Appendix C, Photograph 9).

Observation #4:

In addition to the three 55-gallon drums, the EPA Inspection Team also observed the admix/storage room to be housing multiple empty gas canisters, spare batteries, 5-gallon buckets, and a variety of tools. The EPA Inspection Team observed four of the 5-gallon buckets, located in front of the chemical tanks, and contained within a 3-foot-high walled area, to be uncovered and filled with a(n) unknown substance(s) (Appendix C, Photograph 10). There are no drains within the admix room or anywhere outside this area.

Spill Prevention

Requirement:

SWPPP section 3.1 states, “The plan and materials necessary for immediate cleanup of spills or leaks to the storm water have been identified and discussed herein. Smith Concrete’s spill control response kits consist of 55- gallon drum of dry-rite materials and a package of spill kit pads is located in the lab. Spill materials are reordered as needed by the Plant Manager. The Plant Manager inspects materials on a quarterly basis for re-ordering purposes.”

Observation #5:

The EPA Inspection Team observed spill pads being stored in the Facility’s lab area (Appendix C, Photograph 11). The Facility also had three 55-gallon drums being housed in the Facility’s storage room. At the time of the Inspection, there was no signage observed on the 55-gallon drums indicating what was inside and the Facility Operator could not determine what was in each drum but stated that it should be outlined in the Facility’s SWPPP. The Facility’s SWPPP mentions one 55-drum being filled with used oil and one 55-drum being used for dry-rite material. It was unclear which of these drums contained dry-rite material (Appendix C, Photographs 12 and 13).

Observation #6:

As part of the Facility walk-through, the EPA Inspection Team observed the Facility’s diesel fuel tank. A sign indicating the fuel tank ID, as well as the Facility phone number and Spill Protection Hotline was nailed to railing leading to the fuel tank (Appendix B, Photograph 14). The fuel tank was contained within a concrete dike and covered by a metal roof and siding (Appendix B, Photographs 15 and 16). Facility Representatives stated that the diesel tank is utilized, but only filled onsite. The Operator couldn’t remember the last time the diesel tank was filled.

Loading Area

Requirement:

Part C.20 of the Permit requires that, “the permittee shall operate and maintain loading and unloading facilities in such a manner so as, to the maximum extent practicable, preclude spillage of concrete, chemicals, etc. used at the facility, and shall take all actions necessary

to clean up and control any such spill which may occur.”

Observation #7:

As part of the Inspection, the EPA Inspection Team observed the Facility’s concrete plant and truck loading area (Appendix C, Photograph 17). During the Inspection, there was stormwater run-off puddling in front of the Facility’s diesel tank to the right of the plant, as well as in a paved area to the left of the plant. The puddles were observed to be an admixture of water and aggregate materials from the concrete plant. The Facility representatives explained that the Plant was graded so that run-off flows through a pipe that connects to Sedimentation Basin #1 or towards the vegetated area where it will then infiltrate through the vegetation and gravel (Appendix C, Photographs 18 through 21).

Observation #8:

During the Inspection, Facility Representatives stated that concrete berms were put up surrounding the facility’s fence-line to help prevent any stormwater from escaping the property and entering the river (Appendix C, Photograph 22). These berms were installed about 5 years prior to the Inspection. The EPA Inspection Team observed one area along the fence-line to not have a concrete berm in front of it. This area was located down-gradient of the Facility’s previous unloading and washout areas (Appendix C, Photographs 23 through 26). There was observed to be dried concrete, of which appeared to have flowed off the previous unloading area, through the fence, and onto the adjacent neighbor’s property (Appendix C, Photograph 27). WVDEP issued the Facility a Notice of Violation (NOV) for this run-off in September of 2021 as follow-up to a routine inspection. Facility representatives stated that this runoff could not have been recent since that unloading area is no longer in use. Facility Representatives explained that this is now done over a concrete-lined sedimentation basin (Appendix C, Photographs 28 and 29) and that instead of allowing the waste to dry on site, any sludge from the Facility’s washing process is now collected and poured over the mixed sediment scrap pile to filter out any water (Appendix C, Photograph 30).

Sedimentation Basins

Requirement:

Permit Part A.I.12 states, “This discharge shall not cause or materially contribute to distinctly visible floating or settable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; distinctly visible color which may impair or interfere with the designated uses of the affected waters; and shall not cause a fish or mussel kill.”

Observation #9:

No discharge was observed at the time of the Inspection. Prior to any runoff that may discharge through Outlet 001 or Outlet 002, runoff collects in a sedimentation basin (Appendix C, Photographs 31 and 31). During the Inspection, Facility Representatives

explained that in order to maintain these basins, sediment is shoveled out and water is pumped out to the vegetated area on the right side of the plant. If there is any sediment, the operator will wait for the sediment to settle, prior to pumping out the water. At the time of the Inspection, both sedimentation basins prior to Outlet 001 and Outlet 002 were observed to be murky in color, but with no distinct odors. Sedimentation Basin #1 appeared to have a slight film collecting on the top surface of the water column (Appendix C, Photograph 33).

Outlet Markers

Requirement:

Permit Part A.I.13 requires that a permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

Observation #10:

At the time of the Inspection, the EPA Inspection Team observed each Outlet to have visible outlet sign with all required information present (Appendix C, Photographs 34 and 35).

Groundwater Protection Plan

Requirement:

Permit Part C.15 requires that the Permittee maintain a Groundwater Protection Plan (GPP) onsite.

Observation #11:

The Facility provided the EPA Inspection Team with a copy of its GPP both onsite and after the Inspection. The GPP is provided as Appendix F.

Spill Prevention and Countermeasures Plan

Requirement:

Permit Part C.17 requires that the permittee implement and maintain its Spill Prevention and Countermeasures (SPCC) plan.

Observation 12:

At the time of the Inspection, the Facility did not have an SPCC plan. However, the EPA Inspection Team did observe a Spill Prevention and Response subsection located in Part 3.4 in the Facility's SWPPP.

IV. Records Review

The EPA Inspection Team conducted a records review to evaluate the Facility's compliance with their Permit. The Facility's electronic Discharge Monitoring Reports (eDMRs) were

obtained electronically and reviewed offsite after the onsite Inspection. The following records were reviewed:

- Facility Permit
- Stormwater Pollution Prevention Plan (SWPPP)
- Groundwater Protection Plan (GPP)
- WVDEP September 2021 Inspection Report
- Electronic Discharge Monitoring Reports (eDMRs)

V. Closing Conference

At the conclusion of the Inspection, the EPA Inspection Team conducted a closing conference with the Facility Representatives and shared preliminary observations. The EPA Inspection Team reiterated to the site representatives that all preliminary observations discussed were not compliance determinations. The EPA Inspection team further explained that all preliminary observations discussed were subject to further investigation by EPA upon the review of additional records and documentation. Lastly, the EPA Inspection team stated that additional observations may be contained in the Inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the Inspection. The Inspection concluded at approximately 10 AM (EDT).