UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of	§	CWA Docket No. III-2000-031-DN
	§	Ref. Number DCU000035
	§	
Joel Kaplan, President	§	
Super Salvage, Inc	§	
1711 First Street, SW	§	
Washington, DC., 20024	§	
	§	**FINDINGS OF VIOLATION**
Respondent	§	**AND**
	§	**ORDER FOR COMPLIANCE**
	§	
	§	

I. STATUTORY AUTHORITY

1. This Order for Compliance is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1319(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region III who in turn has redelegated it to the Director of the Water Protection Division pursuant to delegation No. 2-22 (6/19/93).

II. FINDINGS

2. Super Salvage, Inc, ("Respondent") is a business, and is a "person" within the meaning of § 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

3. At all times relevant to this Order, Respondent was the owner and/or operator of Super Salvage, Inc, a scrap and waste material recycling operation located at 1711 First Street, SW, Washington, DC.

4. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source to waters of the United States except in compliance with, among other things, a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

5. Pursuant to Section 402(p) of the Act, EPA issued the NPDES Storm Water Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (60 Fed. Reg. 50804, September 29, 1995)] ("general permit"). The general permit

authorizes "storm water discharges associated with industrial activity" from "point sources" to "waters of the United States" (including discharges to or through a municipal separate storm sewer system) but only in accordance with the conditions of the permit. The permit also requires the permittee to, among other things, develop and implement a storm water pollution prevention plan ("SWPPP").

6. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. §§ 122.1 and 122.26 provide that facilities with storm water discharges associated with industrial activity are "point sources" subject to NPDES permitting requirements under § 402(a) of the Act, 33 U.S.C. § 1342(a).

7. At 40 CFR 122.26(b), EPA has described the categories of facilities which it considers to be engaged in industrial activity for purposes of Section 402(p) of the Act and 40 CFR 122.1 and 122.26(b).

8. Respondent's scrap and waste material recycling facility is classified as SIC code number 5093, (Standard Industrial Classification Manual, Revised 1987 edition by the Executive Office of the President, Office of Management and Budget).

9. The activity at the facility is "industrial activity" within the meaning of § 402(p) of the Act and 40 C.F.R. §§ 122.1 and 122.26(b)(14).

10. The facility is a "point source" which "discharges" "pollutants" contained in storm water runoff as those terms are defined at Sections 502(6), (14) and (16) of the Act, 33 U.S.C. §§ 1362(6), (14) and (16), and 40 C.F.R. § 122.2.

11. EPA has determined that storm water discharges from the scrap and waste material recycling contain a number of pollutants. See generally, 60 Fed. Reg. 50804 (Sept. 29, 1995).

12. Respondent discharged pollutants to the Anacostia, a "water of the United States" within the meaning of 40 C.F.R. § 122.2.

13. Respondent operates a facility engaged in industrial activity that requires a NPDES permit for its storm water discharge.

14. EPA inspected the property on February 2, 2000. As of that date, the facility did not have a NPDES Storm Water permit.

15. Respondent's discharge of pollutants without a NPDES permit violates Section 301 of the Act, 33 U.S.C. § 1311.

III. ORDER

Therefore, this 19 day of APRIL, 2000, Respondent is hereby ORDERED, pursuant to Section 309(a) of the Act, 33 U.S.C. § 1319(a), to do the following:

16. **Within thirty (30) days** of the effective date of this Order, Respondent shall:
1) Conduct daily walk though inspections (employee conducted - no checklist required) and quarterly inspections (owner conducted - checklist required). Document deficiencies found and schedule actions to be taken in storm water pollution prevention plan (SWPPP).
2) Conduct employee training (quarterly - 10 minute stand-up) which identifies the existence of the SWPPP and the purpose for implementing best management practices (BMPs). During these training sessions each employee shall sign a sign in sheet which will document that the training was conducted. This sign in sheet to be maintained in the SWPPP.
3) Clean up spilled oil and remove contaminated soil below crane; around oil storage area; in the area of shears, in the area of hydraulic pump building. Contaminated soil and oil dry shall be disposed of properly.
4) Schedule repairs of leaking hydraulic equipment. Provide schedule to EPA.
5) Cut down excessive vegetation in retention basin. Remove drum (empty?) near yard drain pipe.
6) Provide a small speed bump at entrance to prevent storm water from leaving the facility at this point.
7) Vehicles leaving your facility were noted to be tracking out dirt and contaminates which will be washed into the storm sewer with the next rain storm. Therefore to prevent you may take the following actions:
   a) Street sweep weekly
   b) Install stone ground cover
   c) Clean vehicle tires prior to leaving facility with brooms.

The above recommendations should be incorporated into the SWPPP. Send proof of these actions to Robert Sanchez, at the address listed below. Additional proof of installation of Best Management Practices (BMPs) may be provided in the form of photographs.

17. To arrange a meeting, ask questions or comment on this matter, please contact:

Robert Sanchez, Enforcement Officer
US EPA Region III, (3WP31)
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-3451; Fax (215)814-2302
e-mail: "sanchez.robert@epa.gov"

Any information or correspondence submitted by the Respondent to EPA under this Order shall be addressed to Mr. Sanchez. In addition, all correspondence should contain the following reference numbers: III-2000-031-DN and DCU000035.

IV. GENERAL PROVISIONS

18. Issuance of this Order shall not be deemed an election by EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or any other appropriate relief under the Act for the violations cited herein. EPA reserves the right to seek any remedy available under the law that it deems appropriate for the violations cited. Failure to comply with this Order or the Act can result in a civil judicial action initiated by the U.S. Department of Justice. If EPA initiates such an action, Respondent will be subject to civil penalties of up to $27,500 per day of violation pursuant to 40 C.F.R. Part 19.

19. If a criminal judicial action is initiated, and Respondent is convicted of a criminal offense under Section 309(c) of the Act, Respondent may be subject to a monetary fine and/or imprisonment, and may become ineligible for certain contracts, grants, or loans under Section 508 of the Act.

20. This Order does not constitute a waiver or modification of the terms or conditions of any NPDES permit. Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligations to comply with any applicable federal, state, or local law or regulation.

V. EFFECTIVE DATE

The effective date of this Order is the date it is received by the Respondent.

April 19, 2000
Date

for Jon Capacasa, Acting Director
Water Protection Division