

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103

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<b>In the Matter of:</b>	:
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<b>POTOMAC GERMAN AUTO, INC. and</b>	:
<b>LKQ NORTHEAST, INC.,</b>	:
<b>c/o LKQ CORPORATION</b>	:
<b>500 WEST MADISON STREET,</b>	:
<b>SUITE 2800</b>	:
<b>CHICAGO, ILLINOIS 60661,</b>	:
	:
<b>Respondents.</b>	:
	:
<b>JESSUP, MD</b>	:
<b>MT. AIRY, MD</b>	:
<b>EDGEWOOD, MD</b>	:
<b>ERDMAN, MD</b>	:
<b>HAWKINS POINT, MD</b>	:
<b>EASTON, MD</b>	:
<b>YORK HAVEN, PA,</b>	:
	:
<b>Facilities.</b>	:
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**I. PRELIMINARY STATEMENT**

1. The United States Environmental Protection Agency (“EPA”) has made the following findings of fact and issues this Administrative Order on Consent (“Consent Order”) pursuant to the authority vested in the Administrator of EPA under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). This authority has been delegated by the Administrator to the Regional Administrator of EPA Region III, and further delegated to the Director, Enforcement & Compliance Assurance Division, Region III.
2. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides, *inter alia*, that whenever on the basis of any information available to him or her the Administrator finds that any person is in violation of any permit condition or limitation implementing certain sections of the CWA, in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, he or she shall issue an order requiring such person to comply with such section or requirement.
3. Potomac German Auto, Inc. and LKQ Northeast, Inc. (“Respondents”), are wholly-owned subsidiaries of LKQ Corporation and have agreed to the issuance of this Consent Order.

4. Respondent Potomac German Auto, Inc. is the owner and operator of auto salvage yards at the following locations:
  - a. DBA LKQ Pick Your Part/Jessup  
Potomac German Auto, Inc.  
8125 Washington Blvd,  
Jessup, MD 20794
  - b. DBA LKQ Pick Your Part /Mount Airy  
Potomac German Auto, Inc.  
3923 Twin Arch Rd,  
Mt Airy, MD 21771
  - c. LKQ Pick Your Part / Edgewood  
Potomac German Auto, Inc.  
1706 Pulaski Hwy,  
Edgewood, MD 21040
  - d. LKQ Pick Your Part / Baltimore  
Potomac German Auto, Inc.  
6201 Erdman Ave,  
Baltimore, MD 21205
  - e. LKQ Pick Your Part / Balt (Hawkins)  
Potomac German Auto, Inc.  
2801 Hawkins Point Rd,  
Baltimore, MD 21226
5. Respondent LKQ Northeast, Inc. is the owner and operator of auto salvage yards at the following locations:
  - a. DBA LKQ Heavy Truck Parts  
LKQ Northeast, Inc.  
29368 Matthewstown Road,  
Easton, MD 21601
  - b. LKQ Penn-Mar Inc.  
269 River Road,  
York Haven, PA 17370
6. Collectively, the auto salvage yards owned and operated by Respondents, and listed in Paragraphs 4 and 5, will be referred to as the “Facilities.”

## **II. STATUTORY AND REGULATORY BACKGROUND**

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System (“NPDES”) program under Section 402 of the CWA, 33 U.S.C. § 1342.
8. “Pollutant” is defined as “dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” Section 502(6) of the CWA, 33 U.S.C. § 1362(6); 40 C.F.R. § 122.2.
9. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation at 40 C.F.R. § 122.26(a)(1)(ii), require that facilities discharging stormwater associated with industrial activity obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
10. Facilities within the categories set out in 40 C.F.R. § 122.26(b)(14), including those in Standard Industrial Classification (“SIC”) code 5015 (Auto Salvage Yard—Sector M) are industrial activities that must obtain permit authorization for stormwater discharges.
11. Section 402(b) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may authorize states to issue permits under the NPDES Program.
12. The State of Maryland and the Commonwealth of Pennsylvania have been approved by EPA to administer the NPDES permit program in their respective states pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b).
13. The State of Maryland, through the Maryland Department of the Environment (“MDE”) has incorporated the NPDES Permit program requirements of the CWA, 33 U.S.C. § 1342 in Title 9 of the Environment Article, Annotated Code of Maryland (“Maryland Stormwater Regulations”). Similarly, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), has incorporated the NPDES Permit program requirements of the CWA, 33 U.S.C. § 1342, into its Clean Streams Law, as amended, 35 P.S. § 691.1 *et seq.*,
14. Pursuant to the authority of the CWA, MDE issued a General Discharge Permit For Storm Water Associated with Industrial Activities, General Permit No. 12-SW, on January 1, 2014 (modified December 7, 2018) (“Maryland General Permit”). The Maryland General Permit has an expiration date of December 31, 2018, but was administratively extended and is still in effect.

15. Pursuant to the authority of the CWA, PADEP issued an NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity General Permit, PAG-03, on September 24, 2016 (“Pennsylvania General Permit”).
16. Collectively the Maryland General Permit and the Pennsylvania General Permit will be referred to herein as the “General Permits”. The General Permits are issued for 5-year terms and require facilities that discharge storm water to a surface body of the state to comply with specific requirements governing storm water discharges associated with industrial activities.
17. The General Permits authorize the discharge of stormwater associated with industrial activity in accordance with the provisions of the respective state’s General Permit.
18. A violation of a General Permit is also a violation of the CWA and may be subject to penalties established under that statute.
19. Nothing in Section 402 of the CWA “shall be construed to limit the authority of the Administrator to take action pursuant to section 1319.” Section 402(i) of the CWA, 33 U.S.C. § 1342(i).

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20. For purposes of this Consent Order only, Respondent admits the jurisdictional allegations set forth in this Consent Order. Except as provided in the previous sentence, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Order.
21. As a corporation, incorporated in the State of Maryland, Respondent Potomac German Auto, Inc. is a “person” under Section 502(5) of the CWA, 33 U.S.C § 1362(5).
22. As a corporation, incorporated in the Commonwealth of Pennsylvania, Respondent LKQ Northeast, Inc. is a “person” under Section 502(5) of the CWA, 33 U.S.C § 1362(5).
23. Respondents are, and at all times relevant to this Consent Order were, the owners and operators of the Facilities listed in Paragraphs 4 and 5, above.
24. At the Facilities, Respondents purchase unusable vehicles, dismantle them for parts, and conduct the retail sale of both the reusable parts and the remaining unsalvageable parts as crushed scrap metal.
25. The primary Standard Classification (“SIC”) Code for each Facility in Paragraphs 4 and 5 is 5015 (Auto Salvage Yard—Sector M), NAICS Code 423930 (Auto Salvage Yard).
26. Respondents are, and at all times relevant to this Consent Order were, engaging in “industrial activity” at the Facilities, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).

27. Respondents had applied for and were granted coverage under the Maryland General Permit and the Pennsylvania General Permit, under the Permit numbers listed below.

**FACILITIES**

28. **JESSUP, MD:** At all times relevant to this Order, Respondent Potomac German Auto, Inc. has owned and/or operated an auto salvage yard known as Pick Your Part/Jessup, located at or near 8125 Washington Blvd, Jessup, MD 20794.
29. The Pick Your Part/Jessup Facility discharges stormwater into Dorsey Run, which flows to Little Patuxent River, which flows to the Patuxent River, which flows to the Chesapeake Bay. Dorsey Run is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
30. The discharges of stormwater from the Pick Your Part/Jessup Facility were authorized by the Maryland General Permit, under Permit Number MDR002262.
31. **MT. AIRY, MD:** At all times relevant to this Order, Respondent Potomac German Auto, Inc. has owned and/or operated an auto salvage yard known as LKQ Pick Your Part /Mount Airy, located at or near 3923 Twin Arch Road, Mt Airy, MD 21771.
32. The LKQ Pick Your Part/Mount Airy Facility discharges stormwater into the South Branch Patapsco River, which flows to the Patapsco River, which flows to the Chesapeake Bay. The South Branch Patapsco River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
33. The discharges of stormwater from the LKQ Pick Your Part/Mount Airy Facility were authorized by the Maryland General Permit, under Permit Number MDR003074.
34. **EDGEWOOD, MD:** At all times relevant to this Order, Respondent Potomac German Auto, Inc. has owned and/or operated an auto salvage yard known as LKQ Pick Your Part/Edgewood, located at or near 1706 Pulaski Hwy, Edgewood, MD 21040.
35. The LKQ Pick Your Part/Edgewood Facility discharges stormwater into Lower Winters Run, which flows into Winters Run, which flows into the Bush River, which flows to the Chesapeake Bay. Lower Winters Run is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
36. The discharges of stormwater from the LKQ Pick Your Part/Edgewood Facility were authorized by the Maryland General Permit, under Permit Number MDR002259.
37. **ERDMAN, MD:** At all times relevant to this Order, Respondent Potomac German Auto, Inc. has owned and/or operated an auto salvage yard known as LKQ Pick Your Part (1205)/Baltimore, located at or near 6201 Erdman Ave, Baltimore, MD 21205.

38. The LKQ Pick Your Part/Baltimore Facility discharges stormwater into the Back River, which flows to the Chesapeake Bay. The Back River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
39. The discharges of stormwater from the LKQ Pick Your Part/Baltimore Facility were authorized by the Maryland General Permit, under Permit Number MDR001257.
40. **HAWKINS POINT, MD:** At all times relevant to this Order, Respondent Potomac German Auto, Inc. has owned and/or operated an auto salvage yard known as LKQ Pick Your Part/Balt (Hawkins), located at or near 2801 Hawkins Point Road, Baltimore, MD 21226.
41. The LKQ Pick Your Part/Balt (Hawkins) Facility discharges stormwater into Baltimore Harbor, which flows to the Patapsco River, which flows to the Chesapeake Bay. Baltimore Harbor is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
42. The discharges of stormwater from the LKQ Pick Your Part/Balt (Hawkins) Facility were authorized by the Maryland General Permit, under Permit Number MDR001880.
43. **EASTON, MD:** At all times relevant to this Order, Respondent LKQ Northeast, Inc. has owned and/or operated an auto salvage yard known as LKQ Heavy Truck Parts at or near 29368 Matthewstown Road, Easton, MD 21601.
44. The LKQ Heavy Truck Parts Facility discharges stormwater into the Lower Choptank River, which flows to the Choptank River, which flows to the Chesapeake Bay. The Lower Choptank River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
45. The discharges of stormwater from the LKQ Heavy Truck Parts Facility were authorized by the Maryland General Permit, under Permit Number MDR001037.
46. **YORK HAVEN, PA:** At all times relevant to this Order, Respondent LKQ Northeast, Inc. has owned and/or operated an auto salvage yard known as LKQ Penn-Mar, Inc. at or near 269 River Road, York Haven, PA 17370.
47. The LKQ Penn-Mar, Inc. Facility discharges stormwater into an unnamed tributary to the Susquehanna River, which flows to the Susquehanna River, which flows to the Chesapeake Bay. The unnamed tributary to the Susquehanna River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
48. The discharges of stormwater from the LKQ Penn-Mar, Inc. Facility were authorized by the Pennsylvania General Permit, under Permit Number PAR603587.

## **INVESTIGATION**

49. On June 11, 2020, EPA sent an information request letter (“IRL”) to LKQ, pursuant to its authority under Section 308 of the CWA, 33 U.S.C. § 1318, in order to gather information about the seven facilities in Maryland (Jessup, Mt. Airy, Easton, Frederick<sup>1</sup>, Edgewood, Erdman, and Hawkins Point). LKQ responded to this IRL on August 4, 2020 (“IRL Response”).
50. On August 26, 2020, representatives of EPA Region III conducted an inspection of the facilities in Jessup, MD and Mt. Airy, MD. On September 3, 2020, representatives of EPA Region III conducted an inspection of the facility in York Haven, PA. (Collectively, these inspections will be referred to herein as the “Inspections.” The EPA representatives who conducted the Inspections and reviewed the IRL Response will be referred to herein as the “Inspection Team.”)
51. During the Inspections and review of the IRL Response, the Inspection Team reviewed Respondents’ General Permits, Stormwater Pollution Prevention Plans (“SWPPPs”) and Preparedness, Prevention and Contingency (“PPC”) Plans, sampling procedures, operations, and the current site conditions.
52. The Inspection Team prepared inspection reports for each of the three facilities that EPA inspected, with findings from the Inspections (“the Inspection Reports”), which include observations regarding Respondents’ compliance with the requirements of the applicable General Permit.
53. EPA sent a copy of the Inspection Reports to the Respondents on or about October 23, 2020. Respondents responded to the Inspection Reports by letters dated February 15, 2021.
54. Based on the Inspections and review of the ILR Response, EPA has identified the following violations of the General Permits, and Section 301 of the CWA, 33 U.S.C. § 1311, described in the Paragraphs below.

### **Count 1: Failure to comply with permit requirements concerning the Storm Water Pollution Prevention Plan**

55. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
56. The Maryland General Permit requires Stormwater Pollution Prevention Plans (“SWPPPs”) to document the selection, design, and installation of measures for the control of stormwater discharges.

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<sup>1</sup> Allegations of violations at the Frederick, Maryland Facility have not been included in this Compliance Order because LKQ has closed this facility, and MDE terminated its NPDES Permit.

57. The Maryland General Permit, Part III.C.2.c., requires a SWPPP to include a site map which shows in the relevant subpart of Part III.C.2.c.:

Site map. Provide a map showing:

ii.) the location and extent of significant structures and impervious surfaces

...

iv.) directions of stormwater flow (use arrows);

v.) locations of all existing structural control measures or [best management practices (“BMPs”)];

...

vii.) locations of all stormwater conveyances including ditches, pipes, and swales...

58. The Maryland General Permit, Part III.C.4., provides:

Description of Control Measures to Meet Technology- and Water Quality-Based Effluent Limits

You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part III.B.1.b and, where applicable, in Appendix D Sector-Specific Requirements for Industrial Activity, and the water quality-based effluent limits in Part III.B.2, and describe how you are addressing the control measure selection and design considerations, if applicable, in Part III.A.1.a. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part III.C.3 and any stormwater run-on that commingles with any discharges covered under this permit.

59. Respondent Potomac German Auto, Inc.’s site map in the SWPPP for the LKQ Pick Your Part /Mount Airy Facility had the following deficiencies or discrepancies:
- a. The site map does not include the location of the oil-water separator (“OWS”) or the structure’s discharge point.
  - b. An area on the southern perimeter of the site showed evidence of runoff flowing behind the constructed berm on the south side of the bioretention and sand filter structures. It appeared runoff from this area would be discharged through Outfall 001. The site map does not show this flow pattern.
  - c. The SWPPP does not reflect the 2019 installation of bioretention and sand filter BMPs on the south side of the site. The BMPs are included on the map, but not discussed in the narrative portion of the document.



- d. At the time of the inspection, some drainage patterns onsite appeared to be different than those reflected on the map. The map does not include an apparent point of discharge at the southeastern corner of the site.
  - e. At the time of the inspection, the site appeared to be graded in such a way that drainage from the OWS, the fluid drainage area, the vehicle compactor area, and the storage area for pre-processed vehicles would not flow to Outfall 001.
60. Respondent Potomac German Auto, Inc. failed to prepare and include in its SWPPP for the Mt. Airy Facility an adequate site map and accurate description of control measures, in violations of the Maryland General Permit, Part III., C.2 and C.4., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Count 2: Failure to comply with permit requirements concerning  
the Preparedness, Prevention and Contingency Plan**

61. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
62. The Pennsylvania General Permit requires Preparedness, Prevention and Contingency (“PPC”) Plans to document the selection, design, and installation of measures for the control of stormwater discharges. Pennsylvania General Permit, Condition in Part C, IV.B, Preparedness, Prevention and Contingency Plan, requires:

The Permittee shall review and if necessary, update the PPC Plan on an annual basis, at a minimum, and when one or more of the following occur:

- 1. Applicable DEP or federal regulations are revised, or this General Permit is revised.
- 2. The PPC Plan fails in an emergency.
- 3. The facility’s design, industrial process, operation, maintenance, or other circumstances change in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency.
- 4. The list of emergency coordinators or equipment changes.
- 5. When notified in writing by DEP.

The Permittee shall maintain all PPC Plan updates on-site, make the updates available to DEP upon request, and document the updates in Annual Reports.

63. At the time of the inspection, Respondent LKQ Northeast, Inc.'s PPC Plan for the York Haven, PA facility contained the version of the Pennsylvania General Permit that had expired on December 4, 2015. The Pennsylvania General Permit had been reissued September 30, 2016. The PPC Plan was required to be updated on an annual basis when the General Permit was reissued to include the current General Permit.
64. Respondent LKQ Northeast, Inc. failed to update the PPC Plan for the York Haven facility to contain the current Pennsylvania General Permit, in violation of the Pennsylvania General Permit Part C, Section IV.B., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Counts 3-7: Failure to Implement Adequate Control Measures or Take Corrective Action**

65. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
66. The Maryland General Permit and Pennsylvania General Permit each contain requirements for implementing adequate control measures or taking corrective actions.
67. ***Mt. Airy (Good Housekeeping)***: the Maryland General Permit, Part III.B.1.b.ii, requires:

Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. A good practice for ensuring housekeeping activities are performed at regular intervals would be keeping a schedule for routine grounds maintenance and cleanup.
68. At the time of the Inspection, there were auto parts and broken glass littered throughout the site. A particularly concentrated pile of parts and debris was observed by the Inspection Team on the eastern perimeter of the site, near the pre-processed vehicle storage area.
69. Respondent Potomac German Auto, Inc. failed to keep clean all exposed areas that are potential sources of pollutants and keep materials orderly and labeled and storing materials in appropriate containers, in violation of the Maryland General Permit, Part III.B.1.b.ii., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
70. ***Jessup (Benchmark Monitoring Corrective Actions)***: the Maryland General Permit, Part V.B.3.b requires:

*Data Exceeding Benchmarks.* After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must review the selection, design, installation, and

implementation of selected control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- i.) Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- ii.) Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part III.B of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must provide written notification to the Department's Compliance Program of this determination with your next benchmark monitoring report.

In accordance with Part V.B, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

71. Respondent's Jessup, MD Facility had multiple instances where the monitoring values exceeded the benchmark values established by the Maryland General Permit.
72. In the SWPPP for the Jessup, MD Facility did not include a description of the necessary modifications the Facility made to address the cause of exceedance of the Benchmarks, nor did it describe why no corrective action was required.
73. Respondent Potomac German Auto, Inc. failed to include the necessary modifications in the SWPPP for the Jessup, MD facility, and failed to include a determination that no further pollutant reductions are technologically available and economically practicable, in violation of the Maryland General Permit, Part V.B.3.b., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
74. ***York Haven (BMPs)***: the Pennsylvania General Permit, Part C.II.B.8. provides:

II. BMPs Applicable to all Permittees

...

B. Pollution Prevention and Exposure Minimization. The Permittee shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings wherever feasible. The Permittee shall implement and maintain the following measures, at a minimum:

...

8. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids, ensure that discharges have a control (e.g., secondary containment, treatment). This General Permit does not authorize dry weather discharges from dumpsters or roll off boxes.

75. At the time of the Inspection, there were open and uncovered dumpsters at the York Haven, PA Facility containing metal vehicle parts, located upgradient of a stormwater catch basin in the northeast portion of the facility. These dumpsters did not have fixed lids.
76. Respondent LKQ Northeast, Inc. failed to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges, in violation of the Pennsylvania General Permit, Part C.II.B.8., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
77. ***York Haven (Spill Prevention and Responses)***: the Pennsylvania General Permit, Part C.II.E.2., requires:

II. BMPs Applicable to all Permittees

E. Spill Prevention and Responses.

The Permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop a plan consistent with Part C IV for effective responses to such releases. The Permittee shall conduct the following spill prevention and response measures, at a minimum:

...

2. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

78. At the time of the Inspection of the York Haven, PA Facility, Respondent LKQ Northeast, Inc. failed to provide adequate secondary containment for the tank used for draining gasoline during vehicle processing, while this tank was stored outside, in violation of 40 C.F.R. § 112.6(a)(3)(ii).
79. Three 120-gallon tanks that store oil at the facility do not have double walls nor secondary containment.
80. Respondent LKQ Northeast, Inc. failed to minimize the potential for leaks, spills and other releases that may be exposed to stormwater, by failing to provide secondary containment or barriers to spills, in violation of the Pennsylvania General Permit, Part C.II.E.2., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
81. ***York Haven (Operation & Maintenance)***: Pennsylvania General Permit, Part B.I.D. requires:

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs that are installed or used by the permittee to achieve compliance with the terms and conditions of this General Permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls such as appropriate quality assurance procedures. The permittee shall properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this General Permit.

82. At the time of the Inspection of the York Haven, PA Facility, there was a buildup of wood debris from fallen trees obstructing the stormwater drainage channel on the north side of the facility. The channel diverts stormwater runoff around the north side of the facility, and into the stormwater pond.
83. Respondent LKQ Northeast, Inc. failed to maintain stormwater conveyances that direct flow to the pond (a BMP) at the facility, in violation of the Pennsylvania General Permit, Part B.I.D., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Counts 8-10: Failure to Provide Adequate Erosion and Sediment Controls**

84. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.

85. **Jessup, MD:** the Maryland General Permit, Part III.B.1.b.v., provides:

Erosion and Sediment Controls. You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Soil Erosion & Sediment Control resources (found at), EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, ([www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)), National Menu of Stormwater BMPs ([www.epa.gov/npdes/stormwater/menuofbmps](http://www.epa.gov/npdes/stormwater/menuofbmps)), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas ([www.epa.gov/owow/nps/urbanmm/index.html](http://www.epa.gov/owow/nps/urbanmm/index.html)).

86. At the time of the Inspection of the Jessup, MD Facility, there was significant erosion at the inlet end of a piped culvert that conveys runoff from Outfall No. 12 to Dorsey Run. The erosion appeared to be within 15 to 20 feet of vehicles on the lot. There was also some cloudiness in Dorsey Run at the outlet end of the culvert pipe.
87. The erosion was not noted in any the provided quarterly visual inspection reports, covering the 3rd quarter of 2019 through the 2nd quarter of 2020. Further, no observations related to Outfall 12 were included in the Facility's 2019 comprehensive site inspection.
88. Respondent Potomac German Auto, Inc. failed to stabilize exposed areas and contain runoff from the Jessup, MD Facility, using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, in violation of the Maryland General Permit, Part III.B.1.b.v., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
89. **Mt. Airy, MD:** the Maryland General Permit, Part III.B.1.b.v., is set forth above.
90. At the time of the Inspection of the Mt. Airy, MD Facility, there was erosion on the edge of the channel that conveys runoff from the northern and western portions of the site to Outfall 001. Erosion was also observed on the north bank of the bioretention BMP by the Inspection Team. The BMP receives sheet flow runoff from northern and central areas of the site. Additionally, the Facility's 2019 comprehensive site evaluation identified sediment overtopping the silt fence at the edge of the channel.

91. Respondent Potomac German Auto, Inc. failed to minimize onsite erosion and sedimentation at the Mt. Airy facility, in violation of the Maryland General Permit, Part III.B.1.b.v., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
92. **York Haven, PA:** the Pennsylvania General Permit, Section C.II.D, provides:
  - D. Erosion and Sediment Controls.
    1. The Permittee shall minimize erosion and pollutant discharges by stabilizing exposed soils and placing flow velocity dissipation devices at discharge locations to minimize channel and stream bank erosion and scour in the immediate vicinity of stormwater outfalls.
    2. The Permittee shall conduct all earth disturbance activities and, when applicable, shall maintain all post-construction stormwater management (PCSM) BMPs in accordance with 25 Pa. Code Chapter 102.
93. At the time of the Inspection of the York Haven, PA Facility, there was gravel that migrated over a containment barrier, located approximately 30 feet upgradient of the stormwater pond forebay observed by the Inspection Team.
94. At the time of the Inspection of the York Haven, PA facility, there was also erosion under the filter socks placed on the northwest perimeter of the north lot, upgradient of the stormwater pond observed by the Inspection Team. Additionally, mud and sediment buildup was present on the filter socks in this area observed by the Inspection Team.
95. Respondent LKQ Northeast, Inc. failed to minimize erosion and pollutant discharges by providing erosion and sediment controls, in violation of the Pennsylvania General Permit, Section C.II.D., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Counts 11-16: Failure to Adequately Conduct or Report Compliance -  
Quarterly Visual Inspection**

96. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
97. The Maryland General Permit, Part V.A. provides:

A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You

must keep a copy of the documentation from all inspections and evaluations onsite with your SWPPP per Part III.C.8.g.

### 3. Quarterly Visual Inspections

You are required to begin visual inspections in the first full quarter after you have been notified that you are covered by this permit. For example, if you obtain permit coverage in June, then your first monitoring quarter is July 1 - September 30 of that year. Once each quarter, you must collect a stormwater sample from each outfall (except in adverse weather conditions, substantially identical outfalls, or inactive and unstaffed sites as noted below) and assess the sample visually. Samples may be taken during any precipitation event (except as noted in Areas Subject to Snow below) where there is a measurable discharge and must be sampled within the first 30 minutes of the storm event. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site. These samples are not required to be collected consistent with 40 CFR 136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

a. The Quarterly Visual Monitoring Form found in Appendix B of this permit must be completed for each sample.

...

d. *Substantially identical outfalls*: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

98. Information provided in LKQ's response to the June 9, 2020 IRL indicates that five facilities were missing a total of 48 Quarterly Visual Inspections:

a. Jessup, MD: 37 missing Quarterly Visual Inspections, detailed as follows:

1<sup>st</sup> Quarter 2017 (1Q 2017) 2<sup>nd</sup> Quarter 2017 (2Q 2017) 3<sup>rd</sup> Quarter 2017 (3Q 2017) (all 5 outfalls – 15 reports);  
1Q 2018 (all 5 outfalls – 5 reports);



2Q 2018: Outfalls 001,002,006,008 (4 outfalls – 4 reports);

3Q 2018: Outfalls 001, 002, 011 (3 outfalls – 3 reports);

4Q 2018: Outfalls 001, 008, 011 (3 outfalls – 3 reports);

1Q 2019: Outfalls 001, 006, 011 (3 outfalls – 3 reports);

2Q 2019: Outfall 011 (1 outfall – 1 report);

3Q 2019: Outfalls 002,008, 011 (3 outfalls – 3 reports);

4Q 2019: Outfall 001 (1 Outfall – 1 report);

1Q 2020: Outfalls 005, 008 (2 outfalls – 2 reports)

Note: LKQ provided 3 reports in lieu of several missing reports: 2 reports for Outfall 005 (2Q2019 & 1Q2020) and 1 report for Outfall 007 (1Q2020)

Total number of missing reports:  $40 - 3 = 37$  reports

- b. Edgewood, MD: 1 missing Quarterly Visual Inspection (2Q 2020)
  - c. Erdman, MD: 1 missing Quarterly Visual Inspection (2Q 2018)
  - d. Hawkins Point, MD: 5 missing Quarterly Visual Inspections (1Q 2017, 2Q 2017, 3Q 2017, 4Q 2017, 2Q 2018)
  - e. Easton, MD: 4 missing Quarterly Visual Inspections (1Q 2017, 2Q2017, 3Q2017, 2Q2018)
99. Respondents LKQ Northeast, Inc. and Potomac German Auto, Inc. failed to conduct a total of 51 Quarterly Visual Inspections, in violation of the Maryland General Permit, Part V.A.3., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Counts 17: Failure to Adequately Conduct or Report Compliance - Benchmark Monitoring**

100. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
101. The Maryland General Permit, Part V.B. provides:

**B. Industry Specific Benchmarks Monitoring Requirements**

This permit stipulates pollutant benchmark concentrations that may be applicable to your discharge. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part III.B. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity. Benchmark monitoring, if required, must be conducted according to test procedures approved under 40 CFR Part 136.

1. Applicability of Benchmark Monitoring

You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Appendix D. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to the Department with your first benchmark discharge monitoring report (Part V.B.4) a hardness value, established consistent with the procedures in Appendix C, which is representative of your receiving water. Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

2. Benchmark Monitoring Schedule

You must conduct benchmark monitoring quarterly for four (4) full quarters, starting the first full monitoring period (found in Part V.C.7) that occurs, six (6) months after registering under this permit. For example, if you obtain permit coverage in June, six months later is December, then your first monitoring period is Jan 1 – March 31.

102. Maryland General Permit, Appendix D, contains Sector-Specific Requirements for Industrial Activity Sector M – Automobile Salvage Yards.

M.5 Sector-Specific Benchmarks. Permittee may be subject to requirements for more than one sector/subsector.

Table 5 - Sector M Benchmarks (Automobile Salvage Yards)

PARAMETER	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab
Total Aluminum	0.75	mg/L	1/quarter	Grab
Total Iron	1.0	mg/L	1/quarter	Grab
Total Lead <sup>1</sup>	0.082	mg/L	1/quarter	Grab

<sup>1</sup> The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Appendix C.

103. Information provided in LKQ's IRL response indicates that, from 2017 – 2019, for the Jessup, MD Facility, more than 100 parameters under the Benchmark Monitoring requirement of the Permit were missing for Outfalls 001, 002, 006, 008, and 011.
104. From 2017 – 2019, Respondent Potomac German Auto, Inc. failed to have analytical results for more than 100 parameters under the Benchmark Monitoring requirement of the Permit, for the Jessup, MD Facility, in violation of the Maryland General Permit, Part V.B.2., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**Counts 18-24: Failure to Conduct or Adequately Document Routine Inspections**

105. The allegations contained in the Paragraphs above are incorporated by reference herein as though fully set forth at length.
106. The Maryland General Permit, Part V.A. provides:

A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You must keep a copy of the documentation from all inspections and evaluations onsite with your SWPPP per Part III.C.8.g.

1. Routine Facility Inspection

At least once per quarter, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. The facility inspections must be documented with a checklist or other summary signed in accordance with Part II.C.2 of this permit, by qualified personnel, with at least one member of your stormwater pollution prevention team participating. The checklist must include a certification that the site is in compliance with the SWPPP and this permit, or a record of the deficiencies and necessary follow up actions. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

107. Respondents failed to conduct or adequately document a total of 23 Routine Facility Inspections at the following facilities, detailed as follows:

- a. Jessup, MD Facility was missing 5 Routine Facility Inspection Reports:  
  
1Q 2017, 2Q 2017, 3Q 2017, 4Q 2017 (4 quarterly reports)  
At least one wet weather quarterly report (Routine Quarterly Inspections performed during a stormwater discharge) per year is missing for the following years: 2018.  
5 total reports missing
  - b. Mt Airy, MD Facility was missing 3 Routine Facility Inspection Reports:  
  
At least one wet weather quarterly report per year is missing for the following years: 2017, 2018 & 2019  
3 total reports missing
  - c. Edgewood, MD Facility was missing 1 Routine Facility Inspection Reports:  
  
At least one wet weather quarterly report per year is missing for the following years: 2019  
1 report missing
  - d. Erdman, MD Facility was missing 5 Routine Facility Inspection Reports:  
  
2 quarterly reports in 2017 (dates of missing reports unknown due to illegible writing)  
At least one wet weather quarterly report per year is missing for the following years: 2017, 2018 & 2019  
5 total reports missing
  - e. Hawkins Point, MD Facility was missing 5 Routine Facility Inspection Reports:  
  
1Q 2017, 2Q 2017, 3Q 2017, 4Q 2017, 4Q 2018 (5 quarterly reports)  
5 reports missing
  - f. Easton, MD Facility was missing 4 Routine Facility Inspection Reports:  
  
1Q 2017, 2Q 2017, 3Q 2017 (3 quarterly reports).  
At least one wet weather quarterly report per year is missing for the following years: 2017  
4 total reports missing
108. Respondents LKQ Northeast, Inc. and Potomac German Auto, Inc. failed to conduct a total of 27 Routine Facility Inspections, in violation of the Maryland General Permit, Part V.A.1., and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

#### **IV. ORDER**

AND NOW, Pursuant to section 309(a) of the CWA, 33 U.S.C. § 1319(a), Respondents are hereby ORDERED to do the following:

109. Within sixty (60) days of the effective date of the Consent Order, the Respondent will provide to EPA the most recent version of the SWPPP (for Maryland facilities) and PPC Plan (for Pennsylvania facility) for each of the Facilities, as of the effective date of the Consent Order, which contains, in addition to all of the requirements of the applicable General Permit, a Facility map located within the SWPPP or PPC Plan, including all of the requirements identified in the applicable General Permit. Respondent shall also submit the amended SWPPP or PPC Plan to MDE or PADEP, as appropriate, in accordance with Part III.C.8. of the Maryland General Permit and Section C.IV. of the Pennsylvania General Permit.
110. For the remainder of year 2021 through December 31, 2023, the Respondents are required to increase the frequency of the visual inspections and routine facility inspections required by the General Permits from quarterly (as required by the General Permits) to monthly.
111. For the years 2021 through 2023, the Respondents shall submit to EPA an Annual Industrial Stormwater Audit (Annual Audit) for each of the 7 Facilities, along with completed Monthly Inspection forms. The Annual Audit requires identification of whether or not the Respondent has complied with all NPDES requirements for the year. The deadline for submitting each Annual Audit and the completed Monthly Inspection Forms shall be January 31<sup>st</sup> of the following year. The Annual Audit form is included as Attachment A. Attachment B contains the Monthly Inspection form to be used for the visual inspections and routine facility inspections.
112. Within sixty (60) days of completion of the Audit for each facility, the Respondent shall provide to EPA a Corrective Action Plan (“CAP”) to address any deficiencies identified in the Annual Audit for that facility. The CAP submitted to EPA shall include implementation and construction timelines for controls (e.g. the modification to or addition of the material coverage, facility stormwater management devices, collection areas, BMPs, etc.). Timelines shall, at a minimum, include a completion date of the work.
113. Respondent will implement each CAP in full, in accordance with the timelines provided pursuant to Paragraph 112.
114. Following implementation of all of the CAPs by the Respondents (and all requirements in Paragraphs 109-113), Respondents shall notify EPA of completion of the work and request EPA to terminate this Consent Order. This Consent Order shall terminate after EPA has determined that Respondents have fully implemented all of the CAPS and complied with all requirements in Paragraphs 109-113.

115. All documents required to be submitted by this Consent Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed \_\_\_\_\_

Title \_\_\_\_\_

116. Any submission or communication relating to this Consent Order shall be submitted (via electronic transmission) to:

Shane McAleer and Chuck Schadel (3ED32)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region III  
[mcaleer.shane@epa.gov](mailto:mcaleer.shane@epa.gov) and [schadel.chuck@epa.gov](mailto:schadel.chuck@epa.gov)

## **VI. GENERAL PROVISIONS**

117. Issuance of this Consent Order is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Further, EPA reserves any rights and remedies available to it under the CWA, 33 U.S.C. §§ 1251-1388, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Order, following its effective date (as defined below).
118. This Consent Order does not constitute a waiver or modification of the terms or conditions of the Respondent's General Permits. Compliance with the terms and conditions of this Consent Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local law, regulation or permit.
119. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of

fact or law set forth in this Consent Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

120. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
121. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Order and to execute and legally bind the party.
122. The provisions of this Consent Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of Respondent.
123. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
124. Respondent may assert a business confidentiality claim covering part or all of the information which this Consent Order requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If Respondent does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.
125. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the actions in Section IV (Order) is restitution, remediation, or required to come into compliance with the law.

**VII. EFFECTIVE DATE**

This ORDER is effective after receipt by Respondent of a fully executed document.

SO ORDERED:

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen Melvin  
Director, Enforcement  
& Compliance Assurance Division  
U.S. EPA Region III



AGREED TO:

For LKQ Northeast, Inc.

Date: September 14, 2021

Walter Hanley  
Walter Hanley, Vice President

AGREED TO:

For Potomac German Auto, Inc.

Date: September 14, 2021

Walter Hanley  
Walter Hanley, Vice President

**Attachment A - Annual Industrial Stormwater Audit**

Complete this form in order to meet the annual audit requirements. Identify whether your management efforts have been effective in complying with general NPDES industrial stormwater permit conditions. Note: the Administrative Order on Consent increases the frequency of the visual and routine facility inspections from quarterly (as required by the general NPDES permit) to monthly.

<b>Facility Name &amp; Permit #:</b>	<b>Audit Date:</b>	<b>Calendar Year covered by the audit:</b>	
<b>Analytical Monitoring</b>			
(Describe Permit Requirement, including frequency)			
Time Period:			
DMRs Submitted Late (List Outfalls):			
List Outfall(s) For Which No Parameters Were Monitored For This Reporting Period:			
When Outfalls Were Monitored, But Not All Parameters Were Quantified, List The Outfall And The Corresponding Parameters That Are Missing:			
Have leaks, spills, and other releases of pollutants in stormwater been discharged to receiving waters? (YES/NO)			
Have vehicle and equipment washwater, or wastewaters from vehicle and equipment wash off areas, been discharged to surface waters? (YES/NO)			
Notes:			

<b>Facility Name:</b>	<b>Audit - Year:</b>
<b>SWPPP Components</b>	
(State whether or not each item in the SWPPP is complete, incomplete, or missing. If an item is missing or incomplete, provide an explanation as well as what steps will be taken to prevent re-occurrence.)	
Appropriate Signature	
Required Updates Performed	
Staff Identified	
Facility Map	
Describes All Potential Sources of Stormwater Pollution	
Describes All BMPs/ Controls Installed	
Describes How Structural BMPs/Controls Will Be Maintained	
Describes Who Will Conduct Inspections	
Annual Evaluations	
Other Stormwater-Related Information	
Other Stormwater-Related Information	
Notes:	

<b>Facility Name:</b>	<b>Audit - Year:</b>
<b>Facility Map Characteristics</b>	
(State whether or not the location of each item on the map is complete, incomplete, or missing. If an item is missing or incomplete, provide an explanation as well as what steps will be taken to prevent re-occurrence.)	
Property Boundary	
Drainage Areas	
Discharge Points	
Sampling Locations	
Potential Pollutant Sources	
Spill/Leak Response Kits	
Spills & Leaks	
Structural BMPs / Controls	
Other Relevant Stormwater-Related Features	
Other Relevant Stormwater-Related Features	
Notes:	

<b>Facility Name:</b>	<b>Audit - Year:</b>
-----------------------	----------------------

**Implementation of the SWPPP**

(State whether the implementation of the following items is complete, incomplete, or missing. If an item is missing or incomplete, provide an explanation as well as what steps will be taken to prevent re-occurrence.)

Preventive Maintenance/ Proper Operation & Maintenance		Management of Runoff to Reduce Pollution	
Good Housekeeping		Record Keeping	
Spill Prevention		Appropriate Employee Training	
Sediment & Erosion Controls		Other:	
Other:		Other:	

Notes:

<b>Facility Name:</b>	<b>Audit - Year:</b>
-----------------------	----------------------

**Facility Inspections**

In accordance with the AOC, visual inspections and routine facility inspections are increased from quarterly (required by the NPDES permit) to monthly (required by the AOC)

**Monthly Visual Inspections**  
 State whether or not each inspection required under the AOC was completed (YES), or the inspection was not done (NO), or is incomplete (INC). Note this audit requires monthly, while the NPDES permit requires quarterly.

Jan.	Feb.	March	April	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.

Describe any missing or incomplete monthly visual inspections:

**Monthly Routine Facility Inspections**  
 State whether or not each inspection required under the AOC was completed (YES), or the inspection was not done (NO), or is incomplete (INC). Note this audit requires monthly, while the NPDES permit requires quarterly.

Jan.	Feb.	March	April	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.

Describe any missing or incomplete routine facility inspections:

<b>Facility Name:</b>	<b>Audit - Year:</b>
<b>Annual Facility Evaluation</b>	
(State whether or not each component is complete, incomplete, or missing.)	
Analytical Monitoring	
SWPPP All necessary components and modifications resulting from the inspections and evaluations	
Map	
Adequacy of Stormwater Controls	
Inspections	
Records	
Other Items:	
Other Items:	
Notes:	

<b>Facility Name:</b>	<b>Audit –Year:</b>
<b>Maintaining All Records</b>	
(State whether or not each record is complete, incomplete, or missing. List the incomplete and missing records.)	
Analytical Monitoring:	
SWPPP:	
Map:	
Rationale for Stormwater Controls:	
Inspections:	
Annual Evaluation:	<input type="checkbox"/> Kept with SWPPP
Notes:	



Name, Title and Phone Number  
of Person Conducting the Audit: -----

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

Print the name of the responsible corporate officer or  
duly authorized representative who signed this form

Date

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Signature of the responsible corporate officer or  
duly authorized representative

Date

**Attachment B - Monthly Facility Inspections – Stormwater**

Note: the Administrative Order on Consent increases the frequency of the visual and routine facility inspections from quarterly (as required by the general NPDES industrial stormwater permit) to monthly.

<b>General Information</b>		
<b>Facility Name</b>		
<b>NPDES Tracking No.</b>		
<b>Date of Inspection</b>	<b>Start/End Time</b>	
<b>Inspector's Name(s)</b>		
<b>Inspector's Title(s)</b>		
<b>Inspector's Contact Information</b>		
<b>Inspector's Qualifications</b>		
<b>Weather Information</b>		
Weather at time of this inspection?		
<input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> High Winds		
<input type="checkbox"/> Other: _____      Temperature: _____		
Have any previously unidentified discharges of pollutants occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: _____		
Are there any discharges occurring at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: _____		

**Industrial Activity and Corresponding Control Measures**

Use alpha-numeric coding, correlate your Industrial Activities to the corresponding outfalls and inlets. Create a separate observation section for each outfall

<b>Outfall No.</b> _____		
Industrial Activity: (describe the activity taking place in the drainage area for Outfall ____ (Enter Outfall Number)		
Control Measure A (describe)	Is there a need ? <input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement <input type="checkbox"/> Ineffective	Describe Maintenance and/or Corrective Actions Needed
Control Measure B (describe)	Is there a need ? <input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement Ineffective	Describe Maintenance and/or Corrective Actions Needed
Control Measure C (describe)	Is there a need ? <input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement Ineffective	Describe Maintenance and/or Corrective Actions Needed
Control Measure D (describe)	Is there a need ? <input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement Ineffective	Describe Maintenance and/or Corrective Actions Needed

**Outfalls & Inlet Observations**

Describe any presence of pollutants and the physical condition of and around the outfall(s) and the receiving stream in the vicinity of the outfalls that receives the drainage (groundwater, stormwater and/or wastewater) from the corresponding Industrial Activity/area of the Facility. Create a separate observation section for each outfall

<b>Outfall No.</b>	
Observation A	Describe observation
Observation B	Describe observation
Observation C	Describe observation
Observation D	Describe observation

**CERTIFICATION STATEMENT**

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**Print name and title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_