



REGION 3
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U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

Virginia Truck Parts, Inc.
10022 Huntington Lane
King George, Virginia 22485

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: **U.S. EPA Docket No. CWA-03-2024-0053DN**
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: **ORDER FOR COMPLIANCE**
: **PURSUANT TO 33 U.S.C. § 1319(a)**
:
:
:

Respondent.

Virginia Truck Parts, Inc.
10022 Huntington Lane
King George, Virginia 22485

Facility.

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order for Compliance (“Order”) is issued to Virginia Truck Parts, Inc. (“Respondent”) under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) (“CWA” or “Act”). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region 3.
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. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.

4. EPA has consulted with the Virginia Department of Environmental Quality (“VADEQ”) regarding this action, and, subsequent to the Effective Date, EPA will provide a copy of this fully executed Order to the appropriate VADEQ representative.
5. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
6. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the Commonwealth of Virginia, through VADEQ, is authorized by EPA to administer the NPDES program in the Commonwealth of Virginia.
7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344.
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.” 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(6).
9. “Discharge of a pollutant” means “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(12).
10. “Storm water” is defined as “storm water runoff, snow melt runoff, and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).
11. “Storm water discharge associated with industrial activity” means “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant” and “includes, but is not limited to, storm water discharges from...material handling sites; refuse sites; sites used for the application or disposal of process waste waters...; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products.” 40 C.F.R. § 122.26(b)(14).
12. 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 facilities discharging stormwater associated with

industrial activity to 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.

13. Pursuant to the authority of the CWA, VADEQ issued a Virginia Pollutant Discharge Elimination System (“VPDES”) General Permit for Discharges of Stormwater Associated with Industrial Activity General Permit, VAR051005, effective date July 1, 2019 (the “General Permit”). VADEQ’s previous Industrial Stormwater General Permit became effective July 1, 2014, and expired June 30, 2019.
14. The General Permit is issued for 5-year terms and requires facilities that discharge storm water to a surface water body of the Commonwealth to comply with specific requirements governing storm water discharges associated with industrial activities.
15. The General Permit authorizes the discharge of stormwater associated with industrial activity in accordance with the provisions of the Commonwealth’s General Permit, which includes a requirement for permittees to develop and implement a storm water pollution prevention plan (“SWPPP”).
16. A violation of the General Permit is also a violation of the CWA and may be subject to penalties established under that statute.
17. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within Virginia for NPDES permit violations.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

18. Virginia Truck Parts, Inc. is and, at all times relevant to this Order, was the owner and operator of a nine-acre automobile salvage yard at 10022 Huntington Lane, King George, Virginia 22485 (the “Facility”).
19. Virginia Truck Parts, Inc. is a corporation organized and existing under the laws of the Commonwealth of Virginia and is thus a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
20. Respondent is and, at all times relevant to this Order, was engaging in “industrial activity” at the Facility, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
21. Respondent had applied for and was granted coverage by VADEQ under a General Permit, VPDES Permit Number VAR051005, to discharge stormwater associated with industrial activity from the Facility, alone or in combination with authorized non-

- stormwater discharges listed in Part C.I.B of the General Permit, beginning September 1, 2017.
22. The Facility discharges, and at all times relevant to this Order, stormwater and/or authorized non-stormwater through an outfall identified in its SWPPP, and through an unidentified outfall into a tributary to Muddy Creek, which is connected to the Rappahannock River, which is a traditional navigable water. The Rappahannock River is a “water of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
 23. VADEQ inspected the Facility on April 5, 2019 (“VADEQ Inspection”) and shared its findings with EPA Region 3.
 24. On March 24, 2021, an EPA compliance inspection team conducted an inspection of the Facility (“Inspection”) pursuant to Section 308 of the Act, 33 U.S.C. § 1318, during which time periods of heavy precipitation were experienced.
 25. EPA sent an Inspection report dated May 5, 2021, to Respondent on May 12, 2021, which included observations made during the inspection that identified potential compliance deficiencies.
 26. Respondent provided documentation via emails dated September 13, 2022, and November 16, 2022, demonstrating several of the potential compliance deficiencies from the Inspection Report were addressed.
 27. EPA sent a Clean Water Section 308 Information Requirement Letter (“Information Request Letter”) on May 23, 2023. Respondent sent EPA documentation in response to the Information Request Letter via email on June 13, 2023.
 28. Based on observations made during the Inspection and review of information provided to EPA by Respondent, EPA has identified violations of the General Permit, and Section 301 of the CWA, 33 U.S.C. § 1311, described in the paragraphs below.

Count 1

Failure to Timely Submit General Permit Application

29. The allegations in the preceding paragraphs are incorporated by reference.
30. Part II.M of the General Permit states: “If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.”

31. At the time of the Inspection, the Respondent had allowed coverage for the Facility to lapse on the previous version of the General Permit before submitting a registration statement for the 2019 version. The 2014 version of the VPDES General Permit expired on June 30, 2019, and the Respondent failed to submit a registration statement for coverage under the 2019 VPDES General Permit at least 60 days before the expiration date of the 2014 General Permit. Respondent did not submit to VADEQ a registration statement for coverage under a new General Permit until July 29, 2019. VADEQ issued a Notice of Violation (“NOV”) to VA Truck Parts on October 24, 2019, for the late submittal and registration fee.
32. VADEQ subsequently registered the Facility under the 2019 General Permit for Discharges of Stormwater Associated with Industrial Activity on January 29, 2020.
33. Based on the above, EPA concludes Respondent’s failure to submit timely its General Permit application by April 2019 violated Part II.M of the 2014 General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 2
Discharge Without a Permit

34. The allegations in the preceding paragraphs are incorporated by reference.
35. Respondent’s standard industrial classification (SIC) Code is 5015. Pursuant to 40 C.F.R. § 122.26(b)(14)(vi), SIC code 5015 is regulated under the General Permit.
36. The 2014 version of the VPDES General Permit expired on June 30, 2019.
37. Because VADEQ did not register Respondent for coverage under the 2019 General Permit until January 29, 2020, Respondent did not have General Permit coverage for discharges of stormwater from the Facility to waters of the United States from July 1, 2019, until January 29, 2020.
38. According to daily precipitation data available from the National Oceanic and Atmospheric Administration (“NOAA”), recorded at the KING GEORGE 6.3 WNW, VA US US1VAKG0002 Weather Station, there were significant rainfall events in this time period from July 1, 2019, until January 29, 2020, resulting in stormwater discharges from the Facility to waters of the United States.
39. Based on the above, EPA concludes Respondent’s discharges of stormwater from the Facility to waters of the United States during the time period of July 1, 2019, to January 29, 2020, without a permit violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 3
Discharge Through an Unpermitted Outfall and Failure to Update SWPPP

40. The allegations in the preceding paragraphs are incorporated by reference.
41. Part I.B.11 of the General Permit states: “Adding or deleting stormwater outfalls. The permittee may add new or delete existing stormwater outfalls at the facility as necessary and appropriate. The permittee shall update the SWPPP and notify the Department of all outfall changes within 30 days of the change. The permittee shall submit a copy of the updated SWPPP site map with their notification.”
42. Part III.B.2 of the General Permit includes requirements for contents of the SWPPP as follows: “2. Site description. The SWPPP shall include the following:
- ...
- c. Site map. A site map identifying the following:
- ...
- (9) Locations of stormwater outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the stormwater from the facility discharges to them. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);...”
43. At the time of the Inspection, the Facility had one registered outfall, Outfall 001, along the northern perimeter of the Facility, which discharged to tributaries of Muddy Creek.
44. EPA inspectors also observed stormwater actively discharging from a location along the southwestern perimeter of the Facility to a tributary of Muddy Creek during the Inspection.
45. The Facility’s SWPPP, dated April 2012, identifies the single outfall, Outfall 001, on the Facility site map. The site map shows all flow being directed toward Outfall 001, with no reference to any other outfalls. VADEQ issued coverage to Respondent under the 2019 VPDES Permit on January 29, 2020. As of the date of the Inspection, the SWPPP had not been updated to add any additional stormwater outfalls, and Respondent had not informed VADEQ of any additional stormwater outfalls. Therefore, the unidentified outfall along the southwestern perimeter of the Facility was never permitted to discharge.
46. Based on the above, EPA concludes Respondent’s discharge through an unpermitted outfall, failure to inform VADEQ of any additional stormwater outfalls, and failure to update its SWPPP to reflect the additional stormwater outfall violated Part I.B.11 and Part III.B.2 of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 4
Failure to Conduct Quarterly Visual Monitoring

47. The allegations in the preceding paragraphs are incorporated by reference.
48. Part I.A.2.d(1) of the General Permit states: (1) Quarterly visual monitoring. The quarterly visual examination shall be made at least once in each of the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.
49. At the time of the Inspection, Respondent stated to EPA inspectors that they had not been conducting quarterly visual monitoring and were unsure of the last time any visual monitoring was conducted at the Facility. Facility records indicate that quarterly visual monitoring was conducted in 2nd quarter 2017 and 4th quarter 2020, and 1st quarter 2021.
50. Based on the above, EPA concludes Respondent's failure to conduct quarterly visual monitoring for the 1st, 2nd and 3rd quarters of 2020 (from January 2020 through September 2020) violated Part I.A.2.d(1) of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 5
Failure to Conduct or Adequately Document Routine Facility Site Inspections

51. The allegations in the preceding paragraphs are incorporated by reference.
52. Part III.B.5 of the General Permit states: Personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part III.E. At least one member of the pollution prevention team shall participate in the routine facility inspections. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the Department for less frequent intervals. Inspections shall be performed during periods when the facility is in operation. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring.
53. At the time of the Inspection, VADEQ had an outstanding Special Order ("VADEQ SO") that indicated that Respondent failed to conduct and document routine quarterly Facility site inspections for the 4th quarter of 2018 and 1st quarter of 2019. The VADEQ SO ordered Respondent to submit a copy of the Facility's quarterly routine Facility inspections for the

two quarters following the date of the VADEQ SO. VADEQ indicated that Respondent failed to submit routine facility inspections for the 4th quarter of 2018 and 1st quarter of 2019.

54. Based on the above, EPA concludes Respondent's failure to conduct quarterly routine facility inspections for the 4th quarter of 2018 and 1st quarter of 2019 violated Part III.B.5 of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 6

Failure to Have Equipment-Leak Inspection Records Available for Review

55. The allegations in the preceding paragraphs are incorporated by reference.
56. Part I.A of the General Permit states that Part IV of the General Permit identifies monitoring requirements applicable to specific sectors of industrial activity.
57. VADEQ's permit registration letter dated January 29, 2020, states: "Based on the Standard Industrial Classification Code (SIC Code) provided on your registration statement, your facility has been assigned to Sector M for this reissuance. Specific stormwater monitoring for your facility is based on the industrial sector that applies to your facility."
58. At Part IV.B.2 of the Permit [9VAC25-151-200. Sector M – Automobile salvage yards] states: "Inspections. Upon arrival at the site, or as soon thereafter as feasible, vehicles shall be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches shall be inspected at least quarterly (four times per year) for signs of leaks. All vessels, containers, or tanks and areas where hazardous materials and general automotive fluids are stored, including mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least quarterly for leaks. Quarterly inspection records shall be maintained with the SWPPP."
59. At the time of the VADEQ Inspection, Respondent failed to maintain with the SWPPP equipment-leak inspection records and did not have the records available for review.
60. Based on the above, EPA concludes Respondent's failure to maintain with the SWPPP the equipment-leak inspection records violated Parts I.A and IV.B.2 of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 7

Failure to Conduct Monitoring and Submit Monitoring Reports

61. The allegations in the preceding paragraphs are incorporated by reference.

- 62. Part I.A.1.b of the General Permit requires benchmark monitoring for the Facility, which falls under Industry Sector M (SIC Code 5015). According to Table 70-4 in Part I.A.5., and Part I.A.2. of the General Permit, Sector M is subject to semi-annual benchmark monitoring for total suspended solids (“TSS”), aluminum, iron, and lead.
- 63. Table 70-4 in part I.A.5 of the General Permit requires that the results of the semiannual monitoring shall be submitted by January 10 and July 10 of each year.
- 64. Data provided by VADEQ to EPA reveals that the Facility failed to submit benchmark monitoring reports for the second half of 2016; the first half of 2018; and the first half of 2020. Benchmark monitoring reports were filed late for the first half of 2016; the second half of 2017, and the first half of 2019. The report for the second half of 2020 indicates samples were not taken due to staffing issues related to COVID-19. See Table 1 (Late and Missing eDMR Submittals) below:

Table 1. Late and Missing eDMR Submittals

Monitoring Period	Due Date	Received Date
January - June 2020	7/10/2020	Not submitted
January - June 2019	7/10/2019	7/12/2019
January - June 2018	7/10/2018	Not submitted
July - December 2017	1/10/2018	2/23/2018
July - December 2016	1/10/2017	Not submitted
January - June 2016	7/10/2016	7/18/2016

- 65. Part I.A.c (3) of the General Permit requires that upon written notification from the department, facilities subject to total maximum daily load (“TMDL”) wasteload allocations shall be required to monitor stormwater discharges to evaluate compliance with the TMDL requirements once every six months after coverage. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the VADEQ when they are approved for coverage under the General Permit.
- 66. Upon issuance of the General Permit, VADEQ notified Respondent of the requirement to perform Chesapeake Bay TMDL monitoring once every six months for TSS, total nitrogen (“TN”), and total phosphorous (“TP”) during the permit term.
- 67. The Facility failed to perform Chesapeake Bay TMDL samples every six months for benchmark monitoring for a 5-year period preceding the date of the EPA Inspection in 2021. A TMDL benchmark monitoring report results sheet was submitted by the Facility covering July 2020 through December 2020 despite the report indicating that samples were not taken due to COVID-19 staffing issues.

68. Based on the above, EPA concludes Respondent's failure to submit benchmark monitoring, or late submittal of benchmark monitoring, for the periods identified in paragraph 62 and failure to perform Chesapeake Bay TMDL monitoring for the period identified in paragraph 65 in accordance with the requirements of the General Permit violated Parts I.A.1.b, I.A.c(3), and Table 70-4 in Part I.A5. of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent violated Section 301 of the Act, 33 U.S.C. § 1311 for the time periods identified in the above paragraphs.

Count 8
Failure to Maintain an Updated SWPPP

69. The allegations in the preceding paragraphs are incorporated by reference.

70. Part III.B. of the General Permit requires the SWPPP to identify the pollution prevention team, describe industrial activities and provide a detailed site map, summarize potential pollutant sources, describe stormwater controls, and describe the routine facility inspection program. The General Permit requires the SWPPP to include a summary of existing stormwater discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

71. Part III.C of the General Permit requires the SWPPP to include a description of procedures and a regular schedule for preventive maintenance procedures for all control measures.

72. Part III.F of the General Permit states:

Maintaining an updated SWPPP.

1. The permittee shall review and amend the SWPPP as appropriate whenever:

- a. There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
- b. Routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including Best Management Practices (BMPs);
- c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
- d. There is a significant spill, leak, or other release at the facility;
- e. There is an unauthorized discharge from the facility; or
- f. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility, consistent with Part I B.

73. At the time of the Inspection, Respondent presented a SWPPP to EPA that was dated 2012, was incomplete and inconsistent with current operations at the Facility, included information from previous Facility ownership and included references to consultants who were no longer working at the Facility. The SWPPP included the following deficiencies:

- The Facility site map – the location of the crusher and some of vehicle part storage areas (e.g., doors) were inconsistent with what was observed on site.
- The pollution prevention team referenced in the SWPPP included staff from previous owners and consultants that are no longer employed at the Facility.
- The Facility spill documentation ended in 2012 (no spills were documented 2008 – 2012).
- The Facility monitoring program was only described through the end of 2013.
- The only training records included in the document were from 2013 and for staff that no longer worked at the Facility.
- The only maintenance records included in the document were from 2013.
- Current monitoring records were not kept in the SWPPP.

74. Based on the above, EPA concludes Respondent's acts and/or omissions and failure to maintain an updated SWPPP in accordance with the requirements of the General Permit violated Parts III.B. and C., and III.F. of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 9

Failure to Ensure Good Housekeeping Including Spill and Leak Prevention

75. The allegations in the preceding paragraphs are incorporated by reference.

76. Part I.B.2. of the General Permit states: "The discharge of hazardous substances or oil in the stormwater discharges from the facility shall be prevented or minimized in accordance with the SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia."

77. Part III.B.4.b(1) of the General Permit states: "Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges."

78. Part IV.B.1 of the General Permit states: "All vehicles that are intended to be dismantled shall be properly drained of all fluids prior to being dismantled or crushed, or other equivalent means shall be taken to prevent leaks or spills of fluids...:"

79. Part IV.B.2 of the General Permit states: "Upon arrival at the site, or as soon thereafter as feasible, vehicles shall be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches shall be inspected at least quarterly (four times per year) for signs of leaks. All vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake

fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least quarterly for leaks...”

80. Part IV.B.4. of the General Permit states: “The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in discharges from the facility.”

81. At the time of the Inspection, EPA inspectors observed a lack of stormwater controls and pollution prevention at the Facility, as well as the following conditions which relate to the lack of pollution prevention and good housekeeping at the Facility:

- Uncovered and uncontained scrap material, fuel tanks, and transmission components were stacked and littered throughout the Facility.
- 55-gallon drums and other liquid containers were observed discarded throughout the Facility. Multiple containers were uncapped and uncovered, one of which contained oily vehicle components. Another contained cleaning solution for tires. None of the drums or containers were stored in secondary containment.
- EPA observed that not all fluids were drained from all vehicles during processing. Windshield wiper fluid was observed in at least three vehicles on the storage lot, and one vehicle contained what appeared to be coolant fluid.
- EPA observed that not all batteries were removed from all vehicles during processing. Batteries were observed installed in at least two vehicles on the vehicle storage lot.
- The lot at the Facility was mostly dirt and gravel. Evidence of erosion was observed in multiple areas, including in the vicinity of Outfall 001 at the northern perimeter of the Facility.
- Sections of the property fencing along the southwestern perimeter were damaged, and active runoff was observed.
- An uncovered scrap metal dumpster containing vehicle engine and transmission components was in the southeastern area of the Facility. Petroleum sheen was observed on the pavement directly underneath the dumpster.
- An approximately 275-gallon tank located in the southeastern area of the Facility adjacent to the scrap metal dumpster lacked secondary containment. No spill kit was observed near the tank.

82. During the Inspection, heavy precipitation was experienced at times, and runoff was observed actively transporting petroleum sheen offsite to the southwest perimeter and, subsequently, offsite across the access road that runs along the southwestern perimeter of the site and into a drainage ditch located between the Facility and Huntington Lane. These locations along the southwestern perimeter were not identified by Respondent as Facility outfalls. The drainage ditch drains to a tributary of Muddy Creek.

83. Based on the above, EPA concludes Respondent’s acts and/or omissions are a failure to perform good housekeeping measures to minimize pollutant discharge in violation of Parts I.B.2., III.B.4.b(1), IV.B.1, IV.B.2., and IV.B.4 of the General Permit issued pursuant to Section

402 of the Act, 33 U.S.C. § 1342, and therefore Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311.

Count 10
Failure to Implement Employee Training

84. The allegations in the preceding paragraphs are incorporated by reference.
85. Permit I.A of the General Permit identifies monitoring requirements applicable to specific sectors of industrial activity.
86. Respondent's SIC Code is 5015 in Sector M. Specific stormwater monitoring for the Facility is based on the industrial sector applied to the Facility.
87. Part IV.B.2.c. of the General Permit [Sector M-Automobile Salvage Yards] states: "Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, and solvents."
88. Part III.B.4.b(6) of the General Permit states: "The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided at least annually for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed."
89. At the time of the Inspection, the Respondent stated they do not conduct or document training on proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, solvents, etc.
90. At the time of the Inspection, the most recent documented training records contained in the SWPPP were on June 4, 2013. None of the prior employees who received this training work at the Facility.
91. The Respondent failed to provide any additional training records or any SWPPP training records.
92. Based on the above , EPA concludes Respondent's acts and/or omissions are a failure to implement employee training at the Facility in violation of Parts I.A, IV, IV.B.2.c., and

III.B.4.b(6) of the General Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and therefore Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311.

III. ORDER FOR COMPLIANCE

THEREFORE, based on the foregoing, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to do the following:

93. Conduct and document all General Permit-required elements for all Facility outfalls, including those that are currently unpermitted, according to the timeframes outlined in the General Permit, including, but not limited to:
- i. Quarterly visual monitoring;
 - ii. Quarterly routine Facility inspections;
 - iii. Quarterly equipment-leak inspection;
 - iv. Semi-annual benchmark monitoring;
 - v. TMDL monitoring; and
 - vi. The implementation of good housekeeping, including control measures at the outfall to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in discharges from the Facility.
94. For the 36-month period after the Effective Date of this Order, Respondent shall electronically submit annually to EPA the items listed in Paragraph 93 above, by March 31st for the prior calendar year.
95. Update the SWPPP to include all General Permit required elements and submit the updated SWPPP to EPA within 90 calendar days of the Effective Date of this Order. The SWPPP updates should include, but are not limited to:
- Identification as a stormwater outfall the location along the southwestern perimeter of the Facility that discharges stormwater, as described in Paragraph 43 above.
 - A description of the industrial activities at the Facility;
 - A site map identifying the following:
 - Boundaries of the property and the size of the property in acres;
 - Location and extent of significant structures and impervious surfaces;
 - Locations of all stormwater conveyances, including ditches, pipes, swales and inlets, and the directions of stormwater flow using arrows to indicate which direction stormwater will flow;
 - Locations of all stormwater control measures, including BMPs;
 - Locations of all surface water bodies, including wetlands;
 - Locations of potential pollutant sources;
 - Locations where significant spills or leaks identified have occurred;
 - Locations of stormwater outfalls;

- Location and description of all non-stormwater discharges;
- Locations of all stormwater monitoring points;
- The current pollution prevention team;
- Facility spill log;
- Facility monitoring program;
- Facility training records; and
- The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos.

96. Within 90 days of the Effective Date of this Order, Respondent shall provide to EPA for review a Corrective Action Plan (“CAP”), which shall include, at a minimum, actions to address the following deficiencies observed during the EPA Inspection that have not been previously addressed by Respondent:

- Uncovered and uncontained scrap material, fuel tanks, and transmission components stacked and littered throughout the Facility;
- 55-gallon drums and other liquid containers discarded throughout the Facility, including uncapped and uncovered containers, including but not limited to those containing oily vehicle components, and those containing cleaning solution for tires;
- Damaged sections of the property fencing along the southwestern perimeter of the Facility;
- Uncovered scrap metal dumpsters containing vehicle engine and transmission components in the southeastern area of the Facility where petroleum sheen was on the pavement directly underneath the dumpster;
- An approximately 275-gallon tank located in the southeastern area of the Facility that lacked secondary containment; and
- No spill kit present near the above-mentioned 275-gallon tanks.

97. After review of the CAP:

- EPA will in writing (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
- If the submission is accepted, pursuant to this paragraph, Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, Respondent shall, upon written documentation by EPA, take all actions required by the accepted parts of the CAP.
- If the CAP is disapproved in whole or in part, Respondent shall, within 15 days of receipt from EPA of notice of deficiencies or by such other time as the parties agree to in writing, correct all deficiencies and resubmit the CAP or any deficient portion thereof, for approval. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding paragraph.

- 98. Within 10 calendar days from EPA’s approval of the CAP, the Respondent shall submit to EPA for review a list of deadlines included in the CAP. None of the deadlines included in the CAP shall exceed June 30, 2024. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within 10 calendar days of modifications of any deadline under the CAP, Respondent shall provide EPA an updated list reflecting changes to the future schedule.
- 99. Respondent shall submit (a) a notice to EPA within 30 calendar days of completing a scheduled event in the CAP, and (b) annual progress reports, until all work required by the CAP has been completed. Respondent shall submit the reports in accordance with Section IV (Procedures for Submissions) below. Respondent shall submit these reports on March 31st each year, and shall include in those reports, at a minimum, the following:
 - i. Activities completed during the reporting period and photographic evidence that clearly depicts results that achieve compliance with the General Permit.
 - ii. Dates by which the activities were completed.
 - iii. Any barriers to the timely completion of activities encountered.
 - iv. Activities currently in progress.
- 100. All actions in the CAP shall be completed no later than June 30, 2024.

IV. PROCEDURES FOR SUBMISSIONS

- 101. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22, 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.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

102. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this Order via email to:

Shane McAleer
mcaleer.shane@epa.gov
NPDES Enforcement
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

103. Respondent may assert a business confidentiality claim covering part or all the information which this 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. 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, at the time any information is submitted to EPA, the Respondent submitting such information does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.
104. Respondent's compliance with the terms of this Order shall not relieve Respondent of its obligation to comply with all applicable provisions of the CWA or any other Federal, State or local law or regulation. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized by the CWA. EPA reserves the right to seek any remedy available under the law that it deems appropriate to the violations described herein. Compliance with this Order shall not be a defense to any action commenced pursuant to such authorities.
105. Violation of the terms of this Order may result in further EPA enforcement action including, but not limited to, imposition of administrative penalties, pursuant to 33 U.S.C. § 1319(g) as modified by the Debt Collection Procedures Act of 1996 and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and/or initiation of judicial proceedings that allow for civil penalties of up to \$53,484 per day for each day of violation that occurs, and/or for the criminal sanctions of imprisonment and fines of up to \$25,000 per day, 33 U.S.C. § 1319(c).
106. 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.

107. This Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, successors, agents and assigns of Respondent.

V. OPPORTUNITY TO CONFER

108. Respondent is invited to confer with the Agency about the findings and conclusions reflected in this Order including the terms and conditions contained herein. Respondent's request for a conference must be confirmed in writing via e-mail within ten calendar days of receipt of this Order. Any conference between Respondent and EPA must occur no later than twenty calendar days after receipt of this Order. If the requested conference is held, this Order shall become effective ten calendar days after the conference is held. If Respondent does not request a meeting within ten calendar days of receipt of this Order, Respondent waives its right to a conference, and this Order shall become effective ten calendar days from its receipt. Any request for a conference, or other inquiries concerning this Order, should be made in writing to: Shane McAleer at mcaleer.shane@epa.gov. Respondent's attorney may contact Jeffrey Nast, Senior Assistant Regional Counsel, at nast.jeffrey@epa.gov.

VI. JUDICIAL REVIEW

109. Respondent may seek federal judicial review of this Compliance Order, issued under Section 309 of the CWA, 33 U.S.C. § 1319, pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section706&num=0&edition=prelim>, states the scope of such review.

VII. EFFECTIVE DATE

110. The effective date of this Order shall be ten calendar days from the date of receipt of this Order, or, if a conference is requested per Section V (Opportunity to Confer) above, this Order shall become effective ten calendar days after the conference is held.


VII. NOTICE OF INTENT TO COMPLY

111. Within ten calendar days of the effective date of this Order, Respondent shall submit to EPA via e-mail a Notice of Intent to Comply with the Order. The Notice shall be submitted to:

Shane McAleer
mcaleer.shane@epa.gov
NPDES Enforcement
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: **STACIE PRATT**  Digitally signed by STACIE PRATT
Date: 2023.12.22 08:52:26 -05'00'

[Digital Signature and Date]
Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3



REGION 3

PHILADELPHIA, PA 19103

In the Matter of:

Virginia Truck Parts, Inc.
10022 Huntington Lane
King George, Virginia 22485

Respondent.

Virginia Truck Parts, Inc.
10022 Huntington Lane
King George, Virginia 22485

Facility.

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U.S. EPA Docket No. CWA-03-2024-0053DN

ORDER FOR COMPLIANCE

PURSUANT TO 33 U.S.C. § 1319(a)

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order for Compliance was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order for Compliance. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order for Compliance to each of the following persons, in the manner specified below, at the following addresses:

Copies served via UPS and email to:

Anita Lal
Virginia Truck Parts, Inc.
[REDACTED]
10022 Huntington Lane
King George, Virginia 22485

Copies served via email to:

Jeffrey Nast
Senior Assistant Regional Counsel
U.S. EPA, Region 3
nast.jeffrey@epa.gov

Shane McAleer
Environmental Engineer
U.S. EPA, Region 3
mcaleer.shane@epa.gov

By: BEVIN
ESPOSITO  Digitally signed by BEVIN ESPOSITO
Date: 2023.12.22 08:59:41 -0500

[*Digital Signature and Date*]
Regional Hearing Clerk
U.S. EPA, Region 3