

INSPECTION REPORT

Inspection Entry Date/Time	03/12/2024 08:40 (CT)			Announced: No
Inspection Exit Date/Time	03/12/2024 10:35 (CT)			Access: Granted
Regulatory Program	RCRA			
Type of Inspection	Focused Compliance Inspection (FCI)			
Facility or Site Name	South Texas Cement LLC			
Facility/Site Identifier	N/A			
Facility/Site Physical Address	2202 E Navigation Blvd.			
City, State, Zip Code	Corpus Christi, TX 78402			
County/Borough	Nueces County			
Generator Status	N/A			
NAICS	3273			
Type of Operation	South Texas Cement LLC (STC) receives Portland cement and then stores it onsite before loading out on to trucks and railcars.			
Geographic Coordinates	27.82222, -97.42717			
Additional Persons Participating in Inspection:				
Name	Title	Organization	Email	Phone
Joyce Johnson	Inspector	EPA REGION 6	Johnson.Joyce@epa.gov	(214) 665-8548
Erin Young-Dahl	Inspector	EPA REGION 6	YoungDahl.Erin@epa.gov	(214) 665-3166
Andrew Gates	Contractor	Eastern Research Group (ERG)	Andrew.Gates@erg.com	(657) 206-7829
Lead Inspector:				
Vince Damiano				07/11/2024
	ERG		Vince.Damiano@erg.com	(703) 633-1732

SECTION I – INTRODUCTION**Site Entry and Purpose of the Inspection**

The Port of Corpus Christi and surrounding facilities were selected for inspection based on an Environmental Justice and Regional initiative to evaluate facilities at ports receiving or transporting Resource Conservation and Recovery Act (RCRA)-regulated hazardous wastes, and/or have an International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V Certificate of Adequacy (COA) issued by the U.S. Coast Guard (USCG) .

This report is based on information supplied by the facility representatives, inspector observations, port related facilities, and records including photographs taken (see Appendix 1), verbal or written statements made during or after the on-site inspection, and/or materials shown, demonstrated, or submitted to the EPA during or after the on-site inspection. In addition, information gathered prior to or after the inspection from a review of EPA, State, and public records may be included in this report.

Attendees

Title/Organization	Name	Phone	Email	Opening Conf.	Closing Conf.
Lead Inspector/ Contractor/ERG	Vince Damiano	(703) 633-1732	Vince.Damiano@erg.com	Yes	Yes
RCRA Inspector/ Contractor/ERG	Andrew Gates	(657) 206-7829	Andrew.Gates@erg.com	Yes	Yes
Inspector/Enforcement Officer/EPA Region 6	Joyce Johnson	(214) 665-8548	Johnson.Joyce@epa.gov	Yes	Yes
Inspector/Enforcement Officer/EPA Region 6	Erin Young-Dahl	(214) 665-3166	YoungDahl.Erin@epa.gov	Yes	Yes

Facility General Description

Tenant/Area	Inspection Date	Process Description	Area of Concern
South Texas Cement LLC	03/12/24	South Texas Cement LLC (STC) receives Portland cement via their leased dock (dock 16) and then stores it onsite before loading out on to trucks and railcars. Occasionally, third-party companies utilize the dock space for ship cleaning operations, but South Texas Cement is not involved in those operations and does not accept any waste that may result from cleaning operations. The facility maintains a MARPOL COA for Annex I and V but does not receive waste from vessels.	Yes

SECTION II – OBSERVATIONS

Tenant: South Texas Cement LLC			
Section: 2.1	Date: 03/12/24, 8:40 AM	Contains AOC: Yes	Contains CBI: No
Lead Inspector: Vince Damiano	Attendees: Dean Osborn (Vice President) and Jesse Perez (Manager)		
STC is located along the Port of Corpus Christi shipping channel and operates as a cement shipping terminal. STC operates one dock space, where it receives Portland cement by ship, stores it onsite, and loads it into trucks. STC maintains a MARPOL COA for Annex I and V from the USCG and does not have an EPA ID. Mr. Osborn stated that STC does not accept waste from ships and are unaware of any ship-to-ship transfers of waste occurring at their dock space. Mr. Osborn explained the most common waste stream generated onsite is used oil from maintenance activities. He also explained that a third party contracted by STC, BIS, comes onsite to clean out the ships after the cement is offloaded. BIS does this by power washing the inside of the ship with water after knocking down any dry cement product and finishing the clean out with an acid wash. During the inspection, the inspection team first observed STC’s dock space, where two full, unlabeled 55-gallon drums were found (see Appendix 1 – Photos 1 and 2). STC first said that the drums were left by a ship, and they were uncertain of the contents. The inspection team requested a waste determination on the drums. [AOC #1 – STC did not make a solid waste determination. - 40 CFR 262.11]. Following the inspection, STC stated that the drums belonged to BIS and that one contained diesel product while the other contained used absorbent rags. Next, the inspection team observed the Conex area, which contained 17 unlabeled 55-gallon drums of used oil (see Appendix 1 – Photos 4 and 5). [AOC #2 – STC did not clearly label containers used to store used oil with the words “Used Oil” - 40 CFR 279.22(c)(1)] The inspection team initially thought 14 of the drums were full but could not verify this in the field due to physical accessibility constraints. Following the inspection, STC staff stated 11 of the 55-gallon drums contained used oil. Inspectors observed an oil spill on the ground next to the used oil drums approximately three feet wide and it was undetermined how long the spill has been there (see Appendix 1 – Photo 6). [AOC #3 – STC did not properly respond to a release of used oil and perform proper cleanup steps - 40 CFR 279.22(d)] Inside the gray Conex box on the right in Appendix 1 – Photos 7 to 11, the inspection team observed twelve 5-gallon buckets of paint and approximately twenty 1-gallon containers of Hempel (paint component – Part A). Several of the 5-gallon containers of paint were latex-based while the remainder were AcrylPro, tile adhesive, and Perma-Crete masonry coating. Mr. Perez stated they are not currently managing any of the paint in the Conex as waste. The inspection team noted some of the paint looked discarded and unusable. The inspection team requested a solid waste determination (see AOC#1 listed above). Mr. Perez also noted that in the past, waste paint had been mixed with used oil to facilitate disposal, though there was no evidence that this was occurring at the time of the inspection. The inspection team did not observe other apparent areas of concern at the time of the inspection. A closing conference was conducted at approximately 10:35 AM with STC personnel. The AOCs were communicated during the closing. Following the inspection, Mr. Osborn sent several follow up emails, the details of which are discussed below: On 03/21/2024, Mr. Osborn sent photos of the used oil drums correctly labeled and labels on the two 55-gallon drums, which were still unidentified at the time, which read 'Unidentified Pending Further			

Analysis' (see Appendix 2).

- On 03/22/2024, Mr. Osborn sent two more photos of the labels on the two drums after he added an accumulation start date to them and the words 'Hazardous Waste' (see Appendix 3).
- On 03/25/2024, Mr. Osborn sent follow-up explaining that contents of the two 55-gallon drums had been identified. The metal drum on the dock contained diesel for the cleaning crew (BIS), while the black plastic drum contained used cloth and absorbent cleaning pads. The email included photos of the labeled diesel barrel and the inside of the drum containing used cloth and pads (see Appendix 4).
- On 03/25/2024, Mr. Osborn sent a receipt for the disposal of the paint cans at the Corpus Christi Dump (see Appendix 5).

SECTION III – RECORDS REVIEW

No RCRA-regulated records were reviewed during this focused onsite inspection.

SECTION IV – AREAS OF CONCERN

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

Tenant: South Texas Cement LLC		
AOC #1 – STC did not make a solid waste determination.	Citation: 40 CFR 262.11	Section: 2.1
AOC #2 – STC did not clearly label containers used to store used oil with the words “Used Oil”.	Citation: 40 CFR 279.22(c)(1)	Section: 2.1
AOC #3 – STC did not adequately respond to a release of used oil.	Citation: 40 CFR 279.22(d)	Section: 2.1

SECTION V – FOLLOW UP**Follow-Up**

Any facility follow-up items are as discussed in the observations in Section II. Documents or files provided by the facility were transmitted via email and included responses to AOCs or provision of documents requested.

Communication Log

During and after the inspection, additional information was emailed to EPA including:

1. 03/21/2024 STC email – Dean Osborn sent photos of the used oil drums correctly labeled and labels placed on the two 55-gallon drums, which were still unidentified at the time, which read ‘Unidentified Pending Further Analysis’.
2. 03/22/2024 STC email – Dean Osborn sent two more photos of the labels on the 55-gallon drums after he added an accumulation start date to them and the words ‘Hazardous Waste’.
3. 03/25/2024 STC email – Dean Osborn sent follow-up explaining that the metal drum on the dock was identified as a drum of diesel for the cleaning crew (BIS), while the black plastic drum contained used cloth and absorbent cleaning pads. He also sent a photo of the diesel drum labeled, the inside of the absorbent pad drum, and a receipt from the Corpus Christi Dump for the disposal of waste paint.

SECTION VI – LIST OF APPENDICES

Appendix 1. Photograph Log

Appendix 2. STC Follow-up on 03/21/24

Appendix 3. STC Follow-up on 03/22/24

Appendix 4. STC Follow-up on 03/25/24

Appendix 5. STC Dump Reciept for Paint

APPENDIX 1.
PHOTOGRAPH LOG



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7081

Date of Photo: 03/12/2024

Time of Photo: 08:41 hrs.

Photographer: Vince Damiano

Description: View of two unlabeled, unknown 55-gallon waste drums found on the dock space that were left by a ship.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7082

Date of Photo: 03/12/2024

Time of Photo: 08:41 hrs.

Photographer: Vince Damiano

Description: View of two unlabeled, unknown 55-gallon waste drums found on the dock space that were left by a ship.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7083

Date of Photo: 03/12/2024

Time of Photo: 08:44 hrs.

Photographer: Vince Damiano

Description: Discarded foam sealant canister found in a roll-off dumpster on the dock. No apparent AOCs noted.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7084

Date of Photo: 03/12/2024

Time of Photo: 08:51 hrs.

Photographer: Vince Damiano

Description: Overview of several unlabeled used oil drums found in the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7085

Date of Photo: 03/12/2024

Time of Photo: 08:51 hrs.

Photographer: Vince Damiano

Description: Another view of several unlabeled used oil drums found in the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7086

Date of Photo: 03/12/2024

Time of Photo: 08:53 hrs.

Photographer: Vince Damiano

Description: View of oil found on the ground below used oil drums in the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7087

Date of Photo: 03/12/2024

Time of Photo: 09:02 hrs.

Photographer: Vince Damiano

Description: View of paint being stored in the back of the gray Conex box at the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7088

Date of Photo: 03/12/2024

Time of Photo: 09:03 hrs.

Photographer: Vince Damiano

Description: Another view of paint being stored in the back of the gray Conex box at the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas

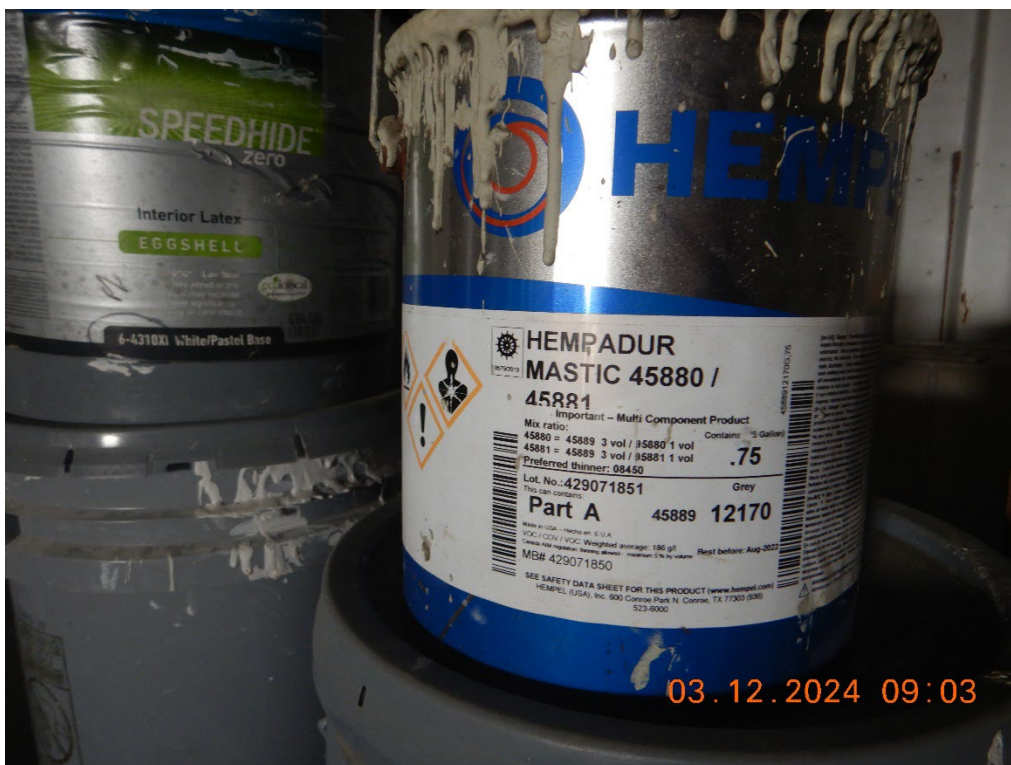


Photo File Name: DSCN7089

Date of Photo: 03/12/2024

Time of Photo: 09:03 hrs.

Photographer: Vince Damiano

Description: Closeup view of paint being stored in the back of the gray Conex box at the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7090

Date of Photo: 03/12/2024

Time of Photo: 09:03 hrs.

Photographer: Vince Damiano

Description: Closeup view of paint being stored in the back of the gray Conex box at the Conex Area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: South Texas Cement LLC		
City: Corpus Christi	County/Parish: Nueces	State: Texas



Photo File Name: DSCN7091

Date of Photo: 03/12/2024

Time of Photo: 09:07 hrs.

Photographer: Vince Damiano

Description: Overview of the Conex Area.

APPENDIX 2.
STC FOLLOW-UP ON 03/21/24

RE: Follow-up from EPA Visit 3/12/2024

Dean Osborn <dean.osborn@southtexascement.com>

Thu 3/21/2024 2:58 PM

To: Vince Damiano <Vince.Damiano@erg.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com <Tanner@irmtx.com>; cburnett@irmtx.com <cburnett@irmtx.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

 2 attachments (2 MB)

1000009823.jpg; 1000009824.jpg;

CAUTION: Don't open links or attachments unless you recognize the sender and know they are safe.

Good afternoon Vince-

We have addressed the issues below per recommendations. I have included pictures for consideration. We had a total of 11 barrels of the used oil.

The paint went to the local landfill and we are awaiting documentation from them of the proper disposal. This is how we will handle any future paint disposals.

Just for clarification, once the barrels on the dock are removed, what documentation will you be needing from us.

Thank you,

From: Vince Damiano <Vince.Damiano@erg.com>

Sent: Tuesday, March 12, 2024 6:18 PM

To: Jesse Perez <jesse.perez@southtexascement.com>; Dean Osborn <dean.osborn@southtexascement.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

Subject: Follow-up from EPA Visit 3/12/2024

Hello Jesse and Dean,

I am following up with a list of items and notes from our inspection today. We would like you to send us:

- Follow-up on the used oil drum labeling issues discussed and an official count on number of drums that contain waste oil.
- Follow-up on waste paint found in roll-off container and how you decide to manage/dispose of paint waste.
- Waste determination on two-55-gallon drums found on the dock. In the meantime, photos of the drums properly labeled (e.g. Hazardous Waste - Pending Analysis).

Again, thank you for taking the time out of your day to meet with us. Please let us know if you have any questions or concerns. Any follow-up can be sent to myself and the persons attached.

Thanks,
Vince

 **Vince Damiano**



Chemical Engineer, Chantilly Office

Cell: (570) 956-1468

Vince.Damiano@erg.com





APPENDIX 3.
STC FOLLOW-UP ON 03/22/24

RE: Follow-up from EPA Visit 3/12/2024

Dean Osborn <dean.osborn@southtexascement.com>

Fri 3/22/2024 9:07 AM

To: Vince Damiano <Vince.Damiano@erg.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com <Tanner@irmtx.com>; cburnett@irmtx.com <cburnett@irmtx.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

 2 attachments (223 KB)

Barrel 2.jpg; Barrel 1.jpg;

CAUTION: Don't open links or attachments unless you recognize the sender and know they are safe.

New Barrel pictures with updated labels.

From: Vince Damiano <Vince.Damiano@erg.com>

Sent: Thursday, March 21, 2024 4:14 PM

To: Dean Osborn <dean.osborn@southtexascement.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com; cburnett@irmtx.com

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

Subject: Re: Follow-up from EPA Visit 3/12/2024

Dean- For now, if you can just provide us with the waste determination analysis from the drums on the dock when it is available. Those will determine how they need to be managed and disposed of.

I also wanted to mention the labels on the drum you sent me are good, but in the event that the analysis for the unknown drums comes back positive for a hazardous waste, you will want to make sure you are not out of compliance when it comes to hazardous waste storage – even for a short time. Therefore, additional signage on the containers that specifically say 'HAZARDOUS WASTE' and an accumulation start date might not be a bad idea. If you decide to do this, you can send me a photo of the additional labeling.

Thank you for the prompt follow-up and feel free to reach out to us with any other questions.

Thanks,



Vince Damiano

Chemical Engineer, Chantilly Office

Cell: (570) 956-1468

Vince.Damiano@erg.com

From: Dean Osborn <dean.osborn@southtexascement.com>

Sent: Thursday, March 21, 2024 2:57 PM

To: Vince Damiano <Vince.Damiano@erg.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com <Tanner@irmtx.com>; cburnett@irmtx.com <cburnett@irmtx.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

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The paint went to the local landfill and we are awaiting documentation from them of the proper disposal. This is how we will handle any future paint disposals.

Just for clarification, once the barrels on the dock are removed, what documentation will you be needing from us.

Thank you,

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Sent: Tuesday, March 12, 2024 6:18 PM

To: Jesse Perez <jesse.perez@southtexascement.com>; Dean Osborn <dean.osborn@southtexascement.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

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Again, thank you for taking the time out of your day to meet with us. Please let us know if you have any questions or concerns. Any follow-up can be sent to myself and the persons attached.

Thanks,
Vince



Vince Damiano

Chemical Engineer, Chantilly Office

Cell: (570) 956-1468

Vince.Damiano@erg.com





APPENDIX 4.
STC FOLLOW-UP ON 03/25/24

RE: Follow-up from EPA Visit 3/12/2024

Dean Osborn <dean.osborn@southtexascement.com>

Mon 3/25/2024 8:49 AM

To: Vince Damiano <Vince.Damiano@erg.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com <Tanner@irmtx.com>; cburnett@irmtx.com <cburnett@irmtx.com>

Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin <YoungDahl.Erin@epa.gov>

 1 attachments (185 KB)

Trash Barrel.jpg;

CAUTION: Don't open links or attachments unless you recognize the sender and know they are safe.

Good morning Vince-

We discovered on Friday that the metal barrel on the dock did in fact belong to the cleaning crew (BIS), it was a drum of diesel for their machines. The black plastic barrel contained used cloth and absorbent cleaning pads. The cleaning company indicated to me they would come and label the drum as diesel and remove from the dock as need be, or leave it for cleaning the next vessel on 4/3/24, then remove it. Our intention on the black barrel was to dispose of it, but wanted to check in with you for proper guidance. I have attached a picture of the black barrel refuse.

Thank you for your direction.

From: Vince Damiano <Vince.Damiano@erg.com>

Sent: Thursday, March 21, 2024 4:14 PM

To: Dean Osborn <dean.osborn@southtexascement.com>; Jesse Perez <jesse.perez@southtexascement.com>; Tanner@irmtx.com; cburnett@irmtx.com

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Cc: Andrew Gates <andrew.gates@erg.com>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Young-Dahl, Erin
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Again, thank you for taking the time out of your day to meet with us. Please let us know if you have any questions or concerns. Any follow-up can be sent to myself and the persons attached.

Thanks,
Vince



Vince Damiano

Chemical Engineer, Chantilly Office

Cell: (570) 956-1468

Vince.Damiano@erg.com





APPENDIX 5.
STC DUMP RECIEPT FOR PAINT

JC Elliott Transfer Station

7001 Ayers St.
Corpus Christi, TX 78415

Date: 3/22/2024 10:20:43AM
Ticket #: EL-60566
Operator: sarinal
Account: CREDIT CARD
Vehicle: CASH13
License:
Trailer:

Gross:	5660 lb
Tare:	5520 lb
Net:	140 lb

Material	Price
E3 - COMMERCIAL GARBAGE	\$3.63

Price	Per	Net Weight	Converted Units
51.8000	n	140 lb	0.07 tn

Tax: Sales Tax - SWTAX \$0.36
Fee: MTG - MSWSSC Ton \$0.72
SFT - State Fee Tons \$0.07
Load Total Amount: \$4.78

	Pay Type	Tendered	Change
Payment	Credit Card	4.78	\$ 0.00

ALL SALES ARE FINAL

Signature