



NOTICE OF SPCC INSPECTION WITH DEFICIENCIES
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Date of Inspection: 05/31/23	Lead Inspector (Print Name & Sign): Joseph Canzano, Oil Spill Prevention Compliance Coordinator	JOSEPH CANZANO	Digitally signed by JOSEPH CANZANO Date: 2023.06.07 11:14:48 -04'00'
Date of Notice: 06/07/23			

Facility Name: Catania-Spagna Corporation	Facility Address: 1 Nemco Way Ayer, MA 01432	Facility Type: Edible Oils Packaging/Bottling Facility
Facility Contact & Phone: Joseph Basile, President (800) 343-5522 ext. 310	Facility Email: jbasile@cataniaoils.com	Facility Fax: (978) 772-7970

The purpose of the inspection process is to determine compliance with Section 311 of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, and the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112 (the "Regulations"). The scope of the inspection and plan review process may include but is not limited to; reviewing and obtaining copies of documents and records; interviewing facility personnel; a physical inspection of the facility (including process areas); taking photographs or video; collecting samples; and other activities necessary to determine compliance with the Act and the Regulations.

Please review this Notice of SPCC Inspection with Deficiencies form ("Notice") carefully. Please be advised that this Notice, any attached document(s) and discussions during the closing conference may not set forth all deficiencies, and that an in-depth review of this Notice and any other relevant information may identify deficiencies not yet identified herein. Also note that the deficiencies noted are preliminary observations only, and this Notice is not a final determination of compliance or noncompliance.

Please also be advised that any noncompliance with the Act and/or the Regulations may constitute a violation under the Act for which penalties or other relief may be sought. Penalties may be assessed upon subsequent findings by a court of law or the Administrator of the United States Environmental Protection Agency ("EPA") that the facility has violated the Act and/or the Regulations. The EPA reserves the right to initiate an enforcement action under the Act and any other applicable law, and to seek penalties and other appropriate relief, for any violation of the Act, the Regulations, or other applicable laws. This Notice and other relevant information will be reviewed by appropriate EPA personnel to determine if any deficiencies identified in such review constitute violations of the Act and/or the Regulations, and whether an enforcement action is appropriate. It is EPA's intent to provide written correspondence describing any deficiencies identified during the subsequent inspection review process.

To the extent this Notice identifies deficiencies with the Act and/or Regulations, you are urged to correct such deficiencies as soon as possible, as responsibility for compliance with the Act and/or regulations rests with you. These deficiencies are potential violations observed by EPA staff. Correcting these deficiencies may help you with compliance with the Act and/or Regulations. EPA requests you submit all information, as soon as possible, showing your correction of the noted deficiencies to:

Joseph Canzano, Oil Spill Prevention Enforcement Officer
Canzano.joseph@epa.gov

If it is not feasible to correct the deficiencies within 30 days of the date of the inspection, immediately submit a detailed explanation and schedule indicating by when the noted deficiencies will be corrected. If you believe that your facility is not required to have an SPCC Plan, or is in compliance with the SPCC regulatory requirements, you may submit an explanation, supported by documentation, as to why the facility is not subject to the SPCC provision of the Oil Pollution Prevention regulations at 40 C.F.R Part 112 or meets its requirements within 30 days of the date of the Notice. Correction of a deficiency does not relieve the owner or operator from potential liability for any violations of applicable laws and regulations.

Confidential Business Information

You may be entitled to claim information submitted to EPA as part of this process as Confidential Business Information (CBI) pursuant to the regulations set forth in 40 C.F.R. Part 2. If EPA determines the information, you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2 Subpart B. Unless CBI is claimed, EPA may make the information available to the public without further notice to you.

Acknowledgement of Inspection

Signature of Facility Representative: _____ Date Signed: _____

Printed Name of Facility Representative: _____ Title: _____

**Attachment
to
Notice of SPCC Inspection with CWA Deficiencies
May 31, 2023**

At the closing conference, the inspector informed Facility representatives of the following deficiencies under the federal Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and 40 C.F.R. Part 122.

- Rule/Requirement: Under 40 C.F.R. §112.5(a), the owner or operator of a facility must amend the Spill Prevention, Control and Countermeasure (SPCC) Plan for the facility in accordance with the general requirements in § 112.7, and with any specific section of this part applicable to the facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in § 112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to, commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

Deficiency: Facility personnel informed the EPA inspector that the February 2018, Revision #4, SPCC Plan is under review and has not been fully amended within six months following certain changes. These changes include the reconstruction of plant drainage systems for north and south loading dock areas. Additional changes at north loading dock area also include, among other things, installation of an 11,000-gallon oil water separator unit for spill containment for parked oil filled 6,000-gallon tanker tractor trailers. Further changes at the south loading dock area also include elimination of a detention pond and construction of a new warehouse for oil storage containers.

- Rule/Requirement: Under 40 C.F.R. §112.7(a)(3), the owner or operator of a facility must describe in the SPCC Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must identify the location of and mark as “exempt” underground tanks that are otherwise exempted from the requirements of this part under § 112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes, including intra-facility gathering lines that are otherwise exempted from the requirements of this part under § 112.1(d)(11).

Deficiency: The EPA inspector confirmed with Facility personnel that the Facility’s diagram C-1.1 in the February 2018 SPCC Plan does not fully address the minimum elements required by the Rule. The diagram did not include, among other things, the oil loading rack area for oil-filled tanker trailers, exterior oil off-loading area for oil filled rail cars, oil storage area for oil filled process tanks and waste oil tanks, a storage area where oil filled mobile containers and/or tanker trailers are located/parked, and an oil tank for the facility’s emergency generator.

- Rule/Requirement: Under 40 CFR §112.8(c), the owner or operator of an onshore facility must provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in §112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment, and except as provided in §112.9(d)(3) for flowlines and intra-facility gathering lines at an oil production facility. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged.

Secondary containment may be either active or passive in design. At a minimum, you must use one of the following prevention systems or its equivalent. For onshore facilities (i) dikes, berms, or retaining walls sufficiently impervious to contain oil; (ii) curbing or drip pans; (iii) sumps and collection systems; (iv) culverting, gutters, or other drainage systems; (v) weirs, booms, or other barriers; (vi) spill diversion ponds; (vii) retention ponds; or (viii) sorbent materials.

Deficiency: The interior and exterior railcar offloading area/s do not fully provide a containment system, including walls and floors, capable of containing oil. The offloading area/s must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. On April 20, 2023, a certain amount of oil spilled to the ground from a failed railcar belly valve and eventually discharged into surface waters.

- Rule/Requirement: Section 311(b)(3) of the Clean Water Act prohibits discharges of oil into navigable waters of the United States in such quantities “as may be harmful” as defined in 40 C.F.R. §110.3(b), which includes discharges that cause a film or sheen upon or discoloration of the surface of water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of water or upon adjoining shorelines.

Deficiency: On April 20, 2023, 6,320-gallons of edible oil spilled to the ground from a failed railcar belly valve and a certain amount discharged into neighboring and adjoining surface waters.

- Rule/Requirement: Under 40 C.F.R. §122.26(b)(14)(i)-(xi), stormwater discharges associated with specific categories of industrial activity are to be covered under a National Pollutant Discharge Elimination System permit, unless otherwise excluded. Category Eleven (xi): Light manufacturing (e.g., food processing, printing, and publishing, electronic and other electrical equipment manufacturing, public warehousing, and storage).

Deficiency: Public information indicates that the Facility’s primary standard industrial code is 2079 (Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not Elsewhere Classified) which is an identified code within EPA’s 2021 Multi-Sector General Permit. The inspector confirmed with Facility personnel that the Facility has at least two stormwater outfalls from the Facility to surface waters, and that industrial activities and materials are potentially exposed to and/or come into contact with rainwater. The EPA has no record of the Facility applying for coverage under EPA’s 2021 Multi-Sector General Permit or filing for a conditional exclusion for “no exposure” of industrial activities and materials to stormwater.