

NPDES Inspection Report – Wastewater

National Database Information	
Inspection Date: July 13, 2022	Inspection Type: CEI - Wastewater Treatment Facility
Entry/Exit Time: 12:00 pm / 12:26 pm	NPDES ID Number: NDG589310
NAICS Code: 221320	Inspection ID: 202207 NDG589310
Lead inspector and affiliation: Stephanie Meyers / EPA Region 8	
Inspector and affiliation: Emilio Llamozas / EPA Region 8	

Facility Location Information (Name/Location/ Mailing Address)	
Site/Facility Name & Location: Little Eagle Community Lagoon (Also known as Running Antelope) S1 T8N R27E Fort Yates, North Dakota 58538	Mail Report to: Randez Bailey rbailey@standingrock.org Leon Spotted Bull leon.spottedbull@standingrock.org

Contact Information	
	Name(s)/Title
Facility Contacts: <i>(indicate primary lead and present during inspection)</i>	Randez Bailey / Rural Water System Director / Standing Rock Municipal, Rural, and Industrial (MR&I) Program / present during opening and closing conferences
	Leon Spotted Bull / Wastewater Supervisor / Standing Rock MR&I Program / primary lead during the inspection
	Wyatt Red Tomahawk / Wastewater Operator / Standing Rock MR&I Program / present during the inspection
	Jake Luger / Acting Environmental Director / Standing Rock Sioux Tribe Environmental Program / present during opening conference
	Tyler Timmons / Tribal Utility Consultant / Indian Health Service (IHS) / present during the inspection
Person/Company meeting definition of "Operator"	Standing Rock Sioux Tribe
Authorized Official(s) (Per NOI)	Randez Bailey / Rural Water System Director / Standing Rock MR&I Program

Permit Information		
Is the permit on site and available? Yes	Lagoon Category: No Discharge	Monitoring Frequency: N/A
Effective Date: February 8, 2016	Expiration Date: December 31, 2020 (Administratively Continued)	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? Yes	Indicate correct contact information: N/A	
Receiving Water(s): Grand River		
Discharge point location (longitude, latitude): There is one emergency outfall at the northern edge of cell 3. Lat. 45.682691° N, Long. -100.794354° W. Facility representatives indicated the construction of the discharge pipe was never completed; therefore, the facility cannot discharge (photo 125).		
Regulatory Inspector's source of information: Notice of Intent for the permit, permit, facility representatives and facility observations.		

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Self-Monitoring Program</u>	Pretreatment
<u>Records</u>	Compliance Schedule	Pollution Prevention
<u>Facility Site Review</u>	Laboratory	Stormwater
<u>Effluent/Receiving Waters</u>	<u>Operations and Maintenance</u>	Combined Sewer Overflow
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Stephanie Meyers	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	08/03/2022
	303-312-6938	
Reviewer Name	Address/Phone Number	Date
Emilio Llamozas	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	08/04/2022
	303-312-6407	
Supervisor Signature/Name	Address/Phone Number	Date
Boeglin, Michael Digitally signed by Boeglin, Michael Date: 2022.08.09 12:11:01 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	08/09/2022
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

The inspection was conducted at the Little Eagle Community Lagoon (facility) also known as Running Antelope located on the Standing Rock Sioux Reservation, in Little Eagle, South Dakota to evaluate compliance with its National Pollutant Discharge Elimination System (NPDES) permit. The EPA is responsible for implementing the NPDES program in Indian Country within the State of South Dakota. The inspection was announced approximately one month prior to the inspection, to coordinate logistics for the inspection. On July 13, 2022, U.S. Environmental Protection Agency (EPA) inspectors Emilio Llamozas and Stephanie Meyers met with Leon Spotted Bull and Wyatt Red Tomahawk with the MR&I Program in Little Eagle. The EPA inspectors had previously presented their credentials and had an opening conference to explain the purpose of the inspection on July 12, 2022 at the MR&I's main office for all the MR&I facilities that were inspected during this inspection trip. The inspectors proceeded to inspect the facility and asked questions to the facility representatives to help the inspectors evaluate compliance with the facility's permit. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

The Little Eagle Lagoon System serves the Little Eagle Community located on the Standing Rock Sioux Reservation. The facility serves approximately 480 people. The facility is permitted as a no discharge facility, under the Lagoon General Permit for the Standing Rock Reservation. Any discharge from the facility is expected to be under emergency circumstances. The lagoon system was originally constructed in 1970, and in 1997 the system was renovated, and two cells were added. The average design flow to the facility is 0.04 million gallons per day (MGD) and the peak design flow is 0.05 MGD. The average design organic treatment capacity is 150 lbs BOD₅ per day and the peak design organic treatment capacity is 188 lbs BOD₅ per day. The facility does not accept hauled septic waste.

The wastewater from the Little Eagle Community (northwest of the lagoon) is collected in the lift station and pumped to cell 1. Wastewater then flows from cell 1 to cell 2, and then from cell 2 to cell 3. During the inspection, wastewater was being sent to cell 1. Cells 1 and 2 were in service. Cell 3 was not being used at the time of the inspection because they were installing riprap on the berms of cell 3 (See the enclosed facility schematic and flow diagram).

The inspectors first inspected the Little Eagle Lift Station (photo 120). The trash basket inside of the wet well of the lift station was full at the time of the inspection (photo 119). The operators were keeping track of the lift station's pump hours. Below are the coordinates for the Little Eagle Lift Station.

Lift Station Name	Latitude	Longitude
Little Eagle Lift Station	45.681518° N	-100.798929° W

The inspectors then went to inspect the lagoon cells. The facility is a three-cell lagoon system, and the table below has the operating volume for the three cells.

Cell ID	Area (acres)	Operating Volume (MG)
Cell 1	3.2	5.2
Cell 2	2.9	4.7
Cell 3	2.9	4.7

Total	9.0	14.6
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The inspectors and facility representatives then drove around the lagoons to evaluate berm integrity and the facility's discharge status. During the inspection, wastewater was flowing into cell 1 for treatment (photo 121). The wastewater flows from cell 1 to cell 2 (photo 122) and then from cell 2 to cell 3 (photos 123 and 124). There is a discharge pipe inside of cell 3 (photo 125). Facility representatives indicated the construction of the discharge pipe was never completed; therefore, the facility cannot discharge. Facility representatives also informed inspectors that they have not had to discharge from the facility. Vegetation had reached a height greater than six inches around the berms and inside of each of the three cells (photos 121-124). At the time of the inspection, riprap was being installed at cell 3 (photos 123 and 124), and the facility has plans to install riprap at the remaining two cells.

At the end of the day on July 13, 2022, the inspectors returned to the MR&I office and held a closing conference with Ms. Bailey, Mr. Spotted Bull, and Mr. Red Tomahawk where they discussed preliminary findings. On July 22, 2022, the EPA sent an email to Ms. Bailey, Mr. Spotted Bull, and Mr. Red Tomahawk with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1: Weekly lagoon inspections were not being conducted.

Weekly lagoon inspections were not being conducted. The inspectors provided the facility representatives with a lagoon inspection report template form that the facility representatives could use to document the weekly lagoon inspections.

Permit requirement:

Part 4.3.1 of the Lagoon General Permit (Permit) states, “On at least a weekly basis, unless otherwise modified by written approval from the EPA, the permittee shall inspect its wastewater treatment facility. The permittee shall maintain a notebook recording all information obtained during the inspection. At a minimum, the notebook shall include the following:

- 4.3.1.1. Name of facility and permit number;
- 4.3.1.2. Date and time of the inspection;
- 4.3.1.3. Name of the inspector(s);
- 4.3.1.4. The facility's discharge status;
- 4.3.1.5. The flow rate of the discharge if occurring;
- 4.3.1.6. If a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in Parts 3.2 and 5.4 of this permit if not already done.);
- 4.3.1.7. Is there is any leakage through the dikes;
- 4.3.1.8. Are there are any animal burrows in the dike;
- 4.3.1.9. Is there any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
- 4.3.1.10. Are there are any rooted plants, including weeds growing in the water;
- 4.3.1.11. Does the vegetation growth on the dikes needs mowing (e.g. greater than 6” tall);
- 4.3.1.12. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
- 4.3.1.13. Identification of operational problems and/or maintenance problems;
- 4.3.1.14. Recommendations, as appropriate, to remedy identified problems;
- 4.3.1.15. A brief description of any actions taken with regard to problems identified; and,
- 4.3.1.16. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with required record-keeping items listed above and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe (see Part 5.10 of this permit).”

Part 5.7 of the Permit states, “The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, inspection records, notifications to the EPA per this permit, and DMRs, for a period of at least five years from the date of the sample, measurement, report, application or submittal. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 C.F.R. Part 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, a copy of this NPDES permit, and the notice of intent for permit coverage, must be maintained on site.”

Corrective Action:

Ensure that inspections are conducted on a weekly basis and documented in accordance with the permit. Ensure that inspection reports are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA, the Standing Rock Sioux Tribe Environmental Program (Tribe) and Indian Health Service (IHS) with a description of the corrective actions taken to address this finding.

Finding #2: There were cattails growing around and inside of all three cells.

There was heavy vegetation over six inches in height growing in and around cells 1, 2, and 3 that needed to be cut (photos 121-125). There were cattails in cells 2 and 3.

Permit requirement:

Part 6.5 of the Permit states, "The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

In addition to the operation and maintenance items in the manual for the lagoon system, the permittee shall do the following maintenance:

- 6.5.1. Take necessary action to promptly correct the problem of leakage through the dikes;
- 6.5.2. Take necessary action to promptly remove burrowing animals from the dikes;
- 6.5.3. Promptly repair damage to dikes caused by burrowing animals and/or erosion;
- 6.5.4. Remove rooted plants, including weeds, from the water on a regular basis or as needed; and
- 6.5.5. Keep the dikes mowed on a regular basis during the growing season or as needed (e.g., keep growth below 6" in height)."

Corrective Action:

Remove the overgrown vegetation and cattails inside and around cells 1, 2, and 3. Submit to the EPA, the Tribe, and IHS photos of the cells after the vegetation has been removed.

Finding 3: The lift station's trash basket was full at the time of the inspection.

The trash basket inside of the lift station wet well was full and needed to be cleaned out (photo 119).

Permit requirement:

Part 6.5 of the Permit states, "The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Corrective Action:

Clean and remove trash and debris from the trash basket inside the wet well at the Little Eagle lift station. Properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) including the lift station, which are installed or used by the permittee to achieve compliance with the conditions of the permit. Provide the EPA, the Tribe, and IHS with photos and a description of the corrective actions taken to address this finding.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

BASIC INFORMATION

Facility Name: Little Knife Disposal, LLC

Facility Location: 47.730891, -102.727594

RCRA ID: NDR000014092

Facility Contact: Shaun Kluver,
littleknifedisposal@gmail.com

Notification Status: Non-notifier

Date of Inspection: September 17, 2024

Arrival Time: 9:15 a.m.

Departure Time: 12:35 p.m.

Lead Inspector: Annette Maxwell, U.S. EPA

Other Attendees:

1. Shaun Kluver, Little Knife Disposal, LLC
2. Chris Askey, Little Knife Disposal, LLC
3. Blake Shaw, Landmark
4. Tara Hubner, U.S. EPA
5. Jesse Newland, U.S. EPA
6. Jason Mills, U.S. EPA
7. Rob Beierle, U.S. EPA
8. Bill Schroeder, U.S. EPA
9. Preston Johnson, Three Affiliated Tribes, Environmental Division (TAT-ED)
10. Terrence Morgan, TAT-ED
11. Nick Bruno, ERG (EPA Contractor)
12. Cameron Tanaka, ERG
13. Andrew Swinger, ERG

Type and Purpose of Inspection: Compliance Evaluation Inspection

Facility Type: Oilfield Waste Disposal Facility

Applicable Statute to Inspection: RCRA Section 7003

Inspection Type: Announced Inspection

Disclaimer

This report is a summary of observations and information gathered from the facility at the time of the inspection. The information provided does not constitute a final decision on compliance with RCRA regulations, nor is it meant to be a comprehensive summary of all activities and processes conducted at the facility.

Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

FACILITY INFORMATION

Company Operator: Little Knife Disposal, LLC

General Facility and Process Description: The Little Knife Disposal, LLC (Little Knife) facility is a commercial oilfield waste treating facility that receives non-hazardous, RCRA Subtitle C-exempt E&P oilfield waste delivered by truck for storage and treatment. Onsite disposal does not occur at this facility. Equipment includes, but is not limited to, tanks, centrifuge equipment, and solids storage bays.

REPORT SCOPE

The scope of this report is limited to observations and/or concerns regarding potential for impact to the environment as may be related to RCRA Section 7003, including potential for harm to wildlife. Sampling activities conducted under RCRA Section 3007 that occurred during the inspection were beyond the scope of this report. For that sampling activity, sample results will be provided to the facility by the EPA when they become available.

TOUR INFORMATION

An opening conference in which I presented my inspector credentials was held with Mr. Kluver upon arrival at the site. He provided an overview of facility operations, and we proceeded on a site walk-through.

Areas of the facility toured:

- Tank battery area
- Centrifuge area
- Solids storage area
- Boneyard

A site map is included in Attachment 1 – Site Map. Photos collected as part of this inspection are included in Attachment 2 – Photo Log.

Background:

The following information was obtained verbally from Mr. Kluver:

Waste materials primarily received at this site are drilling fluids. They also accept hydrovac trucks. Following treatment, water is sent to Goodnight Midstream 2230 for injection well disposal. Waste solids are shipped from Little Knife to landfills in North Dakota or Montana based on Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) levels. The facility's acceptance screening level is two times background. To process solids, they use a

Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

centrifuge and heat (steam). Chimney Butte is frequently the landfill they use unless TENORM is high, in which case they send it to Montana.

For absorbent material to pass paint filter test required by landfills, they use portland cement that didn't meet concrete grade specs.

While drilling fluids are the primary material accepted here, they also accept some frac work, but all is E&P exempt. They don't accept many cuttings, which are usually routed straight to a landfill already dry.

The overall process for incoming fluids is that they are heated by injecting steam between 120 to 160 degrees to remove oxygen and prevent emulsifying. The shaker removes solids first, and solids are transferred to shell bins for storage. There are seven high wall and two low wall shell bins. These materials are mixed with cement to absorb liquids.

In the tank farm, only one tank is used for oil, and the rest are for storing incoming material. Three of the tanks are heated.

Before water can be accepted for disposal at a saltwater injection well it has to be less than 2% solids. They use filter socks, which are picked up for disposal by Oilfield Waste Logistics (OWL). The site has a second centrifuge inside the building that they use when it gets very cold outside, but was not operating at the time of the inspection.

Observations:

During the site tour, I did not observe spills or pooled oil/oily water on the ground, in open-top tanks, or in secondary containment. I did not observe any bird or other wildlife mortalities at the facility.

CLOSING CONFERENCE

A closing conference was conducted with Mr. Kluver before the end of the inspection. During the closing conference, I did not identify concerns related to RCRA Section 7003.

ADDITIONAL INFORMATION

Follow-up regarding management of TENORM received and generated at the facility is needed to clarify how solids with varying radiation levels are kept separate to ensure appropriate disposal.

Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

SIGNATURE

ANNETTE MAXWELL Digitally signed by ANNETTE
MAXWELL
Date: 2025.01.28 10:41:05 -07'00'
Inspector: _____
Annette Maxwell, RCRA Inspector

KRISTIN MCNEILL Digitally signed by KRISTIN
MCNEILL
Date: 2025.01.29 08:45:07 -07'00'
Supervisor: _____
Kristin McNeil, Supervisor
RCRA Enforcement Section
Enforcement and Compliance Assurance Division

ATTACHMENTS

Attachment 1 – Site Map
Attachment 2 – Photo Log

Attachment 1 – Site Map

Little Knife Disposal

Valved stormwater pond

Centrifuge

Shaker bins

Tank battery area

Shell bins (oilfield waste solids storage)

Boneyard

Stormwater Pond

Employee housing

Non-commercial, small-scale sand mine (part of Little Knife Disposal)

Unaffiliated separate business entity

Site entrance

Freshwater storage

Truck scale

Boneyard



Google Earth

Attachment 2 – Photo Log

Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

ATTACHMENT 2 – PHOTO LOG

Photographer: Annette Maxwell
Camera Model and ID: iPad SS8392

Photo 1: IMG_0239.jpg, 9/17/2024, 9:56 a.m. – photo of shaker bins located near the northwest corner of the facility next to the centrifuge.



Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

Photo 2: IMG_0240.jpg, 9/17/2024, 9:56 a.m. – photo panned right from photo 1.



Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

Photo 3: IMG_0241.jpg, 9/17/2024, 9:56 a.m. – photo panned right from photo 2.



Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

Photo 4: IMG_0242.jpg, 9/17/2024, 9:56 a.m. – photo panned right from photo 3.



Facility Name: Little Knife Disposal

Facility Location: 47.730891, -102.727594

Date of Inspection: September 17, 2024

Photo 5: IMG_0243.jpg, 9/17/2024, 9:57 a.m. – photo of the centrifuge, with the shaker bins shown in photo 1 visible at right.



Facility Name: Little Knife Disposal

Facility Location: 47.730891, -102.727594

Date of Inspection: September 17, 2024

Photo 6: IMG_0244.jpg, 9/17/2024, 9:57 a.m. – photo of the same area shown in photo 5.



Facility Name: Little Knife Disposal

Facility Location: 47.730891, -102.727594

Date of Inspection: September 17, 2024

Photo 7: IMG_0245.jpg, 9/17/2024, 11:21 a.m. – photo of the front of the facility taken from the southeast facing northwest.



Facility Name: Little Knife Disposal
Facility Location: 47.730891, -102.727594
Date of Inspection: September 17, 2024

Photo 8: IMG_0246.jpg, 9/17/2024, 11:39 a.m. – photo of the tank storage battery, taken facing south/southwest. A filter sock collection bin is visible in photo toward the right outside of the tank area secondary containment.





REGION 8

DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

Attached please find the United States Environmental Protection Agency's (EPA's) inspection report of your inspected facility and/or any related fuel delivery inspections identified therein. EPA is providing this report as a matter of agency policy and will contact you again only if needed.

Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0912_01
Inspection Date(s):	September 12, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	EG America, LLC / Mini Mart, Inc. d/b/a "Loaf N Jug" ("Loaf N Jug")
Facility Name:	Loaf N Jug #078
Facility Physical Location: (street address, building/unit #)	2120 Oakshire Ln
(city, state, zip code):	Pueblo, CO 81001

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL
Field Inspector Name	Title	Digitally signed by KATELYN BERGL Date: 2024.11.19 17:41:43 -07'00'
		Signature
Scott Patefield	Branch Manager	SCOTT PATEFIELD
Name of Approving Official	Title	Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 16:18:22 -07'00'
		Signature

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	Loaf N Jug #078	Parent Company Name:	Loaf N Jug
AIRS-ID:	101-0227-001	CAA Permit (if any):	Permit Exempt Number 96PB1047S.XP
Primary Facility Representative & Title:	Theodore Bezel, Tanknology Compliance Manager Martin Hilfinger, EG America, LLC. Vice President Environmental Affairs	On-site Facility Representative & Title:	Alison Mustard Store Manager
Facility Contact Phone/Email:	tbezel@tanknology.com Martin.Hilfinger@eg-america.com	On-site Contact Phone/Email:	N/A
Facility Address:	2120 Oakshire Ln, Pueblo, CO 81001		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	Groendyke Transport	Trucking Company Name (if different):	Suncor Energy
Truck Identifier:	8527	Trailer Identifier:	14-0576
Fuel Supply Company Representative & Title:	Chris Pape Vice President of Safety	Driver Name:	Aviv Ifrah
Fuel Supply Company Contact Phone/Email:	Cpape@groendyke.com		
Fuel Supply Company Address:	1833 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information				
Inspection Number/ID:	R8_CAA_2024_0912_01	Inspection Date	9/12/2024	
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	9:45 AM	11:20 AM
Time Inspector Presented Credentials:	9:50 AM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
	Alison Mustard		☒ SBREFA Form Provided	
			☐ Other materials or compliance assistance provided (describe):	
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3542 - 3546; IMG_0128 - 0148	
Weather & Other General Site Observations:	Sunny, 80 deg F, winds 12 mph SW			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	The following are areas of concern identified during the inspection or records review: For gasoline dispensing facilities with gasoline throughput greater than 100,000 gallons per month, Item 1(g) of Table 1 of NESHAP 6C applies: <i>1(g) Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.</i> To demonstrate compliance with Item 1(g) of Table 1 of NESHAP 6C, 40 CFR § 63.11120(a) requires that a performance test using Test Procedure TP-201.1E is conducted initially and every three years thereafter. The facility most recently conducted a TP-201.1E performance test on April 26, 2022. The test report indicates that the tested components initially failed the test, stating that the tester “replaced existing OPW 623V vent caps, was having difficulties getting S1PD to pass, so vent caps were replaced/retested.” The component was replaced and retested the same day as the initial test and subsequently passed the performance test. The initial failing results indicate that the facility may not have been continuously			

complying with Item 1(g) of Table 1 of NESHAP 6C.

2. Components of the tank and associated vapor balance system were not vapor tight during the fuel delivery event, as required by Item 1(b) of Table 1 of NESHAP 6C. The following emissions were observed during the fuel delivery portion of EPA's inspection:
 - a. There are 2 separate regular unleaded (RUL) tanks with separate fill and vapor recovery equipment at this facility. Vapors were observed from both RUL fuel fill spill buckets prior to the caps being removed for fueling. The spill bucket for RUL #1 (RUL E) had some liquid in the bucket. The spill bucket for RUL #2 (RUL W) was completely dry.
 - b. Vapors were observed from the RUL #2 fill spill bucket during fueling.
 - c. Vapors were observed from the RUL #1 coaxial fill & vapor spill bucket during RUL fueling. The RUL #1 tank equipment is a coaxial design, where the fill and vapor recovery pipes are co-located.
 - d. A small vapor leak was observed coming from the loading head of compartment 3 on the truck. A small amount of liquid fuel was also leaking into the spill bucket during fueling.

Gasoline Throughput and Testing Records					
Applicable Throughput Category:					
☐ Calculated based on volume of gasoline loaded into all storage tanks			☒ Calculated based on volume of gasoline dispensed from all storage tanks		
☐ <10,000 gallons per month		☐ ≥ 10,000 gallons per month and < 100,000 gallons per month		☒ ≥ 100,000 gallons per month	
Date Applicable Throughput Category Was Exceeded:		Based on records provided since 2019, the facility exceeded the 100,000 gallons per month throughput threshold on or before October 2019.			
Records: All Facilities regardless of throughput		Notes			
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)		Throughput records for this facility from October 2019 – September 2024 were provided via email by Theodore Bezel on September 11, 2024.			
☒ Last 12-month rolling throughput calculation available		Provided along with 5-year throughput records			
Records: Facilities ≥ 100,000 gallons per month		Notes			
☒ 3 -year Leak Rate and Cracking Pressure Test (CARB Test Procedure TP-201.1E, - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, or equivalent)		Date of Last Test:	4/26/2022	Results of Last Test:	☒ Pass ☒ Fail
		Report Provided:			
☒ Static Pressure Test (CARB Test Procedure TP-201.3, - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, or equivalent)		Date of Last Test:	4/26/2022	Results of Last Test:	☒ Pass ☒ Fail
		Report Provided:			
		The report indicates that the components initially failed the performance test. The components were replaced and retested the same day as the initial test and subsequently passed the performance test. This performance test was conducted within the past three years.			
		Report indicates passing performance test. Performance test conducted within the past three years.			

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)				
Fuel Type:		1) RUL 2) Diesel	Amount of Fuel Delivered:	1) 6,000 gallons 2) 2,000 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA				
Date of Last Test:	11/06/2023	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central loc. ☐ Not Available ☐ Other:	
Results of Test:	Pass			

Fuel Delivery Event Observation:

A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.

Components of the refueling activity which were observed:		Description/Observations (including any OGI or AVO observations)
☒	Conditions of Equipment prior to refueling event	There are 2 separate RUL tanks with separate fill and vapor recovery equipment at this facility. Vapors were observed from both RUL fuel fill spill buckets prior to the caps being removed for fueling. The spill bucket for RUL #1 (RUL E) had some liquid in the bucket. The spill bucket for RUL #2 (RUL W) was completely dry.
☒	Connection of fuel and vapor lines prior to fuel transfer	
☒	Maintenance of fuel and vapor line connections during fueling event	Vapors were observed from diesel vapor vent while diesel fuel being loaded. Diesel tank vapors are not required to be controlled under NESHAP 6C. Vapors were observed from the RUL #2 fill spill bucket during fueling. Vapors were observed from the RUL #1 coaxial fill & vapor spill bucket during RUL fueling. The RUL #1 tank equipment is a coaxial design, where the fill and vapor recovery pipes are co-located. A small vapor leak was observed coming from the loading head of compartment 3 on the truck. A small amount of liquid fuel was also leaking into the spill bucket during fueling. A small vapor plume was observed from both the loading head and from the bucket. See IMG_0147 - 0148 for condition of the hose gasket. The rubber o-ring felt soft and looked in new condition, but the driver replaced the part anyway due to the observations and said he would keep an eye on the hose and loading head.
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Documents Requested			
Document(s)	Status		Notes/Comments
5-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)	
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)	
Most recent NESHAP 6C Performance Tests	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)	

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3542.mp4	Vapors were observed from diesel vapor vent while diesel fuel being loaded. Diesel tank vapors are not required to be controlled under NESHAP 6C.	K. Bergl
MOV_3543.mp4	There are 2 separate RUL tanks with separate fill and vapor recovery equipment at this facility. Vapors were observed from both RUL fuel fill spill buckets prior to the caps being removed for fueling. The spill bucket for RUL #1 (RUL E) had some liquid in the bucket. The spill bucket for RUL #2 (RUL W) was completely dry.	K. Bergl
MOV_3544.mp4	Vapors were observed from the RUL #2 fill spill bucket during fueling.	K. Bergl
MOV_3545.mp4	Vapors were observed from the RUL #1 coaxial fill & vapor spill bucket during RUL fueling. The RUL #1 tank equipment is a coaxial design, where the fill and vapor recovery pipes are co-located.	K. Bergl
MOV_3546.mp4	A small vapor leak was observed coming from the loading head of compartment 3 on the truck. A small amount of liquid fuel was also leaking into the spill bucket during fueling. A small vapor plume was observed from both the loading head and from the bucket. See IMG_0147 - 0148 for condition of the hose gasket. The rubber o-ring felt soft and looked in new condition, but the driver replaced the part anyway due to the observations and said he would keep an eye on the hose and loading head.	K. Bergl
IMG_0128.JPG	Vapor vent stacks for the RUL #1, RUL #2, and premium storage tanks located on top of the canopy structure. According to the facility, the vapor lines for RUL #2 and the premium storage tanks are manifolded together and tied in to one single pressure/vacuum vent.	K. Bergl
IMG_0129.JPG	Vapor vent stacks for the RUL #1, RUL #2, and premium storage tanks located on top of the canopy structure.	K. Bergl
IMG_0130.JPG	Single vapor vent stack for the diesel storage tank.	K. Bergl
IMG_0131.JPG	General refueling area prior to fuel delivery.	K. Bergl
IMG_0132.JPG	General refueling area prior to fuel delivery.	K. Bergl
IMG_0133.JPG	Diesel fuel tank fill and vapor recovery equipment capped and covered prior to fueling.	K. Bergl
IMG_0134.JPG	Premium fuel tank fill and vapor recovery equipment capped and covered prior to fueling.	K. Bergl
IMG_0135.JPG	RUL #2 fuel tank fill and vapor recovery equipment capped and covered prior to fueling.	K. Bergl
IMG_0136.JPG	RUL #1 fuel tank fill and vapor recovery equipment capped and covered prior to fueling.	K. Bergl
IMG_0137.JPG	Automatic tank gauging (ATG) systems and fuel pump equipment, capped and covered, prior to fueling. This	K. Bergl

	equipment appears to have recently undergone construction.	
IMG_0138.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0139.JPG	Fuel truck: Truck identifier	K. Bergl
IMG_0140.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0141.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0142.JPG	RUL #2 fill spill bucket and pipe capped prior to fueling. Vapors were visible from this equipment prior to fueling.	K. Bergl
IMG_0143.JPG	RUL #1 fill spill bucket and fill/vapor recovery pipe capped prior to fueling. Vapors were visible from this equipment prior to fueling. There was some liquid observed in the spill bucket.	K. Bergl
IMG_0144.JPG	RUL #2 fill spill bucket and pipe uncapped prior to fueling. Vapors were visible from this equipment prior to fueling.	K. Bergl
IMG_0145.JPG	RUL #1 fill spill bucket and fill/vapor recovery pipe uncapped prior to fueling. Vapors were visible from this equipment prior to fueling. There was some liquid observed in the spill bucket.	K. Bergl
IMG_0146.JPG	Picture to demonstrate the coaxial fill and vapor recovery hose needed for RUL #1. In this image, the vapor recovery hose had been connected, while the fuel hose had not.	K. Bergl
IMG_0147.JPG	Condition of the fuel hose gasket for the hose that was observed to be leaking during fuel delivery.	K. Bergl
IMG_0148.MOV	Condition of the fuel hose gasket for the hose that was observed to be leaking during fuel delivery.	K. Bergl



REGION 8

DENVER, CO 80202

INSPECTION REPORT

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Inspection Information	
Inspection Number:	R8_CAA_2024_0911_01
Inspection Date(s):	September 11, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	EG America, LLC / Mini Mart, Inc. d/b/a "Loaf N Jug" ("Loaf N Jug")
Facility Name:	Loaf N Jug #084
Facility Physical Location: (street address, building/unit #)	1104 Pueblo Blvd Way
(city, state, zip code):	Pueblo, CO 81005

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL
Field Inspector Name	Title	Digitally signed by KATELYN BERGL Date: 2024.11.19 17:36:08 -07'00'
Scott Patefield	Branch Manager	SCOTT PATEFIELD
		Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 16:03:57 -07'00'

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	Loaf N Jug #084	Parent Company Name:	Loaf N Jug
AIRS-ID:	101-1145 -001	CAA Permit (if any):	Permit Exempt Number 08PB0753S.XP
Primary Facility Representative & Title:	Theodore Bezel, Tanknology Compliance Manager Martin Hilfinger, EG America, LLC. Vice President Environmental Affairs	On-site Facility Representative & Title:	Benjamin Olivarez, Assistant Manager
Facility Contact Phone/Email:	tbezel@tanknology.com Martin.Hilfinger@eg-america.com	On-site Contact Phone/Email:	N/A
Facility Address:	1104 Pueblo Blvd Way, Pueblo, CO 81005		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	Groendyke Transport	Trucking Company Name (if different):	Suncor Energy
Truck Identifier:	8501	Trailer Identifier:	14-1338
Fuel Supply Company Representative & Title:	Chris Pape Vice President of Safety	Driver Name:	Thomas Sharp
Fuel Supply Company Contact Phone/Email:	Cpape@groendyke.com		
Fuel Supply Company Address:	1833 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information				
Inspection Number/ID:	R8_CAA_2024_0911_01	Inspection Date	9/11/2024	
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	12:40 PM	1:28 PM
Time Inspector Presented Credentials:	12:42 PM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
	Benjamin Olivarez		☒ SBREFA Form Provided	
			☐ Other materials or compliance assistance provided (describe):	
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3533 - 3534; IMG_0072 - 0086	
Weather & Other General Site Observations:	Mostly sunny, 90 deg F, winds 8 mph SE			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	The following are areas of concern identified during the inspection or records review: For gasoline dispensing facilities with gasoline throughput greater than 100,000 gallons per month, Item 1(g) of Table 1 of NESHAP 6C applies: <i>1(g) Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.</i> To demonstrate compliance with Item 1(g) of Table 1 of NESHAP 6C, 40 CFR § 63.11120(a) requires that a performance test using Test Procedure TP-201.1E is conducted initially and every three years thereafter. The facility most recently conducted a TP-201.1E performance test on June 25, 2024. The test report indicates that the tested component initially failed the negative leak rate and cracking pressure test. The component was replaced and retested the same day as the initial test and subsequently passed the performance test. The initial failing results			

	indicate that the facility may not have been continuously complying with Item 1(g) of Table 1 of NESHAP 6C.
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Gasoline Throughput and Testing Records								
Applicable Throughput Category:								
☐ Calculated based on volume of gasoline loaded into all storage tanks			☒ Calculated based on volume of gasoline dispensed from all storage tanks					
☐ <10,000 gallons per month		☐ ≥ 10,000 gallons per month and < 100,000 gallons per month		☒ ≥ 100,000 gallons per month				
Date Applicable Throughput Category Was Exceeded:			Based on records provided since 2019, the facility exceeded the 100,000 gallons per month throughput threshold on or before October 2019.					
Records: All Facilities regardless of throughput			Notes					
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)			Throughput records for this facility from October 2019 – September 2024 were provided via email by Theodore Bezel on September 11, 2024.					
☒ Last 12-month rolling throughput calculation available			Provided along with 5-year throughput records					
Records: Facilities ≥ 100,000 gallons per month			Notes					
☒ 3-year Leak Rate and Cracking Pressure Test (CARB Test Procedure TP-201.1E, - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, or equivalent)			Date of Last Test:	6/25/2024	Results of Last Test:	<u>Pass</u> Fail	Report Provided:	<u>Yes</u> No
			The report indicates that the component initially failed the negative leak rate and cracking pressure test. The component was replaced and retested the same day as the initial test and subsequently passed the performance test. This performance test was conducted within the past three years.					
☒ Static Pressure Test (CARB Test Procedure TP-201.3, - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, or equivalent)			Date of Last Test:	5/22/2024	Results of Last Test:	<u>Pass</u> Fail	Report Provided:	<u>Yes</u> No
			Report indicates passing performance test. This performance test was conducted within the past three years.					

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Premium	Amount of Fuel Delivered:	1) 3,000 gallons 2) 1,000 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	04/01/2024	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central loc.

			☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation: A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.		
Components of the refueling activity which were observed:		Description/Observations (including any OGI or AVO observations)
☒	Conditions of Equipment prior to refueling event	Vapors visible from regular unleaded (RUL) fueling spill bucket prior to cap removal or fueling. Liquid was visible in the spill bucket prior to fueling and could have been the source of vapors.
☒	Connection of fuel and vapor lines prior to fuel transfer	
☒	Maintenance of fuel and vapor line connections during fueling event	A small amount of vapors was observed from RUL fueling spill bucket during RUL fueling. These vapors could have come from leftover liquid/gasoline in the spill bucket present prior to fueling.
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Documents Requested		
Document(s)	Status	Notes/Comments
5-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	
Most recent NESHAP 6C Performance Tests	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3533.mp4	Vapors visible from RUL fueling spill bucket prior to cap removal or fueling. Liquid was visible in the spill bucket prior to fueling and could have been the source of vapors.	K. Bergl
MOV_3534.mp4	Small amount of vapors observed from RUL fueling spill bucket during RUL fueling. Possibly from leftover liquid/gasoline in the spill bucket present prior to fueling.	K. Bergl
IMG_0072.JPG	Vapor vent stacks for the RUL, premium, and diesel storage tanks located on top of the canopy structure, as well as the general refueling area.	K. Bergl
IMG_0074.JPG	Regular unleaded (RUL) and premium fuel tank fill and vapor recovery equipment.	K. Bergl
IMG_0075.JPG	Regular unleaded (RUL), premium, and diesel fuel tank fill and vapor recovery equipment.	K. Bergl
IMG_0076.JPG	Regular unleaded (RUL) fuel tank fill and vapor recovery equipment.	K. Bergl
IMG_0077.JPG	Premium tank fill and vapor recovery equipment.	K. Bergl
IMG_0078.JPG	Diesel tank fill and vapor recovery equipment.	K. Bergl
IMG_0079.JPG	General refueling area prior to fuel delivery.	K. Bergl
IMG_0080.JPG	General refueling area prior to fuel delivery.	K. Bergl
IMG_0081.JPG	Fuel truck fuel delivery header system.	K. Bergl
IMG_0082.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0083.JPG	Fuel truck: Truck identifier	K. Bergl
IMG_0084.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0085.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0086.JPG	EPA Method 27 Certificate for truck.	K. Bergl



REGION 8

DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

Attached please find the United States Environmental Protection Agency's (EPA's) inspection report of your inspected facility and/or any related fuel delivery inspections identified therein. EPA is providing this report as a matter of agency policy and will contact you again only if needed.

Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0911_04
Inspection Date(s):	September 11, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	EG America, LLC / Mini Mart, Inc. d/b/a "Loaf N Jug" ("Loaf N Jug")
Facility Name:	Loaf N Jug #085
Facility Physical Location: (street address, building/unit #)	136 South Purcell Blvd
(city, state, zip code):	Pueblo West, CO 81007

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL
Field Inspector Name	Title	Digitally signed by KATELYN BERGL Date: 2024.11.19 17:39:50 -07'00'
Scott Patefield	Branch Manager	SCOTT PATEFIELD
Name of Approving Official	Title	Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 16:16:36 -07'00'
		Signature

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	Loaf N Jug #085	Parent Company Name:	Loaf N Jug
AIRS-ID:	101-1146 -001	CAA Permit (if any):	Permit Exempt Number 08PB0754S.XP
Primary Facility Representative & Title:	Theodore Bezel, Tanknology Compliance Manager Martin Hilfinger, EG America, LLC. Vice President Environmental Affairs	On-site Facility Representative & Title:	Sue Bilger, Manager
Facility Contact Phone/Email:	tbezel@tanknology.com Martin.Hilfinger@eg-america.com	On-site Contact Phone/Email:	N/A
Facility Address:	136 South Purcell Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	Groendyke Transport	Trucking Company Name (if different):	Suncor Energy
Truck Identifier:	8527	Trailer Identifier:	14-0576
Fuel Supply Company Representative & Title:	Chris Pape Vice President of Safety	Driver Name:	Ray Evans
Fuel Supply Company Contact Phone/Email:	Cpape@groendyke.com		
Fuel Supply Company Address:	1833 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information				
Inspection Number/ID:	R8_CAA_2024_0911_04	Inspection Date	9/11/2024	
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	5:25 PM	6:23 PM
Time Inspector Presented Credentials:	5:30 PM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
	Sue Bilger		☒ SBREFA Form Provided	
			☐ Other materials or compliance assistance provided (describe):	
Photographer Name:	Katelyn Bergl	Photograph Range:	IMG_0115 - 0127	
Weather & Other General Site Observations:	Mostly Clear, 75 deg F, winds 11 mph NE			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	None			

Gasoline Throughput and Testing Records		
Applicable Throughput Category:		
☐ Calculated based on volume of gasoline loaded into all storage tanks	☒ Calculated based on volume of gasoline dispensed from all storage tanks	
☐ <10,000 gallons per month	☐ ≥ 10,000 gallons per month and < 100,000 gallons per month	☒ ≥ 100,000 gallons per month
Date Applicable Throughput Category Was Exceeded:		Based on records provided since 2019, the facility exceeded the 100,000 gallons per month throughput threshold on or before October 2019.
Records: All Facilities regardless of throughput	Notes	
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)	Throughput records for this facility from October 2019 – September 2024 were provided via email by Theodore Bezel on September 11, 2024.	
☒ Last 12-month rolling throughput calculation	Provided along with 5-year throughput records	

Records: Facilities $\geq$ 100,000 gallons per month	Notes					
☒ 3 -year Leak Rate and Cracking Pressure Test (CARB Test Procedure TP-201.1E, - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, or equivalent)	Date of Last Test:	5/22/2024	Results of Last Test:	<u>Pass</u> / Fail	Report Provided:	<u>Yes</u> / No
	Report indicates passing performance test. Performance test conducted within the past three years.					
☒ Static Pressure Test (CARB Test Procedure TP-201.3, - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, or equivalent)	Date of Last Test:	5/22/2024	Results of Last Test:	<u>Pass</u> / Fail	Report Provided:	<u>Yes</u> / No
	Report indicates passing performance test. Performance test conducted within the past three years.					

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Diesel	Amount of Fuel Delivered:	1) 6,000 gallons 2) 1,000 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	11/06/2023	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central location ☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation:		
A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.		
Components of the refueling activity which were observed:		Description/Observations (including any OGI or AVO observations)
☒	Conditions of Equipment prior to refueling event	
☒	Connection of fuel and vapor lines prior to fuel transfer	
☒	Maintenance of fuel and vapor line connections during fueling event	
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Documents Requested		
Document(s)	Status	Notes/Comments
5-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)
Most recent NESHAP 6C Performance Tests	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
IMG_0115.JPG	Condition of the general fueling area prior to fuel delivery.	K. Bergl
IMG_0116.JPG	Tank vent stacks. Two appear to be pressure/vacuum (P/V) vent types, while the third appears to be an open vent. The open vent is likely connected to the diesel tank, which does not require vapor control.	K. Bergl
IMG_0117.JPG	Diesel fuel pump manhole cover.	K. Bergl
IMG_0118.JPG	Diesel fuel tank fill area covered with a manhole cover. The diesel tank is not equipped with a vapor recovery system.	K. Bergl
IMG_0119.JPG	Diesel fuel automatic tank gauging (ATG) system manhole cover.	K. Bergl
IMG_0120.JPG	Premium fuel tank fill and vapor recovery equipment.	K. Bergl
IMG_0121.JPG	Premium fuel pump manhole cover.	K. Bergl
IMG_0122.JPG	Premium fuel ATG system manhole cover.	K. Bergl
IMG_0123.JPG	Regular unleaded (RUL) fuel tank fill and vapor recovery equipment.	K. Bergl
IMG_0124.JPG	RUL fuel pump manhole cover.	K. Bergl
IMG_0125.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0126.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0127.JPG	Fuel truck: Truck identifier	K. Bergl



REGION 8

DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

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Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0911_02
Inspection Date(s):	September 11, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	EG America, LLC / Mini Mart, Inc. d/b/a "Loaf N Jug" ("Loaf N Jug")
Facility Name:	Loaf N Jug #087
Facility Physical Location: (street address, building/unit #)	4125 W Northern Ave
(city, state, zip code):	Pueblo, CO 81005

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL
Field Inspector Name	Title	Signature
Scott Patefield	Branch Manager	SCOTT PATEFIELD

Digitally signed by KATELYN BERGL
Date: 2024.11.19 17:37:16 -07'00'

Digitally signed by SCOTT PATEFIELD
Date: 2024.11.19 16:09:42 -07'00'

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	Loaf N Jug #087	Parent Company Name:	Loaf N Jug
AIRS-ID:	101-1148-001	CAA Permit (if any):	Permit Exempt Number 08PB0756S.XP
Primary Facility Representative & Title:	Theodore Bezel, Tanknology Compliance Manager Martin Hilfinger, EG America, LLC. Vice President Environmental Affairs	On-site Facility Representative & Title:	Talia Mauro Employee
Facility Contact Phone/Email:	tbezel@tanknology.com Martin.Hilfinger@eg-america.com	On-site Contact Phone/Email:	N/A
Facility Address:	4125 W Northern Ave, Pueblo, CO 81005		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	Groendyke Transport	Trucking Company Name (if different):	Suncor Energy
Truck Identifier:	8501	Trailer Identifier:	14-1338
Fuel Supply Company Representative & Title:	Chris Pape Vice President of Safety	Driver Name:	Thomas Sharp
Fuel Supply Company Contact Phone/Email:	Cpape@groendyke.com		
Fuel Supply Company Address:	1833 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information			
Inspection Number/ID:	R8_CAA_2024_0911_02	Inspection Date	9/11/2024

Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	1:34 PM	2:05 PM
Time Inspector Presented Credentials:	1:34 PM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
Talia Mauro	☒ SBREFA Form Provided			
			☐ Other materials or compliance assistance provided (describe):	
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3535 - 3537; IMG_0081 - 0086; IMG_0088 - 0098	
Weather & Other General Site Observations:	Mostly Clear, 90 deg F, winds 8 mph SE			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	The following are areas of concern identified during the inspection or records review: 1. For gasoline dispensing facilities with gasoline throughput greater than 100,000 gallons per month, Items 1(g) and 1(h) of Table 1 of NESHAP 6C applies: <i>1(g) Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.</i> <i>1(h) The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation:</i> $P_f = 2e^{-500.887/v}$ <i>Where:</i> <i>P_f = Minimum allowable final pressure, inches of water.</i> <i>v = Total ullage affected by the test, gallons.</i> <i>e = Dimensionless constant equal to approximately 2.718.</i> <i>2 = The initial pressure, inches water.</i>			

To demonstrate compliance with Items 1(g) and 1(h) of Table 1 of NESHAP 6C, 40 CFR § 63.11120(a) requires that a performance test using Test Procedure TP-201.1E and Test Procedure TP-201.3 is conducted initially and every three years thereafter. The facility most recently conducted both performance tests on April 17, 2024.

The TP-201.1E test report indicates that the tested components initially failed the positive and negative leak rate and cracking pressure test. The components were replaced and retested the same day as the initial test and subsequently passed the performance test. The initial failing results indicate that the facility may not have been continuously complying with Item 1(g) of Table 1 of NESHAP 6C.

The TP-201.3 test report indicates that the premium unleaded (PUL) gasoline vapor recovery system failed the static pressure test due to the “drop tube leaking vapor.” The report does not document any corrective actions or additional testing. The failing results indicate that the facility may not be continuously complying with Item 1(h) of Table 1 of NESHAP 6C.

2. Components of the tank and associated vapor balance system were not vapor tight during the fuel delivery event, as required by Item 1(b) of Table 1 of NESHAP 6C. The following emissions were observed during the fuel delivery portion of EPA’s inspection:
 - a. Vapors were observed from PUL spill bucket during fueling. Several inches of liquid were accumulated in the spill bucket, which could have contributed to the vapors observed. However, the amount of vapors observed indicate that the standing liquid was likely not the only source of the vapors. Vapors may have also been coming from the premium vapor recovery spill bucket as well, but it was difficult to discern due to the fill bucket emission plume.
 - b. Vapors were observed from the vapor recovery still bucket during RUL fueling. Note that the vapor recovery hose used during this fuel delivery had been observed during an EPA inspection at another Loaf N Jug immediately prior to this delivery, and no emissions were observed during that delivery.

Gasoline Throughput and Testing Records

Applicable Throughput Category:

☐ Calculated based on volume of gasoline loaded into all storage tanks		☒ Calculated based on volume of gasoline dispensed from all storage tanks					
☐ <10,000 gallons per month	☐ ≥ 10,000 gallons per month and < 100,000 gallons per month	☒ ≥ 100,000 gallons per month					
Date Applicable Throughput Category Was Exceeded:		Based on records provided since 2019, the facility exceeded the 100,000 gallons per month throughput threshold on or before October 2019.					
Records: All Facilities regardless of throughput		Notes					
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)		Throughput records for this facility from October 2019 – September 2024 were provided via email by Theodore Bezel on September 11, 2024.					
☒ Last 12-month rolling throughput calculation available		Provided along with 5-year throughput records					
Records: Facilities ≥ 100,000 gallons per month		Notes					
☒ 3-year Leak Rate and Cracking Pressure Test (CARB Test Procedure TP-201.1E, - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, or equivalent)		Date of Last Test:	4/17/2024	Results of Last Test:	☒ Pass / ☒ Fail	Report Provided:	☒ Yes / ☒ No
		The report indicates that the premium unleaded (PUL) and regular unleaded (RUL) components both initially failed the positive and negative leak rate and cracking pressure tests. The PUL and RUL components were both replaced and retested the same day as the initial test and subsequently passed the performance test. This performance test was conducted within the past three years.					
☒ Static Pressure Test (CARB Test Procedure TP-201.3, - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, or equivalent)		Date of Last Test:	4/17/2024	Results of Last Test:	☒ Pass / ☒ Fail	Report Provided:	☒ Yes / ☒ No
		The report indicates that the PUL gasoline vapor recovery system failed the static pressure test due to the “drop tube leaking vapor.” The report does not document any corrective actions or additional testing. The RUL gasoline vapor recovery system passed the static pressure test. This performance test was conducted within the past three years.					

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Premium Unleaded (PUL)	Amount of Fuel Delivered:	1) 3,000 gallons 2) 1,500 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	04/01/2024	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central

			loc. ☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation:		
A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.		
Components of the refueling activity which were observed:		Description/Observations (including any OGI or AVO observations)
☒	Conditions of Equipment prior to refueling event	Liquid was observed in the PUL spill bucket prior to fuel delivery.
☒	Connection of fuel and vapor lines prior to fuel transfer	
☒	Maintenance of fuel and vapor line connections during fueling event	Vapors were observed from PUL spill bucket during fueling. Several inches of liquid were accumulated in the spill bucket, which could have contributed to the vapors observed. However, the amount of vapors observed indicate that the standing liquid was likely not the only source of the vapors. Vapors may have also been coming from the premium vapor recovery spill bucket as well, but it was difficult to discern due to the fill bucket emission plume. Vapors were observed from the vapor recovery still bucket during RUL fueling. Note that this vapor recovery hose had been observed during an EPA inspection at another Loaf N Jug immediately prior to this delivery, and no emissions were observed during that delivery.
☒	Disconnection of fuel and vapor lines after fuel transfer	No vapors were observed from the RUL vapor spill bucket after the vapor recovery hose was disconnected and prior to capping the pipe. This suggests that the vapor pipe to vapor recovery hose connection was likely not vapor tight.
☒	Conditions of Equipment after refueling event	

Documents Requested		
Document(s)	Status	Notes/Comments
5-year fuel throughput records including previous 12-month fuel	☒ Document(s) Provided ☐ Document(s) Denied	

Documents Requested		
Document(s)	Status	Notes/Comments
throughput calculation	☐ Will Provide After Inspection ☐ Other (see notes)	
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	
Most recent NESHAP 6C Performance Tests	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3535.mp4	Vapors were observed from PUL spill bucket during fueling. Several inches of liquid were accumulated in the spill bucket, which could have contributed to the vapors observed. However, the amount of vapors observed indicate that the standing liquid was likely not the only source of the vapors. Vapors may have also been coming from the premium vapor recovery spill bucket as well, but it was difficult to discern due to the fill bucket emission plume.	K. Bergl
MOV_3536.mp4	Vapors were observed from the vapor recovery still bucket during RUL fueling. Note that this vapor recovery hose had been observed during an EPA inspection at another Loaf N Jug immediately prior to this delivery, and no emissions were observed during that delivery.	K. Bergl
MOV_3537.mp4	No vapors were observed from the RUL vapor spill bucket after the vapor recovery hose was disconnected and prior to capping the pipe. This suggests that the vapor pipe to vapor recovery hose connection was likely not vapor tight.	K. Bergl
IMG_0081.JPG	Fuel truck fuel delivery header system.	K. Bergl
IMG_0082.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0083.JPG	Fuel truck: Truck identifier	K. Bergl
IMG_0084.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0085.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0086.JPG	EPA Method 27 Certificate for truck.	K. Bergl
IMG_0088.JPG	Vapor vent stacks for the RUL, PUL, and diesel storage tanks, as well as the general refueling area prior to fuel delivery.	K. Bergl

IMG_0089.JPG	RUL fuel tank fill, vapor recovery, and automatic tank gauging (ATG) equipment.	K. Bergl
IMG_0090.JPG	PUL fuel tank fill, vapor recovery, and automatic tank gauging (ATG) equipment.	K. Bergl
IMG_0091.JPG	Diesel fuel tank fill, vapor recovery, and automatic tank gauging (ATG) equipment.	K. Bergl
IMG_0092.JPG	Vapor vent stacks for the RUL, PUL, and diesel storage tanks.	K. Bergl
IMG_0093.JPG	Vapor vent stacks for the RUL, PUL, and diesel storage tanks.	K. Bergl
IMG_0094.JPG	Vapor vent stacks for the RUL, PUL, and diesel storage tanks.	K. Bergl
IMG_0095.JPG	Condition of the PUL fuel tank fill and vapor recovery spill buckets prior to refueling, after the covers and caps had been removed and the vapor recovery hose had been connected. Liquid was observed in the PUL fuel tank spill bucket. Vapors were observed from the liquid in the spill bucket.	K. Bergl
IMG_0096.JPG	Condition of the PUL fuel tank spill bucket prior to refueling, after the covers and caps had been removed and the fuel hose had been connected. Liquid was observed in the PUL fuel tank spill bucket. Vapors were observed from the liquid in the spill bucket.	K. Bergl
IMG_0097.JPG	Condition of the vapor recovery hose elbow connector which connects the hose to the tank's vapor recovery pipe.	K. Bergl
IMG_0098.JPG	Condition of the RUL vapor recovery pipe and spill bucket after fuel delivery. Extensive rust throughout the spill bucket was observed.	K. Bergl



REGION 8
DENVER, CO 80202

July 1, 2024

Ref: 8ECA-W-NW

SENT BY EMAIL
DIGITAL READ RECEIPT REQUESTED

Utah County Government Public Works
Richard Nielson, Director
2855 South State Street
Provo, Utah 84606
richardjn@utahcounty.gov

Re: Clean Water Act, Section 404 Inspection Report
Loafer Mountain Parkway, Utah County, Utah

Dear Mr. Nielson:

On May 2, 2024, the U.S. Environmental Protection Agency (EPA), Region 8, conducted a Clean Water Act (CWA) Section 404 Inspection (Inspection) of Loafer Mountain Parkway, near 40.0674 ° north latitude and -111.6884 ° west longitude (Site). The purpose of the Inspection was to evaluate compliance with the requirements of Sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344. The inspection was conducted under the authority of Section 308 of the CWA. Enclosed is a copy of the EPA's Inspection Report.

If you have any questions, please contact Zach Schlachter at (303) 312-6896 or via email at schlachter.zachary@epa.gov.

Sincerely,
EMILIO
LLAMOZAS

Digitally signed by EMILIO
LLAMOZAS
Date: 2024.07.01 13:59:49
-06'00'

Emilio Llamozas, Section Supervisor
NPDES & Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

Enclosures
Inspection Report
Attachments A-C

electronic cc:

Cynthia Ovdenk, US Army Corps of Engineers

Jason Gipson, US Army Corps of Engineers

Mike Pectol, US Army Corps of Engineers



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Zach Schlachter, Rebecca Little Owl - EPA R8 Scott McWhorter, Andy Zellinger - EPA R9	Time In	9:30am	Start Date	May 2, 2024
		Time Out	11:45am	End Date	May 2, 2024
Inspector's Organization	Enforcement and Compliance Assurance Division/NPDES & Wetlands Enforcement Section				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation		Inspection Status	Original	
Site Name	Loafer Mountain Parkway				
Site Address*	Loafer Mountain Parkway alignment between 8000 South and SR-198, and between I-15 and Beet Road				
City*	Salem	County*	Utah	State*	UT
Zip Code*	84653				
Mailing Address*	2855 South State Street				
City*	Provo	County*	Utah	State*	UT
Zip Code*	84606				
Latitude*	40.0674°N		Longitude*	-111.6884°W	
Estimated Size of Site (acres)	1000	Is there a home on the site?		☐ Yes	☒ No
Inspector Signature				Date	06/27/2024
Supervisor Signature				Date	06/27/2024

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Loafer Mountain Parkway	Start Date	May 2, 2024
		End Date	May 2, 2024
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) Credentials were presented to Mr. Richard Nielson.			
☒ Opening Conference Name of person authorizing access if applicable All portions of the property inspected were accessed via public right-of-way.			
Notes from Opening Conference Brief introductions, review of site maps, background information of the site, and objectives for the day were discussed.			
☐ Access Issues if Any Describe No site access issues.			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Utah County Government Public Works Richard Nielson, Director 2855 South State Street Provo, Utah 84606 801-420-7619 richardjn@utahcounty.gov			
Additional Persons Present at Inspection See Attachment A - Meeting Sign-In Sheet			
General Site Characteristics (layout of property, etc.) The Site has been impacted by heavy machinery for the construction of the Loafer Mountain Parkway. Heavy machinery was used to import and spread a large amount of fill material within wetlands and channels for the construction of the Parkway. Impacts include, but are not limited to, culverts, side casted material and placement of water control structures for the construction of irrigation ditches, and fill material to expand the roadway width. The Loafer Mountain Parkway alignment is complete and open to the public.			
Purpose and Need for Discharge of Dredged and/or Fill Material Construction of a new roadway, Loafer Mountain Parkway. The purpose of the Parkway is to improve mobility and alleviate current and future traffic delays and congestion in the Elk Ridge and Salem areas.			

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Loafer Mountain Parkway	Start Date	May 2, 2024
		End Date	May 2, 2024

Site Overview (Past inspections, site description, permits, etc.)

The approximate 1000-acre Site is located between Elk Ridge Drive and Interstate 15, northwest of Salem in Sections 2, 3, 10, 11, 34, and 35, Township 8 South and 9 South, Range 2 East, Salt Lake Meridian, Latitude 40.0666°N, Longitude -111.6857°W, Salem, Utah County, Utah.

On August 22, 2017, a section 404 Corps Individual Permit was issued for the road construction project, which authorized the loss of 3.4 acres of wet meadow wetland and 0.34 acre of emergent marsh wetland, as well as permanent impacts to 1,224 linear feet of channel/ditch features. The observed impact areas are generally consistent with the Individual Permit, but the fill footprint width exceeded the authorized acreage. The permit also required retaining walls within wetland crossing areas to reduce the width to 64 feet. However, the completed roadway width did not incorporate retaining walls and fill slopes were constructed instead, in excess of 64 feet. In addition, a ditch has been constructed parallel to the road through a large portion of wetland crossing, which was not part of the original authorization. The work authorized by the August 22, 2017 Individual Permit did not begin until November 2022, after the 5-year permit authorization expired.

The Army Corps of Engineers (Corps) conducted a site visit on August 30, 2023. During the August 30 inspection, Corps personnel explained that the reason for the site visit was to: (1) discuss project history and permitting to bring all parties up to speed; (2) gather information and better understand what work had already occurred within jurisdictional waters; (3) get clarification on the PCN submittal for NWP 14 regarding the ditch construction; (4) discuss next steps and potential paths forward.

On October 12, 2023, the Corps sent a letter to the Utah County Government Public Works Department, indicating that one or more of the terms and conditions of the Individual Permit were not in compliance. The Corps determined that the activities in wetlands had exceeded the authorized impact acreage by at least 2 acres and that the work appeared to have occurred after the permit expired.

In the Spring of 2023, irrigation ditches were constructed as shown in Attachment B, photograph 7 and 8. The pre-construction notice and nationwide permit application was submitted in August 2023. The impacts associated with the construction of the irrigation ditches have not been authorized.

Scope of Inspection (Areas inspected or not inspected)

Inspected all areas on the Site documented in Attachment B.

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Loafer Mountain Parkway	Start Date	May 2, 2024
		End Date	May 2, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Sunny with a high of 64 degrees.			
Field Work Conducted			
Observations and photographs were taken of the current Site conditions.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
Documents requested during the inspection and received on May 5, 2024: Loafer Mountain Parkway (SPK-2009-01357) Timeline 2017 Approved 404 Permit (SPK-2009-01357) 2016 Approved Mitigation Plan 2020 SPK-2009-01357 Modification Submission 2021 Emails RE 404 Wetland Modification 2023 NWP14 for Irrigation Ditch Impacts 2023 November Response to USACE 2023 Emails between Consor & USACE Impacted Areas Roadway Design Plans Culvert Design Plans along Beer Creek			
Compliance Assistance Provided (If any)			
All areas identified in the potential issues of concern section below were discussed during the inspection.			
Observations Relayed to Site Owner/Operator			
All areas identified in the potential issues of concern section below were discussed during the inspection.			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
The following list outlines observations documented during the site visit: 1. Berm and culvert installed that was not in the original permit (Photos 1 and 2). 2. Spoil pad that has spilled into the riparian and wetland area along Beer Creek. (Photo 4). 3. Culvert was originally designed to be 10ft x 3ft but was extended to 10ft x 4ft (Photos 5 and 6). 4. Construction of Irrigation ditch adjacent to the roadway (Photos 7 and 8). 5. Culverts and fill slope impacts where retaining walls were to be installed (Photos 11, 12, 14 and 15).			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log			

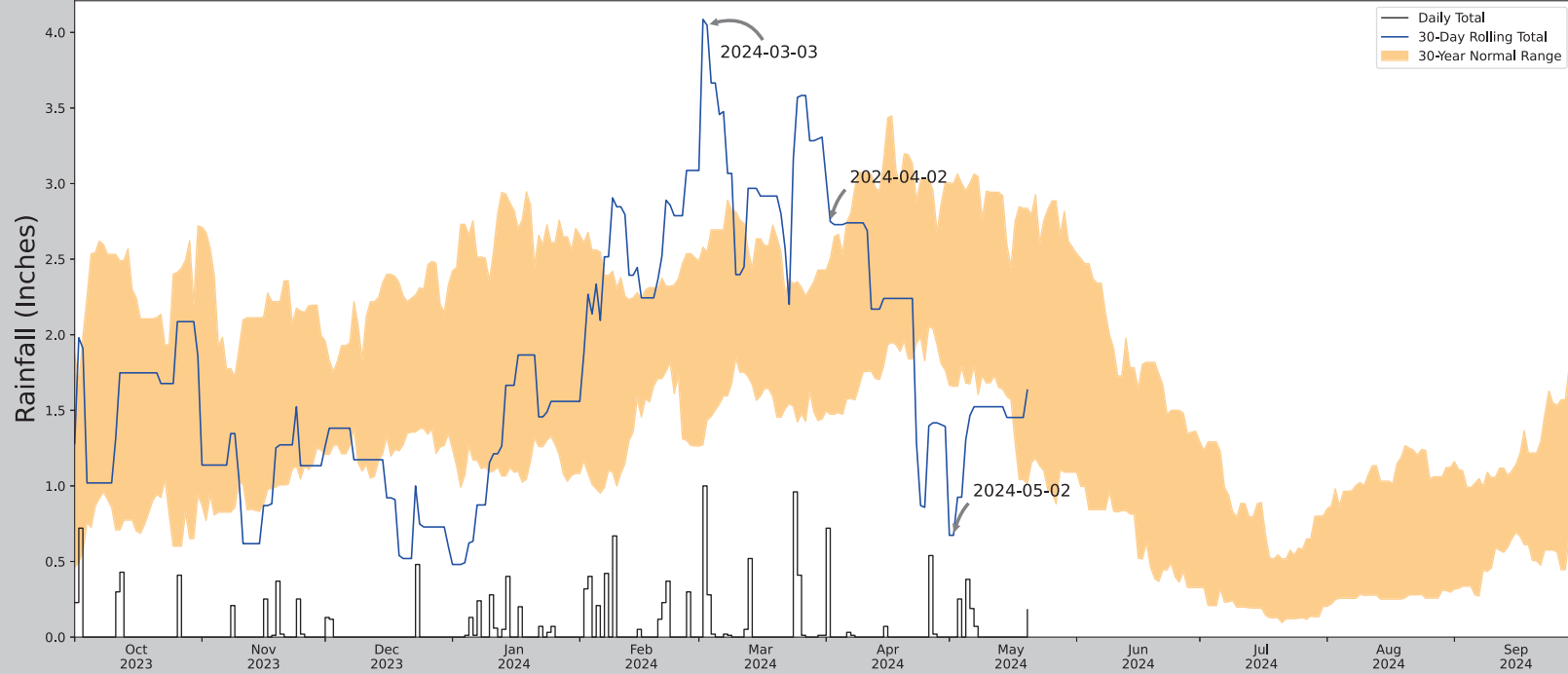


Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Loafer Mountain Parkway	Start Date	May 2, 2024
		End Date	May 2, 2024
☒ Other			
Attachment A - Meeting Sign-In Sheet Attachment B - Photolog Attachment C - Antecedent Precipitation vs Normal Range Rainfall Data			
Additional Notes			
None.			

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	40.067400, -111.688400
Observation Date	2024-05-02
Elevation (ft)	4529.185
Drought Index (PDSI)	Mild wetness (2024-04)
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2024-05-02	1.659449	3.000787	0.673228	Dry	1	3	3
2024-04-02	1.473622	2.505118	2.748032	Wet	3	2	6
2024-03-03	1.434252	2.548032	4.047244	Wet	3	1	3
Result							Normal Conditions - 12



Figures and tables made by the
Antecedent Precipitation Tool
Version 2.0

Developed by:
U.S. Army Corps of Engineers and
U.S. Army Engineer Research and
Development Center



Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
SPANISH FK PWR HOUSE	40.08, -111.6047	4720.145	4.51	190.96	2.891	11142	90
SPANISH FORK 1.3 SSE	40.0982, -111.628	4729.003	1.76	8.858	0.808	28	0
SPANISH FORK 1.0 W	40.1138, -111.6579	4580.053	3.655	140.092	2.157	92	0
PAYSON	40.0369, -111.7481	4629.921	8.147	90.224	4.401	34	0
PROVO 3.4 SSE	40.2013, -111.6201	4583.99	8.42	136.155	4.935	1	0
OREM 2.6 S	40.2607, -111.6889	4725.066	13.253	4.921	6.029	36	0
PROVO BYU	40.2458, -111.6508	4569.882	11.711	150.263	7.03	19	0

Meeting Sign-In Sheet

Date: 5/2/24						
Time: 9:45am						
Location/Project: 200th Mtn. Parkway						
	Name	Organization	Title	Phone	Email	
1	Zach Schlachter	USEPA RB	Life Scientist		schlachter.zach@epa.gov	
2	LARS ANDERSON	CONSOR	ENV. MANAGER	801-953-5578	lars.anderson@consorc.com	
3	Mike Pectol	USACE	Project Manager	801-295-8380	michael.a.pectol@usace.army.m.	
4	Andy Zellinger	USEPA	Life Scientist	415 972 3093	zellingr.andrew@epa.gov	
5	DAVID JOHNSON	CONSOR	SR PM	612 239 3234	johnson.david	
6	Scott McWhorter	USEPA	Enforcement	415-972-3584	DAVID.johnson@consorc.org	
7	LEO FLORENCE	CONSOR	REGIONAL DIR.	801-634-5754	LEO.FLORENCE@CONSORC.COM	
8	Rebecca Little Owl	USEPA RB	Physical Scientist	303-312-6219	littleowl.rebecca@epa.gov	
9	Glen Turner	Utah County	Public Works	801-420-7619	glen@utahcounty.gov	
10	Richard Nielsen	Utah County	Public Works Dir.	801-404-7010	richard.j@utahcounty.gov	
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Attachment B
Loafer Mountain Parkway

May 2, 2024

Photolog



U.S. Environmental Protection Agency
Region 8
1595 Wynkoop St
Denver, CO 80202



		Photo #: 1		IMG_20240502_100500	
Site Name		Loafer Mtn Parkway		GNSS Used	Yes
Photographer		Zach Schlachter		Latitude	40.06103313888889
Date		May 2, 2024 10:12 AM		Longitude	-111.6839690138889
Camera Model		iPhone 13		Direction	N
Comments		Berm in foreground with a culvert installed that was not in the original permit.			



Photo #: 2		IMG_20240502_100500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.060911472222216
Date	May 2, 2024 10:14 AM	Longitude	-111.68416338055556
Camera Model	iPhone 13	Direction	S
Comments	Southern portion of the berm and culvert identified in photograph 1.		

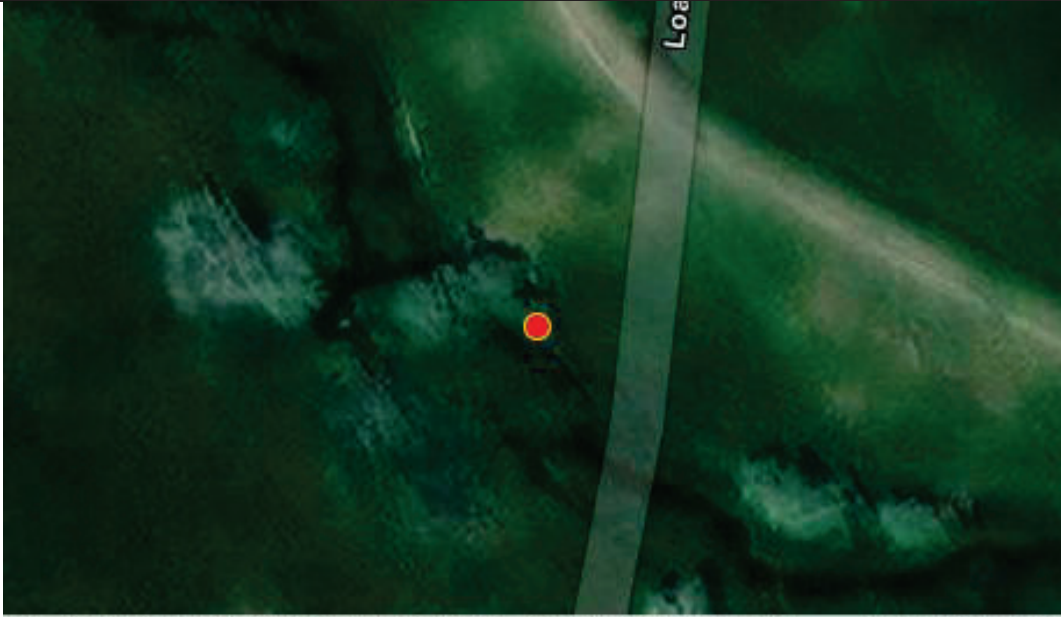
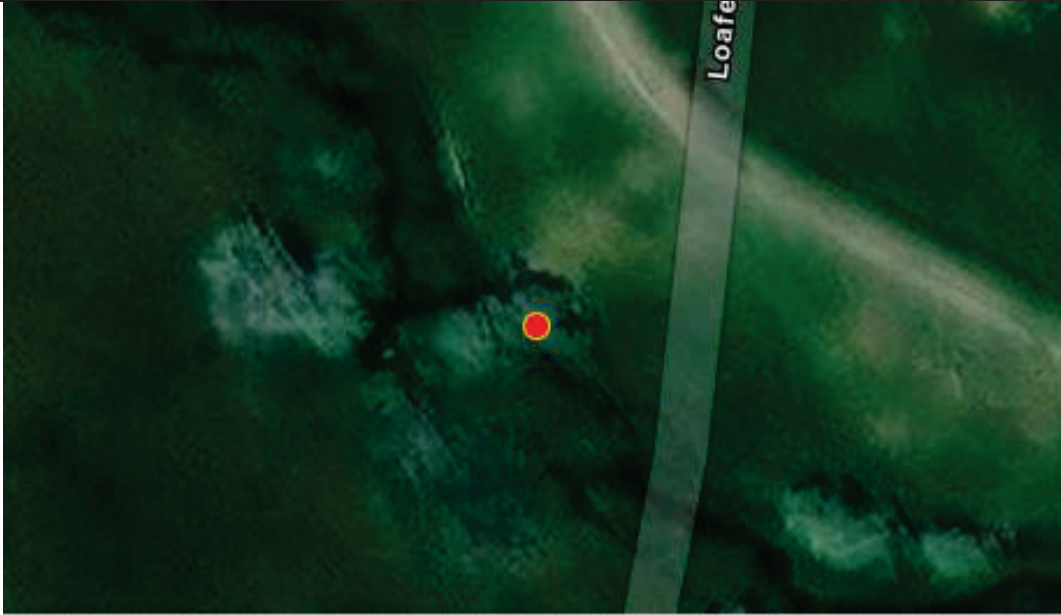


Photo #: 3		IMG_20240502_100500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06143340277777
Date	May 2, 2024 10:34 AM	Longitude	-111.68724331111112
Camera Model	iPhone 13	Direction	WNW
Comments	Approximate 16ft Box culvert on Beer Creek.		



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Photo #: 4		IMG_20240502_100500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06145758333333
Date	May 2, 2024 10:35 AM	Longitude	-111.68728914444445
Camera Model	iPhone 13	Direction	NW
Comments	Spoil pad that has spilled into the riparian and wetland area along Beer Creek. The fence was installed to keep cattle and people out.		

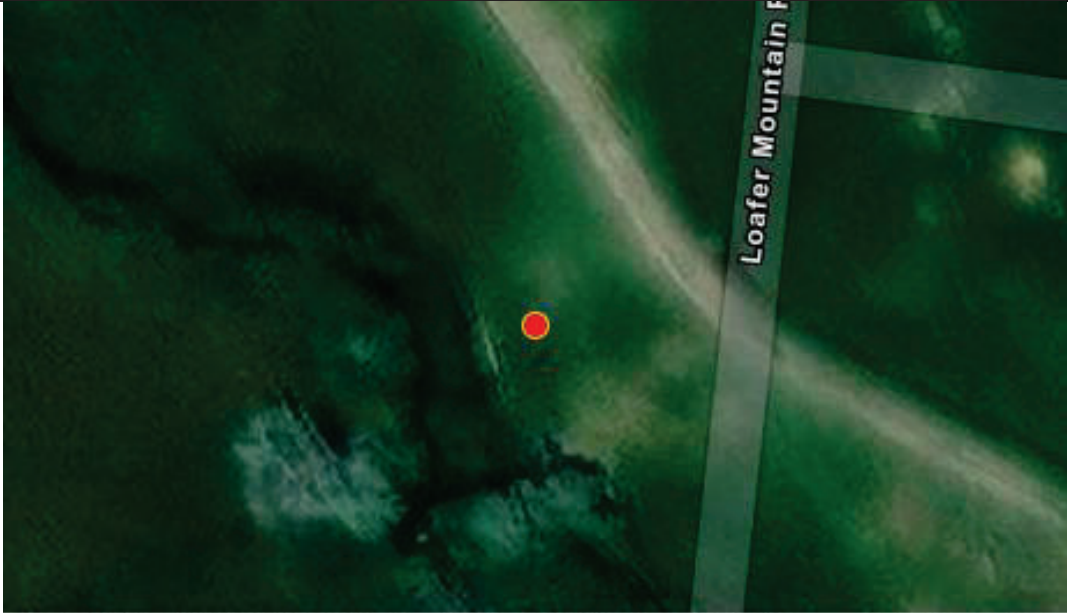


Photo #: 5		IMG_20240502_100500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.061602416666666
Date	May 2, 2024 10:42 AM	Longitude	-111.68732452777778
Camera Model	iPhone 13	Direction	S
Comments	Approximate 4ft x 10ft box culvert intentionally built below grade along Beer Creek. The culvert is approximately 10ft from bank to bank and was originally designed to be 10ft x 3ft but was extended to 4ft. The culvert installed on the side functions as a storm drain.		

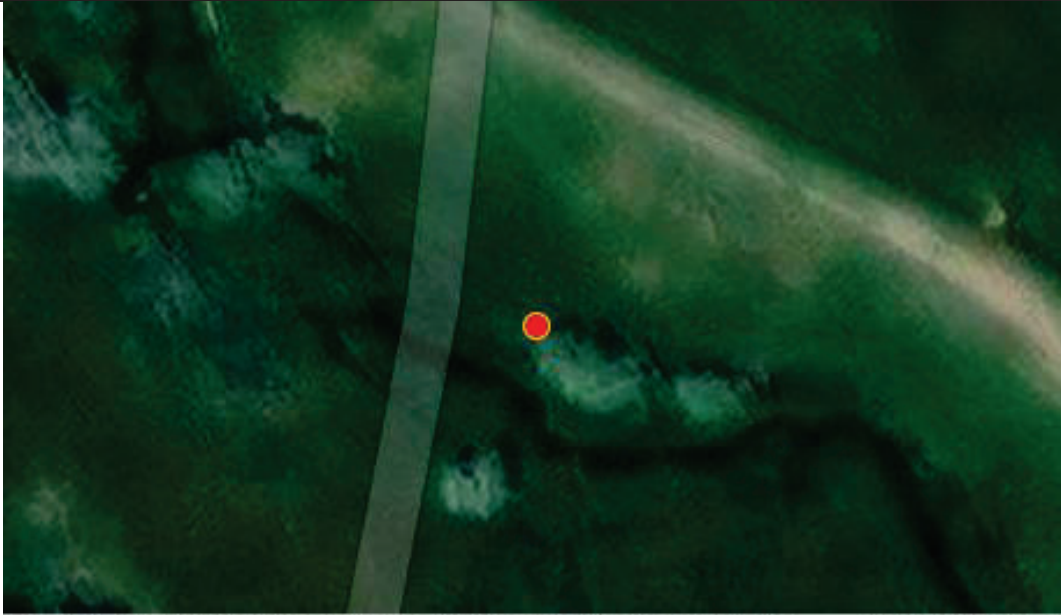
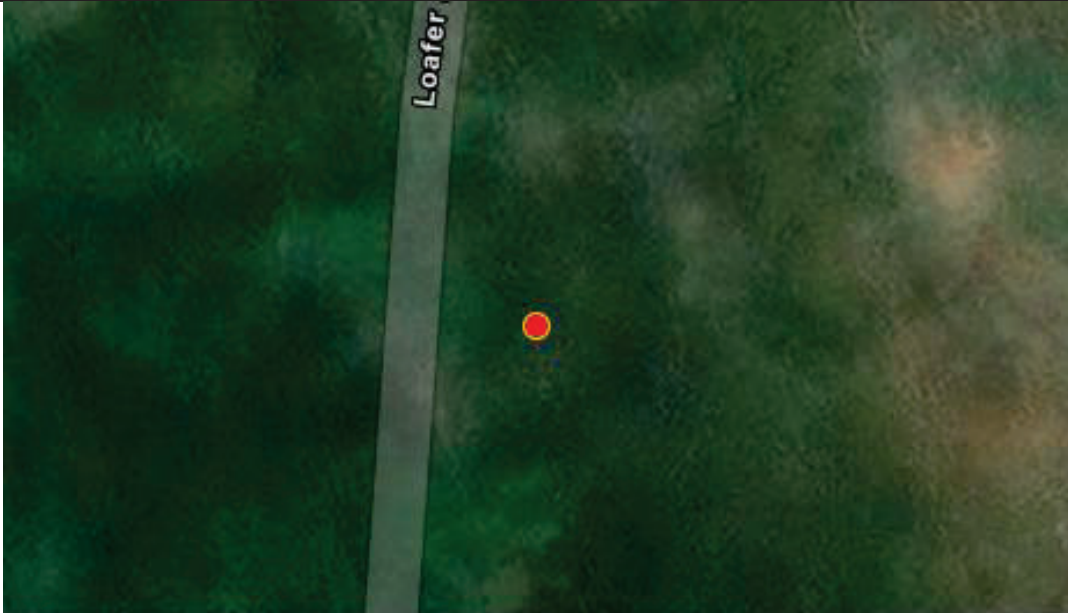


Photo #: 6		IMG_20240502_100500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06133480555555
Date	May 2, 2024 10:50 AM	Longitude	-111.68703629444445
Camera Model	iPhone 13	Direction	E
Comments	Striking east over the boxed culvert identified in photograph 5.		

			
Photo #: 7		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.0586285
Date	May 2, 2024 11:00 AM	Longitude	-111.68903990555556
Camera Model	iPhone 13	Direction	SW
Comments	In 2023, to appease a landowner, irrigation ditches were constructed along the roadway. Impacts occurred in Spring of 2023; the pre-construction notice and nationwide permit application was submitted in August 2023.		

			
Photo #: 8		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.05865872222222
Date	May 2, 2024 11:01 AM	Longitude	-111.68900001388889
Camera Model	iPhone 13	Direction	NE
Comments	In 2023, to appease a landowner, irrigation ditches were constructed along the roadway. Impacts occurred in Spring of 2023; the pre-construction notice and nationwide permit application was submitted in August 2023.		

			
			
Photo #: 9		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06875729444445
Date	May 2, 2024 11:12 AM	Longitude	-111.68829813333333
Camera Model	iPhone 13	Direction	E
Comments	Mitigation area is approximately 59.3 acres with room to expand total to 75 acres.		

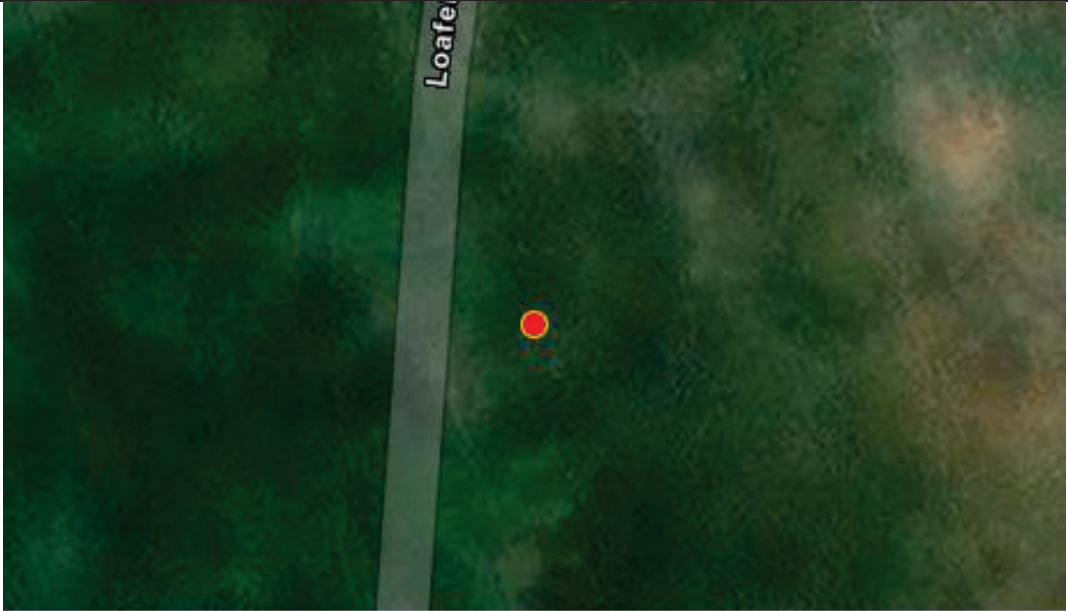
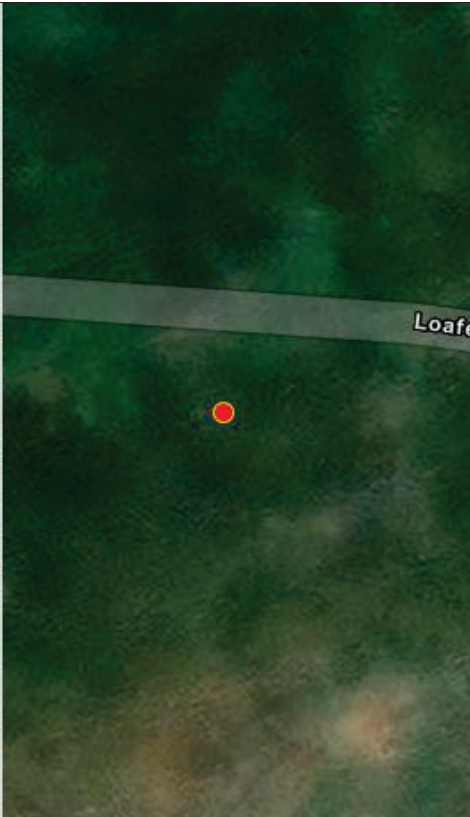


Photo #: 10		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.068741888888894
Date	May 2, 2024 11:13 AM	Longitude	-111.6883124888889
Camera Model	iPhone 13	Direction	W
Comments	West side of mitigation area in photograph 9.		

			
Photo #: 11		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06873405277778
Date	May 2, 2024 11:18 AM	Longitude	-111.68829161111111
Camera Model	iPhone 13	Direction	S
Comments	The individual permit required retaining walls within wetland crossing areas to reduce the width to 64 feet. However, the completed roadway width did not incorporate retaining walls and fill slopes were constructed instead, in excess of 64 feet.		

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Photo #: 12		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06873216666667
Date	May 2, 2024 11:21 AM	Longitude	-111.68828590555556
Camera Model	iPhone 13	Direction	N
Comments	Same as photograph 11 but striking north.		

			
Photo #: 13		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06875973333334
Date	May 2, 2024 11:23 AM	Longitude	-111.68829556666667
Camera Model	iPhone 13	Direction	N/A
Comments	2023 as built design. The orange line is the retaining wall, the red line is the fill slopes, which is what was constructed in place of the retaining wall. The approximate distance is 86ft from fence to fence.		

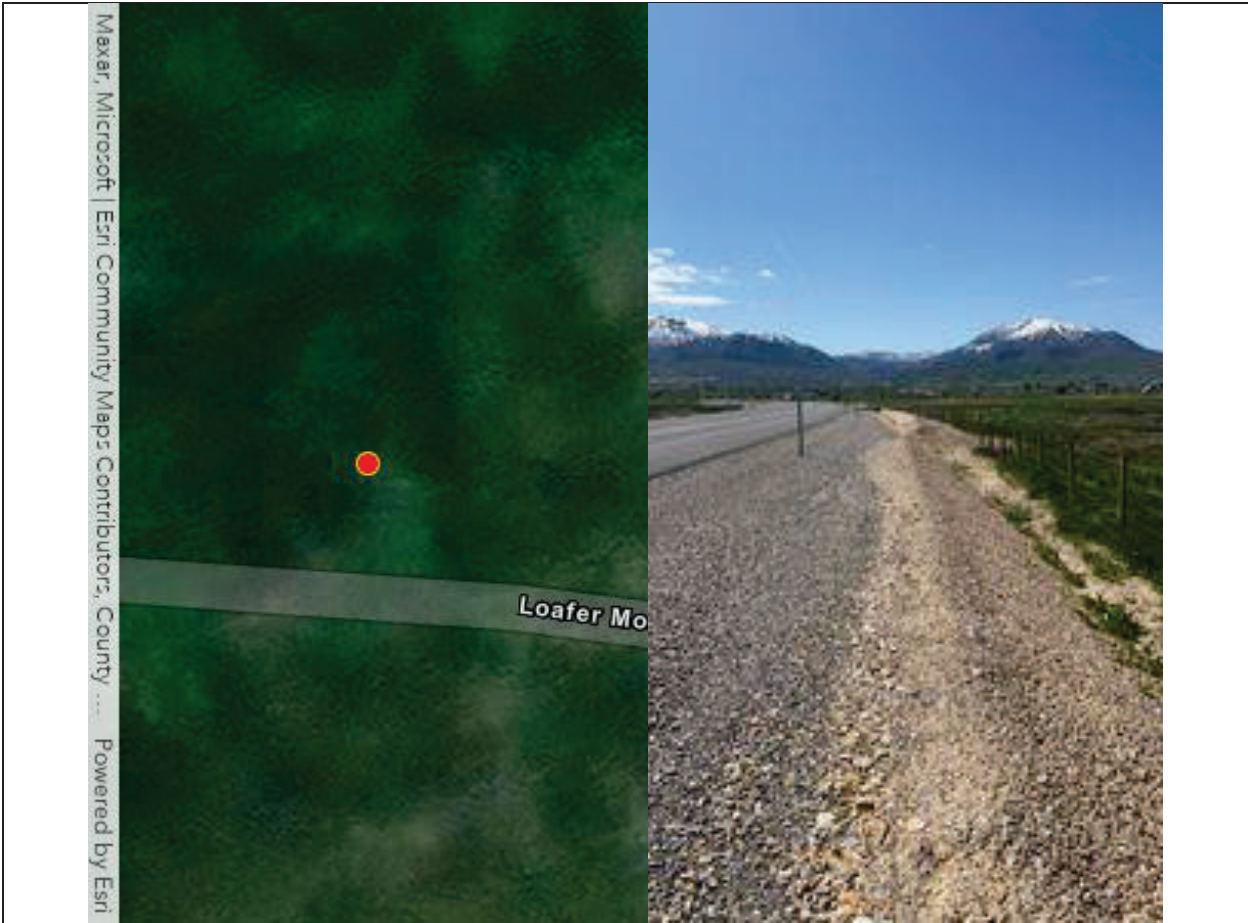
		Photo #: 14		IMG_20240502_110500			
Site Name		Loafer Mtn Parkway		GNSS Used		Yes	
Photographer		Zach Schlachter		Latitude		40.068791983333334	
Date		May 2, 2024 11:27 AM		Longitude		-111.6885815888889	
Camera Model		iPhone 13		Direction		S	
Comments		Constructed 3:1 fill slopes.					



Photo #: 15		IMG_20240502_110500	
Site Name	Loafer Mtn Parkway	GNSS Used	Yes
Photographer	Zach Schlachter	Latitude	40.06881925555556
Date	May 2, 2024 11:28 AM	Longitude	-111.68857620833333
Camera Model	iPhone 13	Direction	N
Comments	Same as photograph 14 but striking north.		