

RCRA Inspection Report

1) Inspector and Author of Report

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U.S. Environmental Protection Agency, Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

2) Facility Information

Petal Terminal Company Limited, LP
(PTCL)
1374 US Highway 11
Petal, Mississippi 39465

EPA ID # MSR000002568
NAICS # 45431 – Fuel Dealers

3) Responsible Officials

Heather Clanton
Logistics Analyst

hclanton@nglsupply.com

4) Inspection Participants

Jordan Gunn, Operator, NGL Supply
Matthew Wigley, Operator, NGL, Supply
William Rider, Mississippi Department of Environmental Quality (MDEQ)
Nereida Hernandez, USEPA Region 4

5) Date of Inspection

December 5, 2023

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 et seq., and Mississippi Hazardous Waste Management Regulations, 11 Miss. Admin. Code Pt. 3, R. 1.1-1.24.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 260.10], a very small quantity generator (VSQG) is a generator who generates less than 100 kilograms (220 lbs) of non-acute hazardous waste in a calendar month.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.14(a)(4)], If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption: (i) Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided above; (ii) The quantity of waste accumulated on site never exceeds 6,000 kilograms (13,200 lbs); and (iii) The conditions for exemption in § 262.16(b)(2) through (f).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.14(a)(5)], A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.231], Episodic event means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232(a)(1)], A very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions: (1) The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under § 262.233.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Petal Terminal Company compliance with the applicable requirements of RCRA and the corresponding Mississippi regulations. This was an EPA lead inspection supported by MDEQ.

8) Facility Description

NGL Supply Terminal Co., is a subsidiary of NGL Supply Co. Ltd., of Calgary, Alberta Canada that acquired Petroleum Terminal Company Limited, L.P. (hereinafter referred as PTCL or the facility) in Petal, Mississippi. Before PTCL, the facility operates under the names of Enbridge Liquid Transportation Marketing, LP, Inc., Midcoast Energy Resources, Inc., and Dufour

Petroleum. PTCL started operating in 2022 and is situated in 32 acres of land. Currently, there are four employees working onsite. PTCL operates three shifts, seven days a week. Access to the facility is restricted. Visitors must register at the main office and must be escorted by facility personnel. PTCL is a truck and rail loading/unloading and storage facility that transports and stores natural gas liquid (propane, iso-butane, normal butane, and natural gasoline). The facility also treats products for total sulfur content with a caustic treating system.

The most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated October 6, 2022, characterized the facility as a very small quantity generator (VSQG) of hazardous waste. Waste codes from the EPA Form 8700-12 include D001 (ignitable waste), D002 (corrosive), and D010 (selenium).

9) Previous Inspection History

PTCL never been inspected by MDEQ or the EPA.

10) Opening Conference

On December 5, 2023, EPA inspectors Nereida Hernandez Morales, accompanied by MDEQ inspector William Rider, arrived at PTCL at approximately 8:30 a.m. Heather Clanton, Logistics Analyst of NGL Supply, received the inspectors. The inspectors were joined during the opening conference by Heather Clanton, Jordan Gunn and Matthew Wigley, Operators of NGL Supply. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit.

The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a list of records to be reviewed as part of the recordkeeping. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The facility did not assert business confidentiality claim.

Jordan Gunn and Mathew Wigley provided an overview of the facility's history and current operations during the opening conference. Mr. Gunn also discussed health and safety protocols and the required personal protective equipment required for the inspection.

11) Inspection Observations

Per PTCL Hazardous Waste Generator Notification (EPA Form 8700-12), the facility is a VSQG that does not generate or manage more than 100 kilograms (220 lbs) hazardous waste in a calendar month. Per a file review, from October 2018 to July 2023, the facility shipped nine tank trucks: seven were sent to Chemical Waste in Alabama (ALD000622464) and two to Coal City Cob in Texas (TXD00719518). See Table 1.

TABLE 1

Manifest Tracking Number	Shipped Date	Transporter ID	TSDF ID	Comments	Volume in Gallons	Waste Codes
025008936JJK	7/17/2023	MSR000005462	ALD000622464	Rejected Full - foul odor	5,000	D002, D010
023882094JJK	7/11/2022	MSR000005462	ALD000622464		5,000	D002, D010
023804536JJK	12/1/2021	TXR000079839	TXD000719518	Rejected Full - foul odor	40,000	D001, D002, D010
023804535JJK	12/1/2021	TXR000079839	TXD000719518	Rejected Full - foul odor	40,000 Pounds	D001, D002, D010
022891604JJK	6/3/2021	MSR000005462	ALD000622464		2,779	D002, D010
020450631JJK	4/15/2020	MSR000005462	ALD000622464		5,000	D002, D010
020450612JJK	2/20/2020	MSR000005462	ALD000622464		5,000	D002, D010
006099512GBF	10/25/2018	TXR000076257	ALD000622464		5,000	D002, D010
014265533JJK	8/7/2018	MSR000005462	ALD000622464		5,000	D002, D010

According to Jordan Gunn and Matthew Wigley, the waste was generated from, and episodic event occurred when the tanks (two - “treater tower tanks” and 4 liquified petroleum storage tanks and two normal butane storage tanks) were washed, and from the “spent caustic” tank. Per Mr. Gunn and Mr. Wigley, the tanks are washed once a year; however, the State nor EPA had been notified during the process. Since 2018, at least two episodic events had occurred per year. See Table 1.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232(1)], The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under § 262.233.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (2)], The very small quantity generator must notify EPA no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700-12. In the event of an unplanned episodic event, the generator must notify EPA within 72 hours of the unplanned event via phone, email, or fax and subsequently submit EPA Form 8700-12. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with § 262.16(b)(9)(i).

The inspectors began the walk through to the treater tower tanks (Photo #1) accompanied by Jordan Gunn and Mathew Wigley. The treater towers are used to remove the unwanted

contaminants by mixing incoming liquid with caustic chemicals, causing waste sulfur to separate from the liquid. Any free water or dissolved potassium hydroxide is removed in the “Free Water “Knockout Filter Tank” (Photo #2).

Next to the treater towers is a “spent caustic” tank with a hose attached to the treater towers (Photos #3 and #4). The “spent caustic tank” holds the used caustic chemicals from the tower tanks, until it can be transferred to a truck for disposal. At least once a month, a valve is opened to drain the tower tanks. Per Mr. Wigley, approximately, 5-gallons are drained per month. However, the Midcoast Energy’s Standard Operating Procedure Manual states that the towers shall be drained daily. The tank capacity is unknown but is more than 55-gallons. The system is not equipped with a gauge or alarm that indicates how much liquid is inside the tank. The tank was not marked with the words “Episodic Hazardous Waste”. The tank was marked with a pictogram consistent with the National Fire Protection Association code 704. There are no records available for the previous episodic events showing: the date these occurred (start and end date) and no records were provided showing that the tank was inspected at least once each operating day. The spent caustic tank is a single-walled tank and is located on concrete pad surrounded by a metal sheet (zinc) with liner (Photo #3). The spent caustic tank is equipped with a containment with a lid that was opened and in fair condition at time of the inspection (Photo #5).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 260.10], a very small quantity generator (VSQG) is a generator who generates less than 100 kilograms (220 lbs) of non-acute hazardous waste in a calendar month.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (4)(ii)(A)(C)(D)], a VSQG accumulating episodic hazardous waste in tanks must: (A) Mark or label the tank with the words “Episodic Hazardous Waste”; (C) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and (D) Keep inventory logs or records with the above information on site and readily available for inspection.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (4)(iii)(B)], tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (7)], a VSQG must maintain the following records for three (3) years from the end date of the episodic event:

- (i) Beginning and end dates of the episodic event;**
- (ii) A description of the episodic event;**
- (iii) A description of the types and quantities of hazardous wastes generated during the event;**

- (iv) A description of how the hazardous waste was managed as well as the name of the RCRA designated facility that received the hazardous waste;**
- (v) Name(s) of hazardous waste transporters; and**
- (vi) An approval letter from EPA if the generator petitioned to conduct one additional episodic event per calendar year.**

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

The inspectors visited the “Old Lab Building” that is no longer in use and was empty at time of the inspection. A few empty cylinders were observed outside inside a cabinet.

The inspectors then visited the Shop Building. Behind the Shop Building, two single-walled tanks (labeled as 1035 and 1036) were observed within a secondary containment (Photo #6). These tanks had caustic liquid from another episodic event. Per Jordan Gunn and Matthew Wigley, the liquified petroleum gas (LPG) and butane tanks were washed, and the liquid was accumulated in tanks 1035 and 1036 since August 2023. Tank 1035 was almost full and tank 1036 was less than half full. The tanks were not labeled with the words “Episodic Hazardous Waste” and with an indication of the hazards of the contents (Photo #6). The tank capacity is unknown, and the lids on top were opened at time of the inspection (Photo #7). The secondary containment was in fair condition at time of the inspections, several cracks were observed in and outside of the secondary containment (Photos #8 and #9). The valve outside the secondary containment was observed to be opened at time of the inspection (Photo #10). The State nor the EPA were notified about this episodic event and records documenting the event were not available for review at time of the inspection.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 260.10], a very small quantity generator (VSQG) is a generator who generates less than 100 kilograms (220 lbs) of non-acute hazardous waste in a calendar month.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (4)(ii)(A)(B)(C)(D)], a VSQG accumulating episodic hazardous waste in tanks must: (A) Mark or label the tank with the words “Episodic Hazardous Waste”; (B) Mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association

code 704); (C) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and (D) Keep inventory logs or records with the above information on site and readily available for inspection.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (4)(iii)(A)(B)], (A) Containers must be in good condition and compatible with the hazardous waste being accumulated therein. Containers must be kept closed except to add or remove waste; (B) tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (6)], the very small quantity generator has up to sixty (60) calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in § 260.10.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (7)], a VSQG must maintain the following records for three (3) years from the end date of the episodic event:

- (i) Beginning and end dates of the episodic event;
- (ii) A description of the episodic event;
- (iii) A description of the types and quantities of hazardous wastes generated during the event;
- (iv) A description of how the hazardous waste was managed as well as the name of the RCRA designated facility that received the hazardous waste;
- (v) Name(s) of hazardous waste transporters; and
- (vi) An approval letter from EPA if the generator petitioned to conduct one additional episodic event per calendar year.

Two 55-gallon containers were observed to be closed during the walk through (Photos #11 and #12). One container read methanol and the other one did not have any labels.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.14(a)(5)], A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S.

12) Records Review:

A very small quantity generator is not subject to the requirements of parts 124, 262 (except §§ 262.10 through 262.14) through 268, and 270 of this chapter, and the notification requirements of section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements.

After the walkthrough, the following records were available for review:

- Enbridge Liquids and Transportation Marketing, L.P., “Emergency Response Plan”, dated January 2021.
- NGL Supply Co. LTD, “Hazardous Material Security Plan”, dated June 2022.
- Spill Prevention, Control & Countermeasure Plan (SPCC); the plan was last updated in September 2018.

Training Records:

Training records were available for review. The last training was provided in 2023.

Records episodic events:

No records provided.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (7)], a VSQG must maintain the following records for three (3) years from the end date of the episodic event:

- (i) Beginning and end dates of the episodic event;**
- (ii) A description of the episodic event;**
- (iii) A description of the types and quantities of hazardous wastes generated during the event;**
- (iv) A description of how the hazardous waste was managed as well as the name of the RCRA designated facility that received the hazardous waste;**
- (v) Name(s) of hazardous waste transporters; and**
- (vi) An approval letter from EPA if the generator petitioned to conduct one additional episodic event per calendar year.**

Manifests:

Just one manifest, without final signature, was available for review at time of the inspection (Photo #13, 023882094 JJK, July 8, 2022). The other manifests were reviewed in RCRAInfo. Per a file review, three shipments were rejected due to a “foul odor”. See Table 1.

During the inspection, it was observed that the tank truck that was rejected in July 2023 by Chemical Waste in Alabama, is parked onsite the facility (Photo #14). It is unknown what finally, happened with the two shipments rejected on December 1, 2021.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.232 (a)(5)], the very small quantity generator must comply with the hazardous waste manifest provisions of subpart B of this part when it sends its episodic event hazardous waste off site to a designated facility, as defined in § 260.10 of this chapter.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.20 (a)], A generator that transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A.

13) Closing Conference

After the inspection, the inspectors had their exit briefing with Heather Clanton, Jordan Gunn, and Matthew Wigley to discuss the observations made during the inspection and the inspection was concluded.

14) List of Attachments

Attachment 1 – Photo Log:

Photos taken on: December 5, 2023

Photos taken by: Nereida Hernandez Morales

Photos taken with: Canon Digital Camera PC 2275

15) Signed

NEREIDA HERNANDEZ
MORALES

Digitally signed by NEREIDA
HERNANDEZ MORALES
Date: 2024.02.06 15:08:23 -05'00'

Nereida Hernandez Morales
Life Scientist

16) **Concurrence**

ARACELI Digitally signed
by ARACELI
CHAVEZ
CHAVEZ Date: 2024.02.07
09:00:47 -05'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Appendix 1 – Photo Log

Photos taken on: December 5, 2023

Photos taken by: Nereida Hernandez Morales

Photos taken with: Canon PC 2275



Photo #1 General view of the treater towers,
“spent caustic tank” LPG and butane tanks



Photo #2 “Knockout Filter Tank”



Photo #3 "Spent Caustic Tank"



Photo #4 Hose attached to the tank



Photo # 5 Containment on top of the "spent caustic tank"
with open lid



Photo # 6 General view Tanks 1035 and 1036



Photo # 7 Tank 1035 with open lid



Photo # 8 Cracks inside secondary containment



Photo # 9 Cracks outside the secondary containment

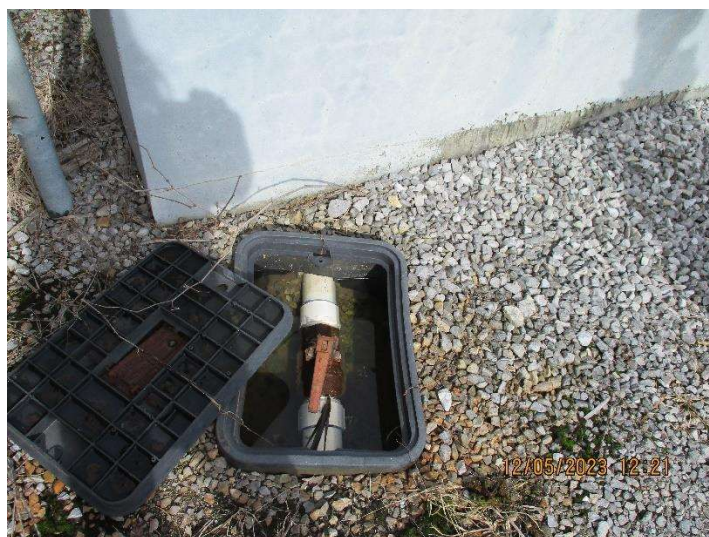


Photo # 10 valve outside the secondary containment



Photo # 11 55-gallon container "methanol"



Photo # 12 - 55-gallon container without label

The image shows a manifest form with various fields and a date stamp '12/05/2023 18:05'.

Photo # 13 Manifest



Photo # 14 Rejected tank truck