



REGION 1

BOSTON, MA 02109

Subj: Facility Inspection Report - Clean Water Act

Inspector: Joseph Canzano, Oil Spill Prevention Compliance Coordinator, and Inspector Enforcement & Compliance Assurance Division ("ECAD")

**Canzano,
Joseph**

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Joseph
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I. Facility Information

- A. *Facility Owner:* Pepperell LLC
- B. *Facility Operator:* Pepperell LLC (the "Facility")
550 Lisbon Street
Lewiston, ME 04240

44°05'20.3" N
70°12'37.6" W
- C. *Facility Operator
Contacts:* Scott Ferland, Owner
scott@almightywaste.com
info@almightywaste.com
(207) 754-8697
- D. *ID Nos.:* National Oil Database (R1-ME-00239)
Facility Registry Service Number (110010760293)

II. Background Information

- E. *Date of inspection:* December 5, 2023
- F. *Weather Condition/s:* Overcast, Snow on Ground, 29-degree Fahrenheit
- G. *US EPA Inspectors:* Joseph Canzano and Cayla Jimenez

H. State DEP Representative(s): John Luongo, Peter Eremita, Butch Bowie

I. Federally Enforceable Requirements Covered During the Inspection:

- 40 C.F.R. Part 112, Oil Pollution Prevention Regulations

III. Type and Purpose of Inspection

The purpose of the site inspection was to view company operations associated with oil storage and transfer activities, locations where portable and/or mobile oil storage containers were positioned, spill containment, and runoff controls. The inspection also included reviewing the Facility's wastewaters introduced into the Publicly Owned Treatment Works ("POTW") for chemical and oil slug loadings that have potential to result in Interference or Pass-Through.

IV. Disclaimer

Unless otherwise noted, this report describes conditions observed by EPA inspector/s, and/or obtained through records provided to and/or information reported to EPA by Facility representatives and as understood by EPA. This report may not capture all operations and activities ongoing at the Facility. This report does not make final determination/s on potential areas of concern and/or deficiencies. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigations.

V. Pre-inspection Facility File/Information Review

Federal Emergency Management Agency ("FEMA") records¹ indicate that the Facility is not located within a defined flood hazard area. However, due to its proximity to the Androscoggin River and the reported November 1, 2023, oil spill, the Facility has reasonable potential to discharge pollutants including oil into the Androscoggin River. The Facility is situated on a parcel of land that is 9.4-acres in size and is within ¼-mile distance to a canal that flows into the Androscoggin River.

According to EPA's Enforcement Compliance History Online ("ECHO") database, the Facility's standard industrial classification ("SIC") code is 6512—Operators of Nonresidential Buildings.

On November 1, 2023, EPA received an incident report (No. 1383238) for an oil spill into the Androscoggin River from the Facility. The report notes the discovery of an overfilled aboveground oil tank and release of 1,000 gallons of heating oil into a storm drain system which connects to the canal. The canal flows into the Androscoggin River. The report notes the capacity of the aboveground tank is 8,000-gallons² and is used for storing heating oil.

EPA has no record of the Facility reporting annual inventory for a hazardous chemical (oil) in an amount over 10,000-pounds ("lbs.") under the Emergency Planning and Community Right-to-

¹ Lewiston ME FEMA Link

² 54,720-pounds of heating oil @ 6.84-pounds equals 1-gallon.

Know Act (“EPCRA”). For any hazardous chemical used or stored in the workplace, facilities must maintain a safety data sheet (“SDS”) and submit the SDS or a list of hazardous chemicals to Emergency Response and Planning Committee/s, and local fire department. Facilities must also submit an annual inventory of these chemicals by March 1 of each year to the Committee/s, and local fire department. The information submitted by facilities must be made available to the public. To learn more about the EPCRA program, go to: <https://www.epa.gov/epcra>.

VI. In-Briefing & Site Walk

On November 29, 2023, EPA (Inspector Joseph Canzano) contacted a representative for the Facility owner (Mr. Scott Ferland) and informed the representative that EPA would be conducting an announced inspection at the Facility on December 5, 2023. Following the conversation with the representative, EPA informed Mr. Ferland electronically that the inspection will cover the federal Oil Pollution Prevention Regulations at 40 CFR Part 112, and the November 1, 2023, oil spill. EPA requested, if available, an oil Spill Prevention, Control, and Countermeasure (“SPCC”) plan and implementation records associated with the plan. Such records would include, but would not be limited to, formal and informal tank inspection records for the life of the tank and employee training records for oil handling personnel who have responsibility for managing oil and operating the tank for the mill.

On December 5, 2023, EPA inspectors Joe Canzano and Cayla Jimenez, along with State of Maine Department of Environmental Protection (“DEP”) inspectors, arrived at the Facility at 9:00 a.m. and were greeted by Mr. Ferland. Mr. Ferland identified himself as the owner of the mill complex and owner of Almighty Waste Company in Auburn, Maine.

The inspection team was escorted into the boiler room³ by Mr. Ferland, and Mr. Ferland showed inspectors an Omntec® alarm panel and indicated that it was new. Mr. Ferland told the inspection team a new alarm panel and overflow detection system for the tank was installed following the oil spill.

Inspector Canzano presented his credentials and requested permission to conduct a site inspection. Mr. Ferland was argumentative, and reluctantly granted access. Inspector Canzano attempted to explain, several times, the purpose of the inspection but Mr. Ferland stepped away from the conversation.

Inspector Canzano asked Mr. Ferland if the Facility, as previously requested, had an oil SPCC plan and/or tank inspection records. Mr. Ferland did not answer the question initially but eventually said no. Inspector Canzano asked Mr. Ferland if he has knowledge of the federal oil storage regulations. Mr. Ferland did not answer the question. Inspector Canzano attempted to explain the capacity applicability requirement associated with the regulation to Mr. Ferland. Inspector Canzano informed Mr. Ferland that the Facility (his mill building/complex) was required to have a federal SPCC plan, and, if he owns/operates aboveground oil tank/s at another location/s, an SPCC plan may be required for those location/s.

³ The room door has a keypad lock.

Inspector Canzano asked Mr. Ferland to explain what he knew about the spill. Mr. Ferland said he didn't know what happened, and that he and other property owners in the area were notified of the spill by the Town of Lewiston.

Inspector Canzano asked Mr. Ferland who discovered the oil spill in the mill boiler room. He said he didn't know, but he thought it was the Town. Mr. Ferland said he called Mr. John Luongo, DEP On-Scene Coordinator ("OSC") once he became aware of the spill.

Inspector Canzano was informed by OSC Luongo that the tank overfill audible alarm/horn may not have been working and the oil offloading/delivery activity may have caused the tank to overflow. Inspector Canzano asked Mr. Ferland the name of the oil delivery company. Mr. Ferland said Fielding's Oil Company.

Mr. Ferland and the inspection team walked outside to the oil tank fill cabinet. Mr. Ferland showed inspectors a newly installed tank over fill visual and audible alarm panel and the cabinet. Mr. Ferland indicated that the fill port/pipe connection is inside the cabinet, which is locked, and he doesn't have the key to open the cabinet. Inspector Canzano asked Mr. Ferland to test/check the alarm system. Mr. Ferland tested the alarm, and the light and horn activated. Inspector Canzano asked Mr. Ferland if the oil delivery company, prior to filling the tank, checked the oil level in the tank. Mr. Ferland did not answer the question. Inspector Canzano informed Mr. Ferland that industrial standards recommend an overfill alarm be tested once per month and prior to oil being introduced into the tank. Inspector Canzano asked if the smaller alarm panel, located next to the tank vent pipe at the top of the wall, was the old alarm panel. Mr. Ferland said he did not know, walked away from the conversation, and returned to the boiler room.

The oil tank's fill cabinet was located on the tank room exterior wall (the north wall). Transfer piping passed through the wall cavity from the cabinet into the tank room. The cabinet was located within 50 feet of a storm drain. Inspector Canzano was informed by OSC Luongo that oil was not detected in the storm drain on the day of the spill. Oil transfer procedures are described on the cover of the cabinet. The ground area below the cabinet was stained from oil leaks. Oil staining in the area should be cleaned, and an active spill prevention measure should be implemented below/under the cabinet.

The inspection team returned to the boiler room. Mr. Ferland pointed to a set of stairs that lead to a room with the tank from which the oil spilled. The tank was a single wall aboveground heating oil tank. Inspector Canzano asked what the capacity of the tank was. Mr. Ferland said it was 8,000 gallons and the mill boilers can burn both natural gas and heating oil. Inspector Canzano asked if there was oil in the tank. Mr. Ferland said yes. Inspector Canzano asked Mr. Ferland if he knew which day Fielding's Oil Company delivered the oil to the tank before the November 2, 2023, spill. Mr. Ferland said he did not know.

The tank room dimension is estimated to be 42-feet long by 18-feet wide (756-square feet). Based on the foundation system, the tank room appeared to be an addition to the boiler room building. The room's foundation walls on three sides are poured concrete, and the fourth/south wall is to the boiler room building. The concrete foundation and floor system to the tank room building and the stone foundation and brick wall to the boiler room building are being used, collectively, as a spill

containment system. The floor and wall connection between the tank room and the boiler room foundation system may not have been sealed. Cracks and breaks in the concrete floor were observed and documented. OSC Luongo indicated at the time of the response that the room had about 3-inches of product/oil on the floor.

Inspector Canzano asked Mr. Ferland if the tank room floor or walls had been evaluated for integrity since the spill. Mr. Ferland did not provide an answer. Inspector Canzano attempted to explain the secondary containment requirement for single wall tanks, but Mr. Ferland stepped away from the conversation.

Mr. Ferland and Inspector Canzano climbed the stairs to the platform on the top of the tank. Mr. Ferland showed Inspector Canzano a newly installed overfill probe and wiring, tank liquid level Petrometer® gauge, transfer pumps and piping for boilers, and the manway connection where oil leaked from the tank. Inspector Canzano observed oil in open containers and piping and pumps leaking. Inspector Canzano recommended that equipment leaks be repaired, and all open oil storage containers be sealed/covered or emptied at the end of the day into a container approved for storing oil (i.e., a 55-gallon drum). According to the tank liquid level gauge, about 12,514-gallons of heating oil was in the tank at the time of the inspection. Along a section of the tank room west wall and ceiling, Inspector Canzano observed oil staining and spills. Inspector Canzano asked Mr. Ferland if he knew about the oil staining, but Mr. Ferland did not provide an answer.

At about 11:00 a.m., Mr. Ferland informed Inspector Canzano that he did not expect the inspection was going to take up so amount time and he was leaving. Inspector Canzano informed Mr. Ferland that the inspection was not over, and that additional information was needed. Inspector Canzano also informed Mr. Ferland that the Facility needs a SPCC plan, and the tank containment system required an evaluation for integrity. However, Mr. Ferland proceeded to begin walking out of the building. Before Mr. Ferland left, Inspector Canzano asked if he could stay and take more pictures, but Mr. Ferland did not answer and walked out of the building.

The inspection team ended the inspection and left the building. The team then drove to locations where oil spill recovery operations occurred.

End of inspection report.