



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Enforcement & Compliance Assurance Division
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Subj: Inspection Report - Clean Water Act

Inspector: Joseph Canzano, Inspector and Oil Spill Prevention Enforcement Officer
Enforcement & Compliance Assurance Division (ECAD-EWC)
Water Compliance Section (WCS)

**JOSEPH
CANZANO** Digitally signed by
JOSEPH CANZANO
Date: 2023.09.25
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I. Facility Information

A. *Facility Owner:* Amaro's Market, Inc.

B. *Facility Operator:* Amaro's Market, Inc.
508 Middleboro Avenue
East Taunton, MA 02718

41° 52' 58.26" N
71° 01' 40.26" W

C. *Facility Operator
Contact/s:* Aaron Amaro, President
Amaro's Market, Inc.,
sunocofuel@yahoo.com

Bill Kenney, Manager/Senior Geologist
River Hawk Environmental
bkenny@riverhawkllc.com
781-536-4639

II. Background Information

D. *Date of inspection:* September 7, 2023

E. *Weather Conditions:* Sunny, 90-degree Fahrenheit

F. *US EPA Inspectors:* Joseph Canzano

G. *State/Local Representative(s):* Robert Murphy, Environmental Analyst
Massachusetts Department of Environmental Protection
bob.murphy@mass.gov
508-946-2794

H. *Federally Enforceable Requirements Covered During the Inspection:*

- 40 C.F.R. Part 112, Oil Pollution Prevention Regulations
- 40 C.F.R. Part 122, National Pollutant Discharge Elimination System Regulations
- 40 C.F.R. Part 403, Pretreatment Regulations

III. Type and Purpose of Inspection

The purpose of the site inspection was to view site conditions and clean-up operations for a reported oil spill from an underground fuel oil tank, oil filled containers and equipment, and potential for oil to be introduced into the Publicly Owned Treatment Works (“POTW”) and/or municipal stormwater collection system which discharges into surface waters.

IV. Disclaimer

Unless otherwise noted, this report describes conditions observed by U.S. Environmental Protection Agency (“EPA”) inspector/s, and/or 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

According to Federal Emergency Management Agency (“FEMA”) flood information,¹ the property at 508 Middleboro Avenue is within ¼-mile of a federally identified Flood Hazard Zone and the spill location is within 100-feet of fresh water emergent and forested/shrub wetland areas as identified in National Wetlands Inventory². According to certain information received by EPA, the spill has potential to enter the POTW and/or the municipal stormwater sewer system which discharges into the Taunton River.

On August 29, 2023, the EPA received from the National Response Center an Incident Report³ from the company’s spill response contractor reporting, on August 28, 2023, an underground storage tank release of upwards of 31,000-gallons of gasoline into the soil under a product dispenser

¹ <https://msc.fema.gov/portal/home>

² <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper>

³ Incident Report # 1377638.

from a fuel pipe/line failure. In response to the Report, an EPA on-scene coordinator (“OSC”) responded to the incident and integrated into the unified command comprised of representatives from Massachusetts Department of Environmental Protection (“MassDEP”) and the company’s environmental and cleanup contractors. A company representative informed EPA’s OSC gasoline migrated into the nearby wet area and has potential to enter municipal stormwater and sanitary sewer systems.

The company’s clean-up contractor detected elevated volatile organic compounds (“VOCs”) in a manhole sump for the municipal sanitary sewer system. The City of Taunton’s EPA issued National Discharge Elimination System (“NPDES”) permit⁴ requires the City to implement a federal industrial pretreatment program which include legal authority (sewer use ordinance) that prohibits discharges into the sanitary sewer system including petroleum oil ... in amounts that will cause interference or pass through, pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, and pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade.

VI. In-Briefing

On September 5, 2023, EPA inspector Joe Canzano contacts Bill Kenney, company environmental consultant/Licensed Site Professional (“LSP”) and announces EPA will be inspecting the site on September 7, 2023. Mr. Kenney informs Mr. Canzano the owner of the property, Mr. Aaron Amaro, would not be participating in the inspection.

On September 7, 2023, EPA inspector Joe Canzano, at approximately 10:00 a.m., arrives at 508 Middleboro Avenue property and is greeted by company representative Bill Kenney. Robert Murphy from MADEP participated in the inspection. Inspector Canzano presents credentials and request permission to conduct a site inspection - Mr. Kenney grants access to the site for inspection. The group reviews health and safety protocols and logistics for conducting the inspection. Inspector Canzano informs Mr. Kenney he observed spill absorbant material positioned at an outfall next to the Old Colony Road bridge which crosses the Taunton River. Mr. Kenney said he installed the material.

Inspector Canzano explains the purpose of the inspection which includes, but not limited to, to observe general site conditions for runoff and potential spill path/s, discharge points/outfalls, and clean-up operations. Inspector Canzano informs Mr. Kenney pictures may be taken during the site walk.

Mr. Kenney explains method/s for installing product recovery sumps, chosen location/s for sumps and procedures for recovering product, and equipment being used for clean-up operations. Additionally, method/s for setting up oil absorbant controls and sampling method/s for collecting and detecting volatile organic compounds (“VOCs”) using photoionization detector (“PID”) meters.

⁴ MA0100897

Mr. Kenney points to an area in the street fronting the U.S. Post Office. The area is quarantined off with orange traffic cones and reflective yellow caution tape. Mr. Kenney explains workers detected elevated VOCs in a certain manhole, but levels are well below the Lower Explosive Level (“LEL”). Inspector Canzano asked if the sewer should be ventilated, Mr. Kenney said no and that he is in contact with local fire department if conditions change. Inspector Canzano explains federal regulations for sewer prohibitions for pollutants which create a fire or explosion hazard in the sewer.

VII. Site Inspection

The site is a retail gasoline station with fuel pumps which sell fuel to the general public; gasoline at 93%, 89% and 87% octane, and diesel. The station includes three (3) fueling islands. Mr. Kenney explains the station has two underground oil storage tanks (“USTs”). A single 12,000-gallon gasoline UST, and a second 12,000-gallon split UST which contains gasoline and diesel. Mr. Kenney did not know the storage capacity for the individual split tanks.

The site is located in a suburban neighborhood of City of Taunton and surrounded by light commercial and residential dwellings. The station is surrounded by a locked steel construction fence and the entrance/gate is monitored by a local police officer. The station’s driveway is asphalt paved and impervious. A majority of runoff from the site flows to various on-site storm drains and/or off-site to municipal street storm water drains. Runoff from a small area of the site, near Dispenser Station No. 5/6., flows into a small circular on-site stormwater basin. The basin is round in shape; about 12-feet in diameter and 5-feet in depth. The basin did not appear to have an outfall pipe or overflow structure. Water, with a sheen and odor of petroleum, was observed at the bottom of the basin. Inspector Canzano recommended an oil absorbant material be placed in the basin.

Inspector Canzano asks how the volume of the spill reported to the NRC was determined. Mr. Kenney said a third-party estimated the amount of gasoline spilled which he reported to NRC, i.e., 31,000-gallons of gasoline; and suspects the spill source originates from underground piping and/or the fuel pump for fuel the dispensers, i.e., Dispenser Station No. 5 and No. 6. Additionally, Mr. Kenney said the USTs were pumped/emptied the day before the inspection and installed in 2002.

Mr. Kenney shows Inspector Canzano certain product recovery sumps/wells installed throughout the site for removing/pumping product. Sumps were dug to a depth of 5-feet to 10-feet below grade using a backhoe, and when sumps were initially installed/dug some contained as much as 12-inches of product floating on top of water layer. Corrugated plastic piping, in the vertical, has been installed in each well to a depth below water level. Sump piping is covered with plywood and plastic. Contaminated soils removed during sump installation is stored in covered roll-off containers. Inspector Canzano observes six roll-off containers keeping contents covered/sealed using plastic tarpaulin type material from rainfall. Mr. Kenney explains periodically, gasoline and water mixture are pumped from each sump by a vacuum truck.

Inspector Canzano asks, to date, how much oil/water mixture has been pumped from sumps and Mr. Kenney said about 8,700-gallons. The mixture is pumped from the vacuum truck into an on-site FRAC tank of which its contents are transported offsite for disposal. Inspector Canzano informs

Mr. Kenney the FRAC tank is a mobile oil storage container that appears to be greater than 1,320-gallons in volume and as such the operation may need to develop an oil spill prevention plan ("SPCC"), and the site doesn't have a SPCC plan.

Inspector Canzano indicates the station's building roof drains may be connected to a subsurface drainage system that could be connected to an outfall pipe behind the property. Inspector Canzano asked if any pipes have been identified for roof drains. Mr. Kenney said he doesn't know, but the drain openings are monitored regularly for VOCs using the PID meter and thus far no VOCs have been detected.

Mr. Kenney shows Inspector Canzano, along the northern side of the site, where oil was discovered seeping from the bottom of a hill/embankment and pooling. Inspector Canzano asked if he knew the person who detected the spill. Mr. Kenney said he did not know. Inspector Canzano asked Mr. Kenney if oil had traveled beyond the immediate area of discovery and reached surface waters or wetland area/s. Mr. Kenney said he did not believe oil reached downgradient wetland area/s. Mr. Kenney shows inspector Canzano downgradient locations and explains how he has been monitoring the area/s and the embankment for more oil seepage. Mr. Kenney indicated oil seepage has stopped when the sump/well was installed.

The ground, from the bottom of the embankment/spill location, is sloped downward toward the north and into a wooded area. Within 40-feet of spill location is a natural channeled depression which continues further into the woods toward the north. No observed sheen or odor of petroleum detected in the wooded area or natural channel.

VIII. Closing Conference

Following the site walk, the following issues and observations were communicated to company representatives:

- Petroleum/gasoline in the sanitary sewer system has potential to create a fire or explosion hazard. Monitor and ventilate if necessary and stay in continued contact with local firefighting official.
- The operation may need to develop a SPCC plan.
- The owner/operator may receive a Request for Information letter under the authority of Section 308 of the Clean Water Act for reported spill to the NRC.

The inspectors exited the Facility at approximately 12:15 p.m. End of report.