

INSPECTION REPORT

Inspection Entry Date/Time	07/16/2024 09:30 (CT)		Announced: No (tenants and related facilities)	
Inspection Exit Date/Time	07/16/2024 11:55 (CT)		Access: Granted	
Regulatory Program	RCRA			
Type of Inspection	Focused Compliance Inspection (FCI)			
Facility or Site Name	Ports America Louisiana LLC			
Facility/Site Identifier	LAR000084319			
Facility/Site Physical Address	5901 Terminal Dr.			
City, State, Zip Code	New Orleans, LA 70115			
County/Borough	Orleans Parish			
Generator Status	Very Small Quantity Generator (VSQG)			
NAICS	488320			
Type of Operation	Ports America Corporation serves as stevedores loading and unloading cargo from vessels.			
Geographic Coordinates	29.99935, -90.01752			
Additional Persons Participating in Inspection:				
Name	Title	Organization	Email	Phone
Dedriel Gardner	Inspector	EPA REGION 6	Gardner.Dedriel@epa.gov	(281) 983-2133
Joe Watson	Contractor	Eastern Research Group (ERG)	Joe.Watson@erg.com	(215) 891-6615
Lead Inspector:				
Vince Damiano				
	ERG	Vince.Damiano@erg.com	(703) 835-6281	

SECTION I – INTRODUCTION**Site Entry and Purpose of the Inspection**

The Port of New Orleans and surrounding facilities were selected for inspection based on an Environmental Justice and Regional initiative to evaluate facilities at ports receiving or transporting Resource Conservation and Recovery Act (RCRA)-regulated hazardous wastes, and/or have an International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V Certificate of Adequacy (COA) issued by the U.S. Coast Guard (USCG).

This report is based on information supplied by the facility representatives, inspector observations, and records, including photographs taken (see Appendix 1), verbal or written statements made during or after the on-site inspection, and/or materials shown, demonstrated, or submitted to the EPA during or after the on-site inspection. In addition, information gathered prior to or after the inspection from a review of EPA, State, and public records may be included in this report.

Attendees

Title/Organization	Name	Phone	Email	Opening Conf.	Closing Conf.
Lead Inspector/ Contractor/ERG	Vince Damiano	(703) 835-6281	Vince.Damiano@erg.com	Yes	Yes
RCRA Inspector/ Contractor/ERG	Joe Watson	(215) 891-6615	Joe.Watson@erg.com	Yes	Yes
Inspector/Enforcement Officer/EPA Region 6	Dedriel Gardner	(281) 983-2133	Gardner.Dedriel@epa.gov	Yes	Yes

Facility General Description

Tenant/Area	Inspection Date	Process Description	Area of Concern
Ports America Louisiana LLC	07/16/24	Ports America Louisiana LLC (Ports America) operates as a stevedore loading and unloading cargo from vessels. The company operates under the Port of New Orleans MARPOL COA. Ports America does not remove any waste from ships.	Yes

SECTION II – OBSERVATIONS

Tenant: Ports America Louisiana LLC			
Section: 2.1	Date: 07/16/24, 09:30 AM	Contains AOC: Yes	Contains CBI: No
Lead Inspector: Vince Damiano	Attendees: Kelli Hardesty (ESH Manager), Chip Raymond (Ops Manager), Stephen Cabal (Site Manager), Anita Dargan (Ops Manager), Chaz Sutton (Site Manager)		
Ports America is located in the Port of New Orleans and operates as a stevedore, loading and unloading cargo from vessels. The cargo Ports America handles mainly consists of cargo containers, break bulk, lumber, steel, and piping. Ports America operates on docks Nashville A, Nashville B, Open Wharf, and Louisiana Avenue. Ports America operates under the Port of New Orleans MARPOL COA. Ms. Hardesty stated Ports America will sometimes remove general trash from domestic ships and place it in a roll off container onsite to be picked up by the local waste disposal company Waste Pro. Ports America is registered with the EPA as a VSQG (LAR000084319). Ms. Hardesty explained to the inspection team the main hazardous waste Ports America generates is waste paint from aerosol cans. The inspection team inquired about how they determine if there is ever hazardous waste inside the cargo containers they are offloading from vessels and storing in their yard. Ports America explained they may not be aware if hazardous waste is inside the cargo containers because the commodity is not always listed on the shipment booking. They explained all containers holding hazardous materials are marked in their booking system, and if the contents do not match the booking, the container is rejected. Ms. Dargan, an Operation Manager with over 40 years of experience, was not aware of Ports America ever receiving hazardous waste; this statement is based on her knowledge and support of every distribution line in Ports America; stating she has not received a notification from any customer for shipments of hazardous waste. Following the opening conference, the inspection team conducted a visual inspection of the facility maintenance area, Nashville A dock space, and Nashville A warehouse. The maintenance area, where their trucks and forklifts are repaired, is located inside a section of the Nashville A warehouse. The inspection team observed a pallet of approximately 30 used lead-acid batteries (see Appendix 1 – Photo 1). The batteries were not labeled as universal waste, and when Ports America was asked if they knew the accumulation start date, they were not sure but mentioned that a vendor swaps the batteries out several times throughout the year. However, the facility stated that they are managing the lead-acid batteries as universal waste. [<u>AOC #1</u> – <i>Ports America did not label batteries being managed as universal waste properly or store the batteries in a properly labeled container – 40 CFR 273.14(a)</i>]. The inspection team also observed a half-full 275-gallon tote of antifreeze being managed as a universal waste. The container was properly marked with the words “Universal Waste” and “Antifreeze” (see Appendix 1 – Photo 2). At the time of the inspection, Ports America was unable to provide the inspection team with a certain accumulation start date for the antifreeze [<u>AOC #2</u> – <i>Ports America could not demonstrate the length of time that they had accumulated antifreeze being managed as universal waste onsite – L.A.C. 33: V.3825</i>]. A closing conference was conducted at approximately 11:55 AM with Ports America personnel. The AOCs were communicated during the closing; however, further EPA review may change or add to their potential AOCs. Following the inspection, Ms. Hardesty provided the inspection team with receipts of universal waste			

batteries being shipped off site on 7/15 and 7/17, an accumulation start date of the antifreeze, a photo of the new storage area for used batteries with labeling, and photos of the antifreeze tote labeled with an accumulation start date (see Appendix 2).

SECTION III – RECORDS REVIEW

No RCRA-regulated records were reviewed during this focused onsite inspection.

SECTION IV – AREAS OF CONCERN

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

Tenant: Ports America Louisiana LLC		
AOC #1 – Ports America did not label batteries being managed as universal waste properly or store the batteries in a properly labeled container.	Citation: 40 CFR 273.14(a)	Section: 2.1
AOC #2 – Ports America could not demonstrate the length of time that they had accumulated antifreeze being managed as universal waste onsite.	Citation: L.A.C. 33: V.3825	Section: 2.1

SECTION V – FOLLOW UP

Any facility follow-up items are as discussed in the observations in Section II. Documents or files provided by the facility were transmitted via email and included responses to AOCs or provision of documents requested.

Communication Log

During and after the inspection, additional information was emailed to EPA including:

1. 07/24/24 Ports America email – Kelli Hardesty responded to the AOCs found including photographs of labels added to the antifreeze and used batteries, and receipts of shipments of used batteries.

SECTION VI – LIST OF APPENDICES

Appendix 1. Photograph Log

Appendix 2. Ports America Follow-Up Response and Photos

APPENDIX 1.
PHOTOGRAPH LOG



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Ports America		
City: New Orleans	County/Parish: Orleans	State: Louisiana



Photo File Name: DSCN6705

Date of Photo: 07/16/2024

Time of Photo: 11:08 hrs.

Photographer: Vince Damiano

Description: View of approximately 30 unlabeled universal waste batteries in maintenance area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Ports America		
City: New Orleans	County/Parish: Orleans	State: Louisiana



Photo File Name: DSCN7385

Date of Photo: 07/16/2024

Time of Photo: 11:17 hrs.

Photographer: Vince Damiano

Description: View of antifreeze tote inside maintenance area. No accumulation start date was visible.

APPENDIX 2.
PORTS AMERICA FOLLOW-UP RESPONSE AND PHOTOS

RE: Follow-up from EPA Inspection on 7/17

Kelli Hardesty <Kelli.Hardesty@portsamerica.com>

Wed 7/24/2024 11:47 AM

To: Sharifa Batts <Sharifa.Batts@portsamerica.com>; Vince Damiano <Vince.Damiano@erg.com>

Cc: Joe Watson <Joe.Watson@erg.com>; Gardner.Dedriel@epa.gov <Gardner.Dedriel@epa.gov>

 1 attachments (94 KB)

Used Battery Pallet and Labeling.jpg;

CAUTION: Don't open links or attachments unless you recognize the sender and know they are safe.

Vince –

Please see the attached Used Battery pallet with labeling.

Let us know if there is anything you need. Thanks!

Kelli Hardesty, PG (LA, MS)
Environment and Sustainability Manager

From: Sharifa Batts <Sharifa.Batts@portsamerica.com>

Sent: Tuesday, July 23, 2024 1:04 PM

To: Vince.Damiano@erg.com

Cc: Joe.Watson@erg.com; Gardner.Dedriel@epa.gov; Kelli Hardesty <Kelli.Hardesty@portsamerica.com>

Subject: FW: Follow-up from EPA Inspection on 7/17

Good day...

Vince:

Kelli is out today, so please refer to the below bolded responses and attachments.

Regards,

Dr. Sharifa Batts
Head of Environment & Sustainability
2001 John S. Gibson Blvd
San Pedro, CA 90731
Off: 310.519.2341
Cell: 310.877.6615
Sharifa.batts@portsamerica.com
Website: www.portsamerica.com

From: Vince Damiano <Vince.Damiano@erg.com>

Sent: Tuesday, July 16, 2024 5:53 PM

To: Kelli Hardesty <Kelli.Hardesty@portsamerica.com>

Cc: Joe Watson <Joe.Watson@erg.com>; Gardner, Dedriel <Gardner.Dedriel@epa.gov>

Subject: Follow-up from EPA Inspection on 7/17

Hello All,

I am following up with a list of items and notes from our inspection today. Below are initial Areas of Concern and items requested:

- Bill of ladings or any documentation to prove accumulation start dates on universal waste batteries and antifreeze.
- **Batteries: See attached documentation. A shipment went out on Monday (7-15-24) and another shipment went out after your visit (7-17-24).**
- **Antifreeze: Previously we used to put all waste in the same container, waste oil, diesel, and antifreeze and had it picked up by a waste company. Approximately a year and a half ago, our environmental consultant advised us to separate antifreeze from other waste, so we complied immediately and started separating the antifreeze. Since we started separating, we have not had any antifreeze picked-up. Once the tote is full, we will call a company and have it properly disposed and will retain a copy of the paperwork for our records.**

Initial Areas of Concern. You may follow-up with pictures, write-ups, sample results, or however you see fit.

- Unlabeled and undated universal waste batteries and antifreeze.
- **Batteries: Currently no accumulation of batteries since the recent shipment. The site has ordered a new spill containment for universal waste batteries and will add signage/label to the area prior to new accumulation. We will send photo once that area is set up.**
- **Antifreeze: See attached photos of updated labeling. Both sides of the antifreeze tote have new labels with relevant information including accumulation start date.**

To follow up on your email from earlier, unannounced inspections are standard practice for many of the EPA regions. Again, thank you for taking the time out of your day to meet with us. Please let us know if you have any questions or concerns.

Thanks,
Vince



Vince Damiano

Chemical Engineer, Chantilly Office

Cell: (570) 956-1468

Vince.Damiano@erg.com

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700006201
Genuine Parts Co. 001
500 SHREWSBURY RD.
JEFFERSON, LA 70121
(504) 834-2211

723680
Invoice Date: 07/16/2024 15:43

3901
PORTS AMERICA LOUISIANA LLC
55 NORTH ARIZONA PLACE STE 500
1303901
CHANDLER, AZ 85225-8190

Attention:
PO#: 7535681

MUST HAVE P.O. # AND EMPLOYEE SIGNATURE

Part Number	Line	Description	Quantity	Price	Net	Total
7236	BAT	Core Deposit (T34)	-8.00	27.00		
7236	BAT	Core Deposit (T34)	-8.00			
7236	BAT	Core Deposit (T34)	-1.00			
7558	BAT	Core Deposit ()	-3.00			

CREDIT

ON ACCOUNT

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

Credit Memo

Customer Signature

700006201
Genuine Parts Co. 001
500 SHREWSBURY RD.
JEFFERSON, LA 70121
(504) 834-2211

723690

Invoice Date: 07/16/2024 15:55

3901
PORTS AMERICA LOUISIANA LLC
55 NORTH ARIZONA PLACE STE 500
1303901
CHANDLER, AZ 85225-8190

Attention:
PO#: 08129

MUST HAVE P.O. # AND EMPLOYEE SIGNATURE

Part Number	Line	Description	Quantity	Price	Net	Total
7237	BAT	Core Deposit (T34)	-3.00	27.00		
7237	BAT	Core Deposit (T34)	-8.00			
7548	BAT	Core Deposit (T34)	-1.00			
7558	BAT	Core Deposit ()	-1.00			

CREDIT

ON ACCOUNT

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

Credit Memo

Customer Signature

700006201
Genuine Parts Co. 001
500 SHREWSBURY RD.
JEFFERSON, LA 70121
(504) 834-2211

723686

Invoice Date: 07/16/2024 15:47

3901
PORTS AMERICA LOUISIANA LLC
55 NORTH ARIZONA PLACE STE 500
1303901
CHANDLER, AZ 85225-8190

Attention:
PO#: 7547723

MUST HAVE P.O. # AND EMPLOYEE SIGNATURE

Part Number	Line	Description	Quantity	Price	Net	Total
7237	BAT	Core Deposit (T34)	-8.00	27.00		
7548	BAT	Core Deposit (T34)	-2.00	18.00		
7548	BAT	Core Deposit (T34)	-1.00	18.00		

CREDIT

ON ACCOUNT

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

Credit Memo

Customer Signature





