



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA EMAIL

dated via electronic signature

Stephen Santa
Director of Operations
Inland Fuel Terminals, Inc.
santasb@santaenergy.com

**Re: Notice of Potential Violation and Information Request Pursuant to the Clean Air Act; Inland Plymouth Terminal and Inland Bridgeport Terminal
Response Required Within Thirty Days of Receipt**

Dear Mr. Santa:

As you are aware, the U.S. Environmental Protection Agency ("EPA") recently inspected two Inland Fuel Terminals, Inc. ("Inland Fuel") propane storage and distribution facilities. EPA inspected the facility located at 71 Admiral Street in Bridgeport, Connecticut ("Bridgeport Terminal") on February 16, 2023, and the facility located at 370 South Main Street in Plymouth, Connecticut ("Plymouth Terminal") on April 6, 2023, for compliance with chemical accident prevention and planning requirements. This letter notifies you of potential violations of the risk management planning ("RMP") requirements of Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, at the Plymouth and Bridgeport Terminals based on the information EPA has obtained thus far. This letter also requests more information so that EPA can further assess compliance with these requirements.

Notice of Potential Violation

The inspections and other information currently available to EPA suggests that Inland Fuel may have violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and implementing regulations at 40 C.F.R. Part 68, at the Plymouth and Bridgeport Terminals. Potential violations identified so far include:

- (a) Failure to file RMP before operations began at the Plymouth Terminal in 2015 and by the first date on which the company began storing more than 10,000 pounds of propane after the RMP regulations became effective in June of 1999, at the Bridgeport Terminal (40 C.F.R. §§ 68.12, 68.150). Neither facility had an RMP before 2020. Additionally, the Plymouth Terminal currently does not report a second process – the storage of propane in railcars before they are unloaded;
- (b) Failure to comply with process safety information requirements at both Terminals, including failing to document compliance with recognized and good engineering practices ("RAGAGEP") or, for existing equipment designed and constructed in

accordance with codes, standards, or practices that are no longer in general use, determining and documenting that the equipment is designed, maintained, inspected, tested, and operating in a safe manner (40 C.F.R. §§ 68.65(d)(2) & (3));¹

- (c) Failure to comply with process hazard analysis (“PHA”) requirements to update and revalidate the PHA at least every five years after the initial PHA is performed at both the Plymouth and Bridgeport Terminals (40 C.F.R. § 68.67(f));
- (d) Failure to comply with mechanical integrity requirements (40 C.F.R. § 68.73), including by failing to implement an adequate hose safety management program to ensure ongoing integrity of the propane transfer hoses at both Terminals and by failing to test, calibrate, and maintain lower explosion limit (LEL) detectors and ultraviolet (UV) flame detectors at the Plymouth Terminal; and
- (e) Failure to update emergency contact information in the RMP online registration system (CDX) for both the Plymouth and Bridgeport Terminals (40 C.F.R. § 68.195(b)).

Information Request

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), authorizes EPA to require a company to submit such information as EPA may reasonably require to determine its compliance with the CAA. Responses to the enclosed questions (Attachment 3) must be furnished **within thirty (30) days** of your receipt of this letter, unless EPA has granted an extension in response to a written request.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within thirty (30) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413, to seek the imposition of penalties. This Information Request is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you. Please contact Leonard Wallace at 617-918-1835 before claiming information as confidential so that he can explain (a) how to securely send such information to EPA, and (b) how to provide EPA with a second, non-confidential version of the information.

Please submit the required information by uploading it to the One Drive folder via the link previously shared with you by EPA, to which you have submitted other documentation. Please

¹ Many of EPA’s concerns relating to RAGAGEP were noted in the information shared with Inland Fuel on May 24, 2023, following the closeout meeting for the Plymouth Terminal, and in the inspection report for the Bridgeport Terminal, shared on June 1, 2023. As EPA staff review RAGAGEP more closely post-inspection, EPA may be able to provide more details on this violation. The principal RAGAGEP for propane distribution facilities is NFPA 58.

also notify Leonard Wallace by electronic mail at wallace.leonard@epa.gov when your submission is complete. As part of your response, please complete the enclosed declaration (Attachment 1) and, following the instructions in Attachment 2, provide a cover letter answering the questions in Attachment 3.

If you have technical questions about this Information Request, please contact Mr. Wallace. If you have legal questions, please have your attorney contact Christine Foot, Enforcement Counsel, at (617) 918-1333. We look forward to your timely response.

Sincerely,

JAMES CHOW

Digitally signed by JAMES
CHOW
Date: 2023.07.25 14:27:49
-04'00'

James Chow
Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 1

Enclosures

cc:

Sara Agosti, Santa Energy Corp.
Diane Duva, CT SERC
Jake Felton, CT DEEP
Len Wallace, EPA
Christine Foot, EPA

ATTACHMENT 1

DECLARATION

Instructions: Complete and include with your response.

I declare under penalty of perjury that I am the

_____ of _____,
[Title] **[Name of Facility]**

that I am authorized to respond on its behalf, and that the foregoing is a complete, true, and correct response.

Executed on _____
[Date]

[Signature]

[Print or Type Name]

ATTACHMENT 2

DEFINITIONS AND INSTRUCTIONS

Definitions

The following definitions shall apply to the following words as they appear in Attachments 2 and 3:

1. The term “you,” “your,” or “Inland Fuel” shall include Inland Fuel Terminals, Inc., the addressee of this Information Request, and the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “person” shall have the same definition as in Section 302(e) of the CAA, (i.e., an individual, corporation, partnership, association, State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).
3. The term “document” or “documentation” includes any object that contains, records, stores or presents information, whether in paper, electronic or any other form.
4. The term “identify” means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.
5. The term “Plymouth Terminal” refers to the facility located at 370 South Main Street in Plymouth, Connecticut. The term “Bridgeport Terminal” refers to the facility located at 71 Admiral Street in Bridgeport, Connecticut.
6. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
7. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.
8. A requested document, item or information shall be deemed to be in your “possession, custody or control” if you know where it is and can obtain access to it, even if it is not presently in your possession.

Instructions

1. Please provide a separate narrative response to each and every question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or

misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.

5. For any document that is responsive to a question set forth in this Information Request that is no longer available to you as of the date of submission of your response, provide the name and contact information for any person who prepared the document and/or had knowledge of its contents.

6. The information requested herein must be provided even though you may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208. If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

- 1) The first copy of any document containing such "confidential business information" must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.
- 2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

ATTACHMENT 3

Questions & Information Request

Please provide a separate, numbered response to each question in this Information Request. For each question contained herein, identify the person(s) answering these questions. If other individuals were consulted in preparation of the answer, please identify each person.

Bridgeport Facility

- 1) Provide a list of all the **process safety information** compiled pursuant to 40 C.F.R. § 68.65 for the Bridgeport Terminal. Additionally, provide a Fire Safety Analysis drafted in accordance with NFPA 58-2014, § 6.27.3.2.
- 2) Provide a copy of the most recent **process hazard analysis** (“PHA”) completed pursuant to 40 C.F.R. § 68.67 for the Bridgeport Terminal, including the date it was performed and the status, resolution, and completion dates for all recommendations/action items. EPA notes that the initial RMP registration for the Bridgeport terminal, dated June 16, 2020, listed a Fire Safety Analysis performed on July 23, 2015, as the PHA for the Facility. Typical FSAs do not address all elements required for a PHA. Regardless, under 40 C.F.R. § 68.67(f), an updated and revalidated PHA was required by July 23, 2020. If an updated PHA meeting the RMP requirements has not been performed in the last five years, pursuant to 42 U.S.C. § 7414(a)(1), please provide one by September 30, 2023.²
- 3) Provide a list of the **operating procedures** completed pursuant to 40 C.F.R. § 68.69 for the Bridgeport Terminal, including the date of completion. Additionally, please provide the operating procedure for unloading propane from trucks to the tanks on site.
- 4) Provide a copy of **training** documentation, pursuant to 40 C.F.R. § 68.71, showing the program content and a list of certifications of initial and refresher training completed by truck drivers during the one-year period preceding EPA’s inspection of the Bridgeport Terminal on February 16, 2023 (so, from February 16, 2022, to February 16, 2023).
- 5) Provide a copy of the written **management of change** procedures implemented pursuant to 40 C.F.R. § 68.75 for the Bridgeport Terminal, including the date created.
- 6) Please provide the two most recent **compliance audits** performed pursuant to 40 C.F.R. § 68.79, including the status, resolution, and completion dates for all recommendations. The initial RMP registration for the Bridgeport Terminal, dated June 16, 2020, indicated that an audit had been conducted on May 21, 2020. Given that 40 C.F.R. § 68.79(a) requires a compliance audit to be conducted at least every three years, another was due by May 21, 2023. If a compliance audit has not been completed in the past three years, please provide one once completed.

² A thorough PHA would examine a comprehensive range of scenarios. For the Bridgeport Terminal, this would include considering, among other things, potential impact hazards for the propane tanks, the lack of detection systems, identifying who bears responsibility for supplying sufficient water to cool the tanks during a fire, facility siting concerns relating to potential natural disasters, and the impact of a lack of RMP documentation on safe operations.

- 7) Provide a copy of documentation reflecting the **emergency response coordination activities** performed pursuant to 40 C.F.R. § 68.93 for the Bridgeport Terminal.
- 8) For each fixed propane tank at the Bridgeport Terminal:
 - a) What is the date on which the fixed propane tank first held more than 10,000 pounds of propane (approximately 2,433 gallons)?
 - b) How much propane was delivered to the tank(s) on that date?
 - c) Has the tank held over 10,000 pounds of propane continually since that date?
- 9) What was the date on which the Bridgeport Terminal became open to buyers and truck transporters of propane?
- 10) Please specify whether any of the propane held for sale at the Bridgeport Terminal is subject to the regulatory exclusion at 40 C.F.R. § 68.126 for fuels held for sale at a retail facility. A retail facility is defined in 40 C.F.R. § 68.3 as a stationary source at which more than one-half of the income is obtained from *direct sales to end users* or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program. If the answer to this question is “yes,” EPA will send a subsequent information request to document and substantiate the exclusion.³

Plymouth Facility

- 11) Provide a list of all the **process safety information** compiled pursuant to 40 C.F.R. § 68.65 for the Plymouth Terminal. Additionally, provide a Fire Safety Analysis drafted in accordance with NFPA 58-2014, § 6.27.3.2.
- 12) Provide a copy of the most recent **process hazard analysis** (“PHA”) completed pursuant to 40 C.F.R. § 68.67 for the Plymouth Terminal, including the date it was performed and the status, resolution, and completion dates for all recommendations/action items. EPA notes that the initial RMP registration for the Plymouth terminal, dated June 16, 2020, listed a Fire Safety Analysis performed on March 30, 2015, as the PHA for the Facility. Typical FSAs do not address all elements required for a PHA. Regardless, under 40 C.F.R. § 68.67(f), an updated and revalidated PHA was required by March 30, 2020. If an updated PHA meeting the RMP requirements has not been performed in the last five years, pursuant to 42 U.S.C. § 7414(a)(1), please provide one by September 30, 2023.⁴
- 13) Provide a list of the **operating procedures** completed pursuant to 40 C.F.R. § 68.69 for the Plymouth Terminal, including the date of completion. Additionally, please provide the operating procedure for unloading propane from trains to the tanks on site.

³ From EPA’s understanding of the trucks picking up propane from the Bridgeport Terminal, it is unlikely that these trucks are of the type and size that could directly serve most end users. Sales to wholesalers or other propane marketers do not qualify for the regulatory exclusion at 40 C.F.R. § 68.126.

⁴ A thorough PHA would examine a comprehensive range of scenarios. For the Plymouth Terminal, this would include, among other things, examining the impact of generic signage on a multitude of emergency shutdown system switches in an emergency, identifying who bears responsibility for supplying sufficient water to cool the tanks during a fire event, anticipating the impact of nonfunctional detection systems, and the impact of a lack of RMP documentation on safe operations.

- 14) Provide a copy of **training** documentation, pursuant to 40 C.F.R. § 68.71, showing the program content and a list of certifications of initial and refresher training completed by truck drivers during the one-year period preceding EPA's inspection of the Plymouth Terminal on April 6, 2023 (so, from April 6, 2022, to April 6, 2023).
- 15) Provide a copy of **mechanical integrity** documentation, pursuant to 40 C.F.R. § 68.73, relating to the testing, calibration, and maintenance of the LEL detectors and ultraviolet (UV) flame detectors at the Plymouth Terminal from June 16, 2020, to the present.
- 16) Provide a copy of the written **management of change** procedures implemented pursuant to 40 C.F.R. § 68.75 for the Plymouth Terminal, including the date created.
- 17) Please provide the two most recent **compliance audits** performed pursuant to 40 C.F.R. § 68.79, including the status, resolution, and completion dates for all recommendations. The initial RMP registration for the Plymouth Terminal, dated June 16, 2020, indicated that an audit had been conducted on May 18, 2020. Given that 40 C.F.R. § 68.79(a) requires a compliance audit to be conducted at least every three years, another was due by May 18, 2023. If a compliance audit has not been completed in the past three years, please provide one once completed.
- 18) Provide a copy of documentation reflecting the **emergency response coordination activities** performed pursuant to 40 C.F.R. § 68.93 for the Plymouth Terminal.