



REGION 1

BOSTON, MA 02109

Dated as indicated on electronic signature

Brian Morrison
Executive Vice President
Ginger's Oil
110 Oak Street
Westerly, RI 02891

Re: U.S. Environmental Protection Agency ("EPA") December 12, 2024, Inspection

Dear Mr. Morrison,

On December 12, 2024, EPA conducted an inspection of Ginger's Oil located at 110 Oak Street in Westerly RI ("the Facility"). The purpose of the inspection was to determine compliance with Section 311 of the Clean Water Act, 33 U.S.C. § 1321, and the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112. On December 20, 2024, EPA sent the Facility a Notice of Spill Prevention, Control, and Countermeasure (SPCC) Inspection with Clean Water Act Deficiencies ("NoD").

Attached to this letter is the Inspection Report and Photolog for the inspection on December 12, 2024, (some of which may contain comments). EPA is requesting that the Facility provide a written response within 30 days of receipt of this letter describing the corrective actions it has taken. You may also respond to any issues discussed in the inspection report. Please send your response electronically to Mr. Jerry Keefe, at keefe.jerry@epa.gov.

If you have any technical questions regarding this letter or the inspection report, contact Mr. Keefe at (617) 918-8376 or by email. If you have any legal questions regarding this matter, please have your attorney contact Mr. Jaegun Lee at (617) 918-1511 or by email at lee.jaegun@epa.gov. We are also providing a link to EPA's Small Business Resources Information Sheet¹.

¹ <https://www.epa.gov/compliance/small-business-resources-information-sheet>

Finally, please confirm your receipt of this correspondence by providing Mr. Keefe with an email response.

Sincerely,
NEWTON
TEDDER

Digitally signed by
NEWTON TEDDER
Date: 2025.02.10
16:04:41 -05'00'

Newton Tedder, Manger

Water Technical Unit 1

EPA Region 1, Enforcement and Compliance Assurance Division

cc: James Ball (RIDEM), James.Ball@dem.ri.gov
Jason Caswell (RIDEM), Jason.Caswell@dem.ri.gov
Karissa Oaks, EPA Region 1, Oil Spill Prevention Compliance Coordinator
Jaegun Lee, EPA Region 1, Enforcement Counsel
Jeff Kopf, EPA Region 1, Enforcement Counsel

Enclosures: (electronic)
Inspection Report and Photolog



NOTICE OF SPCC INSPECTION WITH DEFICIENCIES
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Date of Inspection: 12/12/24 Date of Notice: Dated by electronic signature	Lead Inspector (Print Name & Sign): Joseph Canzano Oil Spill Prevention Compliance Coordinator (617) 918-1763	JOSEPH CANZANO Digitally signed by JOSEPH CANZANO Date: 2024.12.20 11:42:55 -05'00'
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Facility Name: Ginger's Oil Company	Facility Address: 110 Oak Street Westerly, RI 02891	Facility Type: Oil Storage and Transfer Terminal
Facility Owner/Contact & Phone: Brian Morrone, Executive Vice President (401) 596-4221	Facility Email: gingersoil@verizon.net	Facility Fax: N/A

The purpose of the inspection process is to determine compliance with Section 311 of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, and the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112 (the "Regulations"). The scope of the inspection and plan review process may include but is not limited to; reviewing and obtaining copies of documents and records; interviewing facility personnel; a physical inspection of the facility (including process areas); taking photographs or video; collecting samples; and other activities necessary to determine compliance with the Act and the Regulations. Please review this Notice of SPCC Inspection with Deficiencies form ("Notice") carefully. Please be advised that this Notice, any attached document(s) and discussions during the closing conference may not set forth all deficiencies, and that an in-depth review of this Notice and any other relevant information may identify deficiencies not yet identified herein. Also note that the deficiencies noted are preliminary observations only, and this Notice is not a final determination of compliance or noncompliance.

Please also be advised that any noncompliance with the Act and/or the Regulations may constitute a violation under the Act for which penalties or other relief may be sought. Penalties may be assessed upon subsequent findings by a court of law or the Administrator of the United States Environmental Protection Agency ("EPA") that the facility has violated the Act and/or the Regulations. EPA reserves the right to initiate an enforcement action under the Act and any other applicable law, and to seek penalties and other appropriate relief, for any violation of the Act, the Regulations, or other applicable laws. This Notice and other relevant information will be reviewed by appropriate EPA personnel to determine if any deficiencies identified in such review constitute violations of the Act and/or the Regulations, and whether an enforcement action is appropriate. It is EPA's intent to provide written correspondence describing any deficiencies identified during the subsequent inspection review process.

To the extent this Notice identifies deficiencies with the Act and/or Regulations, you are urged to correct such deficiencies as soon as possible, as responsibility for compliance with the Act and/or regulations rests with you. These deficiencies are potential violations observed by EPA staff. Correcting these deficiencies may help you with compliance with the Act and/or Regulations. EPA requests you submit all information, as soon as possible, showing your correction of the noted deficiencies to:

Karissa Oaks, Oil Spill Prevention Compliance Coordinator
oaks.karissa@epa.gov

If it is not feasible to correct the deficiencies within 30-days of the date of the inspection, immediately submit a detailed explanation and schedule indicating by when the noted deficiencies will be corrected. If you believe that your facility is not required to have an SPCC Plan, or is in compliance with the SPCC regulatory requirements, you may submit an explanation, supported by documentation, as to why the facility is not subject to the SPCC provision of the Oil Pollution Prevention regulations at 40 C.F.R Part 112 or meets its requirements within 30-days of the date of the Notice. Correction of a deficiency does not relieve the owner or operator from potential liability for any violations of applicable laws and regulations.

Confidential Business Information

You may be entitled to claim information submitted to EPA as part of this process as Confidential Business Information ("CBI") pursuant to the regulations set forth in 40 C.F.R. Part 2. If EPA determines the information, you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2 Subpart B. Unless CBI is claimed, EPA may make the information available to the public without further notice to you. **Please sign and date Notice and return to EPA inspector/s.**

Acknowledgement of Inspection

Signature of Facility Representative: _____ Date Signed: _____

Printed Name of Facility Representative: _____ Title: _____

Attachment 1 of 2
Notice of SPCC Inspection with Clean Water Act Deficiencies
December 12, 2024, Inspection

At the closing conference, the inspector informed Facility representatives of the following deficiency under the federal Oil Pollution Prevention regulations at 40 C.F.R. Part 112.

- Rule/Requirement: 40 C.F.R. Part 112.7(h)(1), where loading/unloading rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading/unloading racks. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

Deficiency: A Facility representative informed EPA's inspectors that the Facility's loading rack does not fully comply with the Rule. Inspectors observed an earthen area next to the loading rack that is being used for spill containment. The area was not designed or constructed to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the Facility.

- Rule/Requirement: 40 C.F.R. Part 112.7(h)(2), provide an interlocked warning light or physical barrier system, warning signs, wheel chocks or vehicle brake interlock system in the area adjacent to a loading/unloading rack, to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

Deficiency: EPA inspectors did not observe warning light/s or physical barrier system, warning signs, wheel chocks or vehicle brake interlock system in the area adjacent to a loading/unloading rack, to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

- Rule/Requirement: 40 C.F.R. Part 112.7(e), conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the oil Spill Prevention, Control and Countermeasure ("SPCC") Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

Deficiency: Facility personnel were unable to provide EPA inspectors with formal written records for integrity inspections and testing for aboveground oil tanks in the Facility's fuel farm.

Attachment 2 of 2
Notice of SPCC Inspection with Clean Water Act Deficiencies
December 12, 2024, Inspection

- Rule/Requirement: 40 C.F.R. Part 112.8(c)(6), test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

Deficiency: Facility personnel informed EPA inspectors that aboveground oil tanks at the Facility have not been formally tested or inspect for integrity on a regular schedule.

- Rule/Requirement: 40 C.F.R. Part 112.8(c)(2), construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

Deficiency: EPA's inspectors observed a 330-gallon waste oil tote container that was not in spill containment in the Facility's service garage.