NOTICE OF SPCC INSPECTION WITH DEFICIENCIES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Date Inspection: **12/01/2022**	Lead Inspector (Print Name & Sign): **Joe Canzano, Oil Spill Prevention Coordinator** JOSEPH CANZANO Digitally signed by JOSEPH CANZANO Date: 2022.12.13 08:34:18 -05'00'	Inspection Number: **N/A**
Additional Inspectors: **Jerry Keefe, Inspector, Lina Takahashi, OSC, and Cayla Baughn, OSC**		

Facility Name: **American Greenfuels, LLC**	Facility Address: **30 Waterfront Street, New Haven, CT**	Facility Type: **Biofuel Mfg.**
Facility Rep/Phone: **Peter Baiardi/HSE Manager**	Facility Email: **pbaiardi@americangreenfuels.com**	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. The 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's inspector. 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:

Joseph Canzano, Oil Spill Prevention Coordinator
Canzano.joseph@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. 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.

Acknowledgement of Inspection

Signature of Facility Representative: ______________________________ **Date Signed:** ________________

Printed Name of Facility Representative: _________________________ **Title:** _________________________

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Attachment
to
Notice of SPCC Inspection with Deficiencies
December 01, 2022

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

- Rule/Requirement: Section 311(b)(3) of the Clean Water Act prohibits discharges of oil into navigable waters of the United States in such quantities "as may be harmful" as defined in 40 C.F.R. §110.3(b), which includes discharges that cause a film or sheen upon or discoloration of the surface of water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of water or upon adjoining shorelines.

  Deficiency: On May 15, 2022, the Facility reported a discharge of biofuel oil from a tanker truck during transfer at a loading rack into New Haven Harbor by way of a storm drain.

- Rule/Requirement: Under 40 C.F.R. §112.7(h), facilities must design any containment system to hold at least the maximum capacity of any single compartment of a tank truck loaded or unloaded.

  Deficiency: On December 1, 2022, Facility representatives informed EPA inspectors that the loading rack's spill containment system did not fully contain the spilled oil during transfer. Following the May 2022 spill, the Facility implemented certain changes including the installation of additional berm and an emergency shut off switch, and changed standard operating procedures for transfers at the loading rack.

- Rule/Requirement: Under 40 C.F.R. §112.5(a), the owner or operator of a facility must amend the facility's SPCC Plan when there is "a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge" as described in § 112.1(b). Examples of changes that may require an amendment include but are not limited to commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. Such amendments must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

  Deficiency: During the December 2022 EPA inspection, Facility representatives informed the EPA that the Facility had instituted certain changes which materially affects its potential for discharge and may not have fully amended the SPCC plan within six months of that change. These changes included, but were not limited to, the addition of an oil tank (Tank 1604), discontinued use of oil filled rail cars, installation of emergency shut off switch and standard operation procedures for transfer at the loading rack.

- Rule/Requirement: Under 40 C.F.R. §112.5(b), the owner or operator of a facility must "complete a review and evaluation of the SPCC plan at least once every five years" from the date the Facility becomes subject to this part; or, if the facility was in operation on or before August 16, 2002, five years from the date the last review was required under this part. As a result of this review and evaluation, a facility must amend its SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge from the facility. Facilities must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. Facilities must document its completion of the review and evaluation and must sign a statement as to whether it will amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date) and will (will not) amend the Plan as a result."

  Deficiency: During the December 2022 inspection, Facility personnel was unable to provide documentation of its management's review and evaluation of the Facility's SPCC plan which should have occurred no later than June 2018. Facility representatives stated that Facility management may not have fully-documented the review and evaluation of its SPCC plan since June