



United States Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT LEGAL MATTER
PROMPT AND COMPLETE REPLY IS REQUIRED

Via Electronic Mail (*date indicated on electronic signature*)

Mr. Robert Brown, President
Broco Oil, Inc.
168 Hale Street
Haverhill, MA 01380
bobby@brocooil.com

Re: U.S. Environmental Protection Agency ("EPA") January 12, 2022, Site Inspection Report for Oil Pollution Prevention Regulations at 40 Code of Federal Regulation ("C.F.R.") Part 112.

Dear Mr. Brown:

On January 12, 2022, EPA conducted a site inspection at Broco Oil, Inc.'s oil and liquid propane storage and distribution terminal located at 168 Hale Street in Haverhill, Massachusetts ("the Facility"). The purpose of the inspection, among other things, was to inspect the Facility's oil storage and transfer operations under EPA's Oil Pollution Prevention regulations at 40 C.F.R. Part 112.

Prior to the inspection EPA was provided with a copy of a draft October 2019 oil Spill Prevention, Control and Countermeasure ("SPCC") plan. At the time of the inspection, EPA was provided with a revised plan dated January 2022. We have completed review of the revised plan and comments may be found in the attached document entitled SPCC Field Inspection and Plan Review Checklist ("Checklist").

Facility operations include, but are not limited to, aboveground oil storage tanks ("ASTs"), railroad car oil storage, and oil transfer areas. According to the plan the volume of the largest-single AST is 49,500-gallons and the spill containment volume for the AST farm is 82,000-gallons. The Facility's total aboveground oil storage capacity, not including oil filled railroad car/s, is 389,000-gallons.

The largest-single oil filled railroad car container observed the day of the inspection was 25,440-gallons. The plan indicates the Facility may have up to four cars at the site for offloading. The day of the inspection EPA was informed by the Facility there were six cars at the site and oil stored in certain cars had already been offloaded to ASTs and/or tanker trucks. The plan doesn't address oil filled railroad cars that have arrived at the Facility waiting to be offloaded.

The Facility operates two loading racks for loading tanker trucks. The plan indicates the largest single-tanker truck compartment operating at the top loading rack is 4,500-gallons and the containment system for the area is undersized. Following the inspection, the Facility informed

EPA it would be installing a temporary asphalt berm and instituting measures until a new containment system can be constructed.

The transfer area for bottom loading into tanker trucks from railcars drains to a diked containment system. The plan indicates the containment volume for the system is 4,800 gallons. The plan doesn't identify the largest single-tanker truck compartment operating at the bottom loading rack.

Additionally, the Facility may be subject to EPA's National Pollutant Discharge Elimination System ("NPDES") regulations for the discharge of industrial stormwaters. Federal regulations at 40 C.F.R. § 122.26(b)(14)(i)-(xi) require stormwater discharges associated with specific categories of industrial activity to be authorized under EPA's Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP"). One of the categories is transportation facilities that have vehicle maintenance shops or equipment cleaning operations.¹ Industrial stormwater discharges that come into contact with industrial materials and activities on the property, resulting in stormwater flow off site and/or into the municipal separate stormwater sewer system would require permit coverage under the MSGP.

EPA is requesting you provide a written response to the issues raised in this letter to Mr. Joseph Canzano within 30-days of receipt of this letter. Please provide your response electronically to Mr. Canzano – canzano.joseph@epa.gov. Your response should also address the findings identified in the Checklist. We have included in this report a copy of some of the photographs taken during the inspection that may contain comments shown in parentheses, and a link to EPA's Small Business Resources Information Sheet².

If you have any technical questions regarding your Facility's responsibilities under EPA's Oil Pollution Prevention Regulations contact Mr. Canzano at (617) 918-1763 or by e-mail. Finally, please provide Mr. Canzano with a response to this email to confirm receipt of EPA's correspondence.

Sincerely,

DENNY DART

Digitally signed by DENNY DART
Date: 2022.02.09 08:05:22 -05'00'

Denny Dart, Branch Chief
Enforcement and Compliance Assurance Division

cc (electronic only):

Joseph Canzano, EPA, canzano.joseph@epa.gov

Cosmo Caterino, EPA, caterino.cosmo@epa.gov

Len Wallace, EPA, wallace.len@epa.gov

Enclosures:

Inspection Pictures

U.S. EPA SPCC Field Inspection and Plan Review Checklist

¹ It appears the Broco Oil, Inc. facility falls under Standard Industrial Classification 5171 ("Petroleum Bulk Stations and Terminals"), and therefore is included among those types of facilities specifically listed in 40 C.F.R. § 122.26(b)(14)(viii).

² <https://www.epa.gov/compliance/small-business-resources-information-sheet>