



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

Date of Inspection: 02/21/23	Lead Inspector (Print Name & Sign): Joseph Canzano, Oil Spill Prevention Enforcement Officer	JOSEPH CANZANO	Digitally signed by JOSEPH CANZANO Date: 2023.02.27 13:56:20 -05'00'
Date of Notice: 02/27/23			

Facility Name: McLaughlin Storage, Inc McLaughlin Oil Company	Facility Address: 20 Progress Street Nashua, NH 03062	Facility Type: Oil Storage Terminal
Facility Contact & Phone: Marissa McLaughlin SPCC Coordinator 603-521-4335	Facility Email: mrm@mcmoving.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 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:

Joseph Canzano, Oil Spill Prevention Enforcement Officer
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. 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.

Acknowledgement of Inspection

Signature of Facility Representative: _____ Date Signed: _____

Printed Name of Facility Representative: _____ Title: _____

**Attachment
to
Notice of SPCC Inspection with Deficiencies
February 21, 2023**

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

- 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 Spill Prevention, Control and Countermeasure (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 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 Plan for (name of facility) on (date) and will (will not) amend the Plan as a result.”

Deficiency: Facility personnel informed the inspector that the facility may not have fully completed a review, evaluation, and documentation of the Plan at least once every five years from the date the Facility became subject to the Rule.

- Rule/Requirement: Under 40 C.F.R. §112.7(a)(3), the owner or operator of a facility must describe in the facility’s SPCC Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must identify the location of and mark as “exempt” underground tanks that are otherwise exempted from the requirements of this part under §112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes, including intra-facility gathering lines that are otherwise exempted from the requirements of this part under §112.1(d)(11).

Deficiency: The inspector was informed by Facility personnel that the SPCC Plan’s facility diagram, dated December 15, 2002, and the SPCC Plan dated July 1, 2003, does not fully address all of the minimum elements required by the Rule. The diagram does not include, among other things, the waste oil tank and oil drums for the service garage, storage area where mobile containers/refuelers are located/parked, connecting piping for tanks in the fuel farm, underground tanks that are otherwise exempted and associated dispensers and off-loading transfer stations.

- Rule/Requirement: Under 40 C.F.R. §112.8(b)(1), the owner or operator of a facility must restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. The owner or operator may empty diked areas by pumps or ejectors; however, these pumps or ejectors must be manually activated, and the condition of the accumulation must be inspected before starting, to ensure no oil will be discharged.

Deficiency: The inspector detected an odor of fuel in a manhole and observed liquid flow entering the manhole from a pipe. Facility personnel informed the inspector that the pipe in the manhole is connected to the drainage sump valve located in the tank farm.

- Rule/Requirement: Under 40 C.F.R. §112.8(c)(1), the owner or operator of a facility must not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

Deficiency: The inspector observed in an outdoor location adjacent to the Service Garage that certain 55-gallon metal drums were deformed, potentially from pressure and/or temperature change. Facility personnel informed the inspector that the drums contain unknown liquid. The inspector informed Facility personnel that the drums were not suitable for storing oil.

- Rule/Requirement: Under 40 C.F.R. §112.8(c)(10), the owner or operator of a facility must promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. Any accumulations of oil in diked areas must be promptly removed.

Deficiency: The inspector observed a visible discharge of oil in the tank farm containment area in the following outdoor locations: entry hatch/gasket for Tank #1, transfer pump/gasket for Tank #2 and Tank #3, and drainage sump. The inspector also observed visible discharge of oil entering a drain on loading pad #1, under a parked oil truck (mobile refueler) waiting to be repaired in the Service Garage, and a transfer area for an underground diesel tank.

- Rule/Requirement: Under 40 C.F.R. §112.8(c)(11), the owner or operator of a facility must position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). Except for mobile refuelers and other non-transportation-related tank trucks, the owner or operator must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

Deficiency: The inspector observed certain unlabeled 55-gallon plastic drums stored outdoors and not in containment. Facility personnel identified liquid/oil in certain drums.

- Rule/Requirement: Under 40 C.F.R. §122.26(b)(14)(i)-(xi), stormwater discharges associated with specific categories of industrial activity are to be covered under a National Pollutant Discharge Elimination System permit, unless otherwise excluded. Category Eight (viii) is associated with transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations.

Deficiency: The inspector observed, at least, four outfalls from the property to surface waters, and industrial activities and materials in contact with rainwater. According to EPA records, the Facility has not applied for coverage under EPA's 2021 Multi-Sector General Permit.