US Environmental Protection Agency – Region 2
Caribbean Environmental Protection Division
Response and Remediation Branch

EPA United States Environmental Protection Agency

Resource Conservation and Recovery Act (RCRA)
Compliance Evaluation Inspection (CEI)

Facility Name:		***TOTAL PETROLEUM ST THOMAS TERMINAL***					
EPA ID Number:		***VIR000000042***					
Inspection Date:		***August 3, 2022***					
Generator Status in Record:		LQG					
RCRA Permitted:		No					
Corrective Action:		No					
Project ID		CEPD-RCRA-15-0345					
Basis for Inspection:		Core Program (Activity conducted during the *COVID-19 pandemic* timeframe)					
Facility Personnel:							
Name:	Title:	Email:	Phone:	Attend to:			
				OM[1]	FW[2]	DR[3]	CM[4]
Mr. Sidney O. Lewis	Operation Supervisor	sidney.lewis@totalenergies.pr	340-642-3024	√	√	-	-
Mr. Sherwin C. Pilgrim	USVI Director	sherwin.pilgrim@totalenergies.pr	340-774-6044 x 4501	-	-	√	√
Mr. Daniel Soares	NEW USVI Director[5]	daniel.soares@totalenergies.pr	N/A	-	-	√	√
EPA Personnel:							
Inspector's Name		EPA Region 2-CEPD	Enforcement Officer	phone/email			
Ms. Rosana Caballer-Cruz		EPA Region 2-CEPD	Enforcement Officer	787-977-5880/ caballer.rosana@epa.gov			
Status:	FINAL						
EPA Inspector Signature/Date	X ROSANA CABALLER-CRUZ Digitally signed by ROSANA CABALLER-CRUZ Date: 2022.12.13 10:38:30 -04'00'						
Supervisor Signature/Date	X DAVID CUEVAS-MIRANDA Digitally signed by DAVID CUEVAS-MIRANDA Date: 2022.12.13 11:05:00 -04'00' David N. Cuevas Miranda, Ph.D.						

[1] Opening Meeting
[2] Facility Walkthrough
[3] Documents Review
[4] Closing Meeting
[5] According to facility representative, this transition occurred during the timeframe of our CEI activities.

1 FACILITY SUMMARY

Facility Physical Location: (Municipality, PR, zip code)	CYRIL E KING AIRPORT, PO BOX 962916, ST THOMAS, VIRGIN ISLANDS, 00801.
Geographical Coordinates:	18.332011, -64.972595
Facility Information:	TOTAL PETROLEUM ST THOMAS TERMINAL
	340-774-6044 / 787-783-4625
	Mailing address: PO BOX 362916, SAN JUAN, PUERTO RICO, 00936.
NAICS:	42471 - PETROLEUM BULK STATIONS AND TERMINALS
Previously inspected:	YES
Area:	2 BUILDINGS[6]
Number Employees:	APPROXIMATELY 7
Subpart AA, BB, CC applied?	NO
HW[7] transferred via pipeline?	NO
UST[8] available at the facility?	NO
NRC[9] orientation provided?	YES

1.1 AERIAL PHOTOGRAPH

Figure 1: Facility Location

[6] One (1) of the buildings is a temporary one, trailer-like, as a result of hurricanes Irma and María.
[7] Acronym stands for hazardous waste.
[8] Acronym stands for underground storage tanks.
[9] Acronym stands for National Response Center.

1.2 Facility Physical Description And Operation

The Total Petroleum St. Thomas Terminal, formerly owned by ESSO[10], has been operating in the airport area since 1987. Since 2008, the facility has been operated by TOTAL Energies[11]. The main operations of this facility consist of supplying jet fuel to the airport aircraft. According to the facility representative, the United States Virgin Islands (USVI) Port Authority owns the lot where this facility is encompassed. I was told that this facility has footage of approximately 79,597.80 ft^2 and currently employs approximately seven (7) employees. The facility operates from 7:00 am to 5:00 pm, for its administrative schedule, and 24 hours, 7 days per week for airplanes and airport-related activities.

1.3 Solid And Hazardous Waste Generation

During the opening meeting, I asked Mr. Lewis about their hazardous waste, universal waste, and used oil generation. According to him, the facility is not generating hazardous wastes[12] [13] or universal wastes. Nevertheless, used oil is generated at the facility. As a result, I asked him about the hauler company that provides services to the facility. He replied that Clean Harbor and/or VI[14] Regulated Waste are the existing hauler companies that pick up the used oil generated at the facility. According to the facility representative, the last used oil disposal was conducted on July 17, 2019. In addition, information related to the paint and pest control-related activities was requested. Mr. Lewis told me that if needed, the facility employees provide painting services at the facility and that ORKIN-Garmin's employees provide their pest control services[15]. In addition, I asked him if there have been any spills and/or chemical releases at his facility in the last five (5) years. He replied that a spill of approximately 5-gallon of jet fuel occurred. He explained to me that this spill was contained, poured into a container, and the latter is still placed and available in the facility's backyard. Finally, I provided the facility representative, with a review of the information related to the NRC, such as but not limited to the phone number and facility responsibilities in case of an eventuality.

2 INTRODUCTION

On August 3, 2022, a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (inspection) was conducted at TOTAL PETROLEUM ST THOMAS TERMINAL (the facility), pursuant to Section 3007 of RCRA. As part of the inspection, an opening meeting,

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[10] Reference: https://www.esso.ca/en-ca/our-history ; https://www.britannica.com/topic/Exxon-Corporation#ref214902
[11] Reference: https://totalenergies.com/ ; https://totalenergies.com/group/identity/history
[12] Nevertheless, it was confirmed during the CEI that the facility still has available and was in use the Hazardous Waste Accumulation Area. The latter the same one visited as part of the 2015 CEI.
[13] Nevertheless, the facility representatives stated during the CEI that "as a Terminal, maybe something can become hazardous".
[14] Acronym stands for Virgin Islands.
[15] I asked if the facility has available a storage area for the pesticides, and I was told they do not store any pesticides at the facility.

walkthrough, document review[16], and closing meeting[17] were conducted to evaluate the facility's compliance with the requirements that govern hazardous waste generators, universal waste handlers, and used oil generators, as applicable.

According to EPA records, the facility has been inspected one (1) time before this inspection. The last time EPA inspected this facility was on August 20, 2015, and violations were found[18]. I arrived at the facility around 9:40 am. Due to the COVID-19 pandemic situation, COVID-19 protocols[19] were implemented as part of this inspection. Finally, during this CEI, the weather was partly cloudy, not too windy, humid, and hot temperatures were experienced at the site.

3 OPENING MEETING

I met with Mr. Sidney O. Lewis, Operation Supervisor, for the opening meeting. I identified myself as an EPA RCRA enforcement officer and told the facility representative that the purpose of my visit was to conduct a CEI at the facility to evaluate its hazardous waste, universal waste, and used oil management practices and compliance. In addition, I told him the inspection components, which consist of an opening meeting, a facility walkthrough, a document review section, and a closing meeting, and that RCRA, universal wastes, and/or used oil documents, would be requested. As part of the inspection, I mentioned to the facility representative that I needed to take photos related to any RCRA-related issues. He explained to me that pictures are allowed only with intrinsically safe cameras. Since only intrinsically safe cameras were allowed in the facility, no photographs were taken during the inspection. As part of the CEI, I explained to him that we needed to visit the waste generation areas in his facility.

In addition, I asked the facility representatives if hazardous wastes, universal wastes, and/or used oil are currently generated at his facility. He replied that currently, they are generating just used oil[20]. According to him, the facility is not generating hazardous wastes or universal wastes. However, he told me that a Hazardous Waste Accumulation Area (HWAA), and the used oil area, which is placed at the same place as the HWAA, were available at the facility. Just after, we started with the facility walkthrough.

4 FACILITY WALKTHROUGH

Mr. Lewis accompanied me during the facility walkthrough. The following areas were inspected:

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[16] I started the document review section at the facility site and for the evaluation of the rest of the documents, I requested that the latter would be provided electronically for their review.

[17] The closing meeting and the document review section was conducted remotely, on August 10, 2022, via Microsoft Teams App. For the mentioned meeting, the facility representatives invited their attorneys. After orientation to the facility representatives, the meeting was conducted just with the facility's technical personnel.

[18] As a result of this August 20, 2015, CEI, and two (2) additional inspections to TOTAL PETROLEUM facilities located in Puerto Rico (Total Bulk Terminal, Guaynabo, PRD980536007 on March 17, 2016, and Total Petroleum Puerto Rico LMM Airport Aviation Terminal, PRD980536023 on April 22, 2016), on March 22, 2018, EPA generated a COMPLAINT, COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING (Docket No. RCRA-02-2018-7101) against TOTAL PETROLEUM.

[19] We used N95 mask or similar. Also, we maintained proper distance between each one.

[20] For additional information related to this item, please refer to Section 1.3 of this Report.

(1) Oil/Water Separator Area, (2) Slop Tank Area, (3) Hazardous Waste Accumulation Area (HWAA), and (4) Temporary Office Area. The observations for each area are described below. Additional information related to each is as follows:

4.1 INSPECTED AREAS

4.1.1 OIL/WATER SEPARATOR AREA

General Picture of the Area	*Picture not available. For security purposes, no photographs were taken in this area.*
Description of the Area	This was the first area inspected. Located in the south area of the facility, it consists of an oil/water separator[21] unit, which has available three (3) chambers. This area did not have a ceiling.

At the time of the inspection, the OWS was functional and operational. The facility representative told me that this unit works with three (3) chambers and/or in three (3) stages. At the time of the inspection, the OWS unit had liquid content[22] within the three chambers. According to him, the first chamber of this unit receives the liquid content from the loaded areas, such as dikes[23]. At the time of the inspection, this chamber contained many emulsions and/or suspended material that were observed floating at the top of the liquid. The second stage of this OWS unit is used, then, to skim and/or separate the oil/emulsion (floating phase) from the liquid phase. The latter is transferred to the final slop tank. At the time of the inspection, emulsion and/or suspended material was barely observed at the second chamber. At the end of the third stage of the OWS unit, the water is supposed to be clean to then be transferred it out to the airport [water] system. Finally, Mr. Lewis told me that the OWS conditions observed at the time of the inspection are the typical conditions of the unit[24].

In addition, Mr. Lewis told me that, when needed, an ISO tank is used to pour the liquid content available in the third chamber of the OWS unit. I asked Mr. Lewis about this ISO tank since at the time of the inspection I did not observe any ISO tank nearby this area. He replied that the ISO tank was not available because it was taken from the facility before I came into the CEI. I asked him how they dispose of the content of the ISO tank. He replied that they dispose of such content as non-hazardous waste.

I told the facility representatives the following:

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[21] Acronym stands for Oil water separator unit.

[22] The phrase “liquid content” used in this sentence stands for a general description of a liquid that appears to be water with oil, oil/emulsion (floating phase) and suspended materials.

[23] In a later time during the CEI, Mr. Lewis told me that the OWS unit also receives water that comes from the facility’s storm water drains, which has been in contact with the facility’s concrete floor. This information was provided during the inspection activity conducted in the HWAA Subarea (Section 4.1.3 of this Report).

[24] This information was provided by the facility representative and provides a general information description of the process that occurs and this unit.

- *Additional information related to this area would be requested* - Such as but not limited to the liquid content that is poured at the slop tank, the liquid content that, when needed, is transferred to the ISO tank, information related to the determination of the liquid content that is transferred to the ISO tank, information related to the disposal activities of the liquid content that is transferred to the ISO tank, among others.

4.1.2 SLOP TANK AREA[25]

General Picture of the Area	*Picture not available. For security purposes, no photographs were taken in this area.*
Description of the Area	This was the second area inspected. Located in the east part of the facility, this area is located inside the facility's tank farm area[26][27]. It consisted of one (1) horizontal bullet-type aboveground storage tank (AGST) that was observed inside a dike.

The AGST observed in this area is in use, operational and is aimed to store the contact water[28] that comes from the diesel and gasoline tanks and the liquid content that comes from the OWS unit. According to the facility, the *List of common waste found in the branch - Waste Classification According to Total Group Rules* (Final Material Classification could vary depending on its analytical results, aka the Attachment CR-PROC-PR-HSEQ-081B[29]), the slop[30] is identified as a hazardous waste. However, at the time of the inspection, I observed that the AGST which receives the slop did not have a hazardous waste label. I asked Mr. Lewis about this and, as a result, we walked around such AGST to review all AGST sides. Just after, it was confirmed by Mr. Lewis that the mentioned AGST did not have any label and/or information available. Also, as part of this action, I observed that some of its connections, such as flanges, valves, and some elements of the stairs located inside the dike, had signs of corrosion and/or were observed rusted. As part of the inspection in this area, I asked Mr. Lewis about the capacity of this AGST. He replied that, although at the time of the inspection the latter is empty, the capacity of the mentioned AGST is 8,000 gallons. Nevertheless, according to him, this AGST would be filled

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[25] March 22, 2018, EPA generated a COMPLAINT, COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING (Docket No. RCRA-02-2018-7101) against TOTAL PETROLEUM stated: "samples were determined to be hazardous waste".

[26] The facility's tank farm consisted of one (1) diesel tank, one (1) slop tank, two (2) gasoline premium tanks, and two (2) Jet A fuel tanks.

[27] At the time of the inspection, the tank identified as TK-3 is in partial used. According to the facility representative, the startup of the latter is scheduled to be conducted by September 2022.

[28] This term was used by the facility representative.

[29] The Attachment 6 - Waste Minization Plan was submitted by the facility representatives, via email.

[30] The Attachment 6 – Waste Minization Plan identified the hydrocarbon sludge (separator, bottom of tank, purge, slops, etc.) as Hazardous.

soon[31]. Finally, Mr. Lewis told me that the AGST observed at this CEI is the replacement of the original one[32].

I told the facility representatives the following:

- *Condition of the tank and dike* – I told the facility representative that the AGST and some of its connections, such as flanges, valves, and some elements of the stairs located inside the dike, were observed rusted and/or had signs of corrosion.
- *Label* – At the time of the inspection, the tank was not observed marked or labeled with the words "Hazardous Waste"[33]. A pictographic label and/or an indication of the hazards of the contents were not observed, as well. Also, the tank capacity information was not available at the time of the inspection.

4.1.3 HAZARDOUS WASTE ACCUMULATION AREA (HWAA)

General Picture of the Area	*Picture not available. For security purposes, no photographs were taken in this area.*
Description of the Area	This was the third area inspected. Located in the north part of the facility, this area consists of a cage-like unit with a concrete floor, cyclone fence walls, and a galvalume ceiling. At the time of the inspection, the cyclone fence was observed open, but operators/employees were not nearby or working in this area. In addition, the area is labeled as hazardous waste, has a no-smoking label, and secondary containment is available. The area is also segregated into three (3) contiguous areas. The phone numbers of the facility's employees were not available[34]. Also, wood panels in poor conditions were observed inside the unit.

The three (3) contiguous areas were identified by Mr. Lewis as follows: (a) Epoxy Content Subarea, (b) Non-hazardous Waste Subarea, and (c) Hazardous Waste Accumulation Area (HWAA) Subarea. Additional information regarding each subarea is as follows:

[31] According to Mr. Lewis, it was already scheduled that a vessel was scheduled come to the facility between the date of the CEI or the date after the CEI.
[32] According to Mr. Lewis, although have the same capacity, this AGST is new and is not the same one observed during our 2015 CEI.
[33] This violation was raised on 2015 CEI. The citation was 40 CFR § 262.34 (a) (1-3), nowadays [Reserved].
[34] During the inspection at the HWAA subarea, Mr. Lewis write down, in front t of me, the phone numbers of two (2) employees at the back side of one of the available labels observed.

(a) - *Epoxy Content Subarea* – Here, I observed the following:

a. Three (3) 15-gallon black plastic containers labeled as chlorine. Nevertheless, according to Mr. Lewis, these containers were empty.
b. Approximately sixteen (16) 5-gallon containers with epoxy content.
c. Three (3) 1-gallon containers with epoxy content.

At the time of the inspection, all the containers that I was able to observe were in poor condition and corroded. I asked the facility representative about these containers, such as the determination [of the content] of each container, the time these were placed at this location, and disposal activities. Mr. Lewis replied to me that he did not know about determination information, that such containers could have been placed at this location approximately five (5) years ago, and that Clean Harbor was supposed to pick them up. Nevertheless, it was also told later by Mr. Lewis that those containers were still in use.

(b) - *Non-hazardous Waste Subarea* – Here, I observed the following:

a. Approximately eleven (11) 55-gallon containers. According to Mr. Lewis, those containers have content inside. Also, although the containers were labeled as non-hazardous waste, I was not able to read any of the labels available[35].
b. Approximately nine (9) 55-gallon containers[36] were stocked above the non-hazardous waste containers. None of such containers were observed labeled. According to Mr. Lewis, all these containers were empty.

(c) *Hazardous Waste Accumulation Area (HWAA) Subarea* - Here, I observed the following:

a. Seven (7) 55-gallon containers; five (5) of them were 55-gallon blue plastic containers and two (2) 55-gallon black steel containers were found in this subarea. At the time of the inspection, none of these containers were observed labeled, and the pictographic label and/or hazard information of the content was not available. Nevertheless, Mr. Lewis told me that those containers contain Jet Fuel, Gasoline, and Diesel. I asked Mr. Lewis how he knew the content of each of these containers, and he replied to me that this was the area where they store the Jet Fuel, Gasoline, and Diesel containers. Also, he told me that those containers are picked-up by Clean Harbors. According to him, the hauler company conducts a test prior to making the disposal activity and then moved the content of these containers to "more safe ones". In addition, empty containers, identified as Jet A, were observed placed above those containers' lids. Finally, the containers observed in this area were found in poor condition; almost all of them were observed with signs of corrosion and/or rusted, and with poor housekeeping. Also, the lack of labeling and/or information that can barely be read was a constant observation in this subarea.

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[35] Information such as the name of the content and the date of each container was barely appreciated in the label.
[36] The containers observed were four (4) 55-gallon blue plastic containers and five (5) 55-gallon black steel containers.

As part of the inspection, is asked Mr. Lewis about communication devices available in this area. He replied that two-ways communication devices are provided to the facility representatives to work in this subarea. In addition, I asked him if this subarea has a visual and/or sound alarm available. Mr. Lewis replied that an alarm is not available in this subarea. As part of the emergency equipment available, I observed a fire extinguisher. I asked Mr. Lewis if the equipment is functional. According to him, the latter is a working unit. Nevertheless, it was confirmed that a spill kit was not available in this subarea. Finally, I asked Mr. Lewis about the subarea log. He told me that we would need to verify at the office if the latter is available[37].

I told the facility representatives the following:

- *HWAA* subarea
    - At the time of the inspection, the cyclone fence was observed open, and operators/employees were not nearby or working in this area.
    - Conflicting information related to the subarea was gathered as part of the CEI. This subarea was identified as HWAA, nevertheless and according to information provided by the facility representative, "hazardous waste is not generated". Furthermore, they mentioned that Clean Harbors were supposed to pick-up the containers observed in this subarea.
    - Containers were observed with signs of corrosion and/or rusted. Some of them were also observed dirty and with contents at their lids.
    - The time length of the containers observed at this subarea is unknown.
    - The determination of the contents of the containers observed is unknown. In addition, conflicting information about containers in this subarea was found since it was not clearly expressed if they are in use or are at this location for disposal.
    - Lack of labels at the containers were observed in this subarea.
    - An alarm was not available at the time of the inspection.
    - A spill kit was not available at the time of the inspection.
    - The HWAA log was not available[38].
    - Information related to hazardous waste determination is unknown.

4.1.4 TEMPORARY OFFICE AREA

General Picture of the Area	*Picture not available. For security purposes, no photographs were taken in this area.*
Description of the Area	This was the last area inspected. It is located nearby the HWAA subarea and adjoins the Caribbean Sea. It mainly consists of the facility's concrete floor (drains

[37] Although Mr. Pilgrim agreed to provide such document in a later date, nevertheless, it was not received.
[38] It was requested during the CEI activity and via email. Nevertheless, it was not received

	included), the Temporary Office (Trailer-like building), and the former TOTAL USVI Building.

In this area, I observed signs of deterioration, especially at the former TOTAL Building. When I asked Mr. Lewis about this, he explained to me that the facility is currently using a trailer-like building since, as a result of the Hurricanes Irma and María events, back in 2017, the TOTAL former building was damaged and is still not available to be used. Here, I observed the trailer-like building[39], a fire pump room-type concrete building, and approximately seven (7) totes-type containers. I asked Mr. Lewis about them, and he replied that those totes are available as part of the facility's fire system.

5 DOCUMENT REVIEW

5.1 DOCUMENT REQUEST

Here, Mr. Lewis introduced me to Mr. Sherwin C. Pilgrim, USVI Director. At this time, he explained to me that Mr. Pilgrim would join us at the inspection. As a result, I introduced myself to Mr. Pilgrim and explained to him that the purpose of my visit was to conduct a CEI at the facility to evaluate its hazardous waste, universal waste, and used oil management practices and compliance. I explained to Mr. Lewis[40] and Mr. Pilgrim that, as part of the CEI activities, a request and evaluation of documents would be conducted[41]. The documents requested to Mr. Pilgrim were: (1) Biennial Report, (2) Weekly Reports, (3) Job description, (4) Training Records, (5) Contingency Plan, (6) Waste Minimization Plan, (7) Manifests[42] and (8) Layout. On August 10, 2022, the evaluation of these documents was conducted and discussed with the facility representatives, remotely, via Microsoft Teams App. Additional personnel from the facility joined us during the latter[43]. Further information related to each document is presented below:

Documents Requested	Requested during CEI	Available during CEI? (Sent via email)	**Description/Additional information**
1. Biennial Report	YES	YES	The document was sent via email for evaluation. It was signed by Mr. Héctor Sánchez, HSE Manager, on February 28, 2022. The latter was submitted before the due date, March 1st, 2022.

[39] For additional information, please refer to Section 1 of this Report.
[40] Mr. Lewis stayed with me just for the facility walkthrough. The discussion and the request of the document was conducted with Mr. Pilgrim.
[41] As a result of the COVID-19 pandemic health situation, I confirmed that the facility representative has available the documents requested. In addition, I started the evaluation of some of the documents at the facility and requested them, via email, for evaluation. Finally, on August 10, 2022, a Microsoft Teams App meeting was conducted to discuss the documents review section and to conduct the closing meeting.
[42] The request was for the last three (3) years.
[43] For additional information related to this item, please refer to Page 1 of this Report and Section 2 of this Report, foot note 17.

2. Weekly Reports	YES	YES	One (1) document of 56 pages was sent via email for review. The timeframe evaluated was one (1) year; from July 2, 2021, to July 29, 2022. The document is generated as a result of the inspection conducted at the facility's Hazardous Waste Central Accumulation Area (HWCAA) – STT Terminal[44]. It was conducted by Mr. Mark Martínez and Mr. Raymond Walter. After evaluation, the following was gathered and discussed: - The inspection dates vary between Fridays, Mondays, and Thursdays, the 7-day timeframe requirements were not fulfilled, and this document indicates that at least five (5) weekly inspections were missed. - A repetitive observation occurred, and the latter was registered by the facility representatives in the weekly inspection document. The latter was related to the emergency numbers posted at the Hazardous waste cage, which were not available/fail[45] on multiple occasions. This observation was confirmed as part of the CEI, since Mr. Lewis, in front of me, turned the label available at the HWCAA and wrote the contact information of two (2) employees. In addition, although the following information appeared in the document as "PASS", the items below were not observed during the CEI: - *Containers properly labeled* – not observed in the CEI. - *Legibly marked with description and content and date* – not observed in the CEI. - *Containers accumulated for less than 90 days* – not observed at the CEI and confirmed by the facility representative. - *Properly segregated* – not observed at the CEI. - *Condition of the containers* - not observed at the CEI. This information was provided to Mr. Pilgrim on August 3, 2022, at the facility. Finally, it was discussed as part of our remote meeting, as well.
3. Job Description (s)	YES	YES	The document was sent via email for evaluation. The latter was a 2-page document that includes Mr. Mark Martínez information and certification. It was signed by Mr. Pilgrim on October 18, 2021. Although the document includes

[44] Aka HWAA.
[45] This was the word used at the document.

			information related to HSE responsibilities, knowledge of HSE[46], OSHA[47], SWPPP[48], and SPCCP[49], information related to RCRA regulations, training, and/or RCRA work related was not included in the latter. As a result, it appears that the hazardous waste component was not included nor available for evaluation.
4. Training Records	YES	YES	One (1) page document was sent via email for review. It was the certification of Mr. Mark Martínez for the Hazardous Waste Management Regulations, 4-hours contact time date on February 24, 2022. As part of the evaluation, I asked the facility representatives if Mr. Martínez works in the facility physically located in St. Thomas. They replied to me that he works in the USVI. In addition, I asked them for the hazardous waste-related presentation since it was not received. Mr. Pilgrim agreed to provide the presentation at a later date.
5. Contingency Plan	YES	YES	One (1) 47-page document was sent via email for evaluation which was dated June 27, 2018. The latter includes the quick reference guide, the location map, the location of the HWAA, the responsibilities of the facility, the emergency coordinator information, such as the phone, cellphone number, and address, the NRC phone number, the emergency phone list[50] and the evacuation plan and map with routes. As part of the evaluation of the document, I discussed with the facility representatives the following: - *Satellite Accumulation Area (SAA)* - I asked them if the facility has an SAA available since during the walkthrough this information was not provided, and the document refers to this area. They replied that they did not have an SAA[51] in the facility. - *D008* – Lead appears as part of the document[52]. Nevertheless, it did not appear as part of the 2021 Biennial Report.

[46] Acronym stands [commonly] for Health, Safety and Environment.
[47] Acronym stands for Occupational Safety and Health Administration.
[48] Acronym stands for Stormwater Pollution Prevention Plan.
[49] Acronym stands for Spill Prevention, Control, and Countermeasure Plan.
[50] Although available, it was not updated. The correct phone number for the US EPA Caribbean Environmental Protection Division (CEPD) was provided.
[51] This information is available at the Contingency Plan, page 11.
[52] This information is available at the Contingency Plan, page 12.

			- *Tank sludge* – additional information related to the cleaning process and the accumulation points until they moved to the on-site HWAA was requested[53]. - *HW containers* – it was stated in the document that "drums of each waste stream are placed in separate designated aisles in the accumulation area..."[54] I told them that this was not the observation made during the CEI, and in addition, the hazardous waste containers did not have available the corresponding labels. Also, Mr. Lewis told me that no hazardous waste is being stored at the time of the CEI. - *Emergency equipment* – Although the document has an emergency equipment description and location, the latter did not include any information related to emergency equipment available in the HWAA[55]. - *Records documenting the arrangements with the first responders* – Evidence of the arrangements with the first responders was not available as part of the documents sent, via email, for review[56].
6. Waste Minimization Plan	YES	YES	Four (4) documents were sent via email for evaluation. According to the information evaluated, The effective date of the latter was March 2017 and was approved by Pierre-Emmanuel Bredin on March 30, 2017. Since this was the last document generated, the latter is not updated and information, such as Conditionally Exempt Small Quantity Generator (CESQG). In addition, this document indicates that the facility personnel must successfully complete a program of classroom instruction or on-the-job training, nevertheless, this information was not included as part of the job description sent for evaluation. In addition, this document includes an Attachment: List of Common Waste found in the Branch[57]. As a result, as part of the evaluation, I asked the facility representatives if the list includes St. Thomas Terminal since during the CEI, it was told that the facility was not generating hazardous wastes. They replied that this list includes St. Thomas Terminal and the wastes identified are not generated at all times but identified the ones that can be generated at all Total

[53] This information is available at the Contingency Plan, page 12-13. According to them, the last tank cleaning activity was conducted between 2018 - 2020.
[54] This information is available at the Contingency Plan, page 20.
[55] This information is available at the Contingency Plan, page 37.
[56] This information is available at the Contingency Plan, page 45.
[57] This attachments, aka CR-PROC-PR-HSEQ-081B; Effective date: 03/2017, identified slops as hazardous wastes.

			facilities. This list identified hydrocarbon sludge (separator, bottom of tank, purge, slops, etc.) as hazardous wastes. Finally, as part of the evaluation of the document, I told the facility representatives that although the latter includes tables, graphs, and images, the information provided is more likely to be a reference for waste management instead of a waste minimization plan, since the purpose and information included was defined as "production and management of wastes…" There was just one session that included information related to waste minimization. It was found on page 6, Session 5, Measure 5.1.1 identified as Reduction of waste production.
7. Manifests	YES	YES	The documents were received via email for review. The time frame evaluated was from 2020 to 2022. According to the information gathered during the documents review section, most of the manifest evaluated were observed without the Certification of received of hazardous material signature and date[58]. As a result, a determination if the facility has complied with the 45-day timeframe requirement was not able to be conducted. Also, according to the information gathered, the manifest was signed by Mr. Pilgrim and Mr. Rafael Cordero[59]. In addition, as part of the evaluation of the document, I discussed with the facility representatives the following: - Manifest 012271328FLE (2020) It was signed on 10/19/2020 by the facility, but the manifest did not include the Certification of received of hazardous material signature and the date. The manifests include *contact water with gasoline traces* and *non-regulated used oil/oily water (slop).* Both were disposed of as non-hazardous waste. I asked the facility representatives if a waste determination is available for review. They replied that a determination for each one is available. As a result, additional information related to this item was requested to the facility representatives[60].

[58] This information is needed to identify if the facility has complied with the 45-day timeframe requested by Regulation. One of the reasons for this is that the documents received did not have available the information needed and/or the information was difficult to be gathered from the document received.

[59] According to the facility representative, he is no longer working at the facility. Nevertheless, information related to his certification during the timeframe he signed as a facility's representative, was requested to the facility representative.

[60] The facility provided, via email, the docket of the certificates of disposal from 2019-2022 with a hyperlink to each certificate. Nevertheless, the manifests' signed copies, as requested, was not received for review.

8. Layout	YES	YES	The document was also sent, via email, for evaluation. As part of the latter, I asked the facility representatives if the area identified in the layout as a "Storage Area" is the Hazardous Waste Accumulation Area (HWAA) visited as part of the CEI and the one identified in their Contingency Plan as a Hazardous Waste Accumulation Area, as well. The facility representatives told me that the area identified as the "Storage Area" is, indeed, their Hazardous Waste Accumulation Area. As a result of this observation, the facility representatives notified that they would update the latter with the information shared as part of this evaluation.

6 CLOSING MEETING

On August 10, 2022, the closing meeting was conducted remotely, via Microsoft Teams App, with the facility representatives[61]. I indicated that the purpose of the closing meeting is to inform them about the CEI observations. As part of the closing meeting, additional information was requested to the facility representatives. The due date for the latter was agreed upon as August 26, 2022. On August 26, 2022, the facility representative, via email, requested an additional 7-day extension time to provide the information requested. On the same date, the due date was granted, and was established that the new due date would be September 2, 2022. The facility has provided the information requested by the second due date established. For more information, please refer to Section 8 of this Report. I communicated to the facility the following:

7 POTENTIAL AREAS OF CONCERN

7.1 GENERATORS

On February 28, 2022, the facility notified of its hazardous waste activities as Large Quantity Generator. Based on the observations and information gathered during the inspection, the following areas of concern were identified:

7.1.1 GENERAL (40 CFR § 262 SUBPART A)

1. According to 40 CFR § 262.11 *"A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations…"*

At the time of the inspection, the facility failed to comply with this requirement at Hazardous Waste Accumulation Area (HWAA) subarea. Here, the facility representatives did not make an

[61] For additional information related to this item, please refer to Page 1 of this Report, Section 2 of this Report, foot note 17, and Section 5.1 of this Report.

accurate determination as to whether such waste was a hazardous waste or not. In addition, an indication of the hazards of the contents wastes and/or pictographic labels was not observed.

2. According to 40 CFR § 262.17(a)(5)(ii)(A)(B)(D) *"A large quantity generator accumulating hazardous waste in tanks must do the following: Mark or label its tanks with the words "Hazardous Waste"; Mark or label its tanks with an indication of the hazards of the contents… [and] Keep inventory logs or records with the above information on site and readily available for inspection."*

At the time of the inspection, the facility failed to comply with these requirements at the Slop Tank Area. According to the facility, the *List of common waste found in the branch - Waste Classification According to Total Group Rules* (Final Material Classification could vary depending on its analytical results, aka the Attachment CR-PROC-PR-HSEQ-081B), the slop is identified as a hazardous waste. However, at the time of the inspection, I observed that the AGST which receives the slop was not marked or labeled with the words "Hazardous Waste", the AGST did not have available an indication of the hazards of the contents and/or a pictographic label, and inventory logs or records were not available at the time of the inspection.

3. According to 40 CFR § 262.17(a) *"A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section".*

At the time of the inspection, the facility failed to comply with this requirement at the HWAA subarea. Here, information related to how long the containers observed at this subarea was unknown. The facility representative was not able to confirm whether the containers were placed at this location for no more than 90 days. A log with such information was neither available during the CEI activity for review to confirm that, indeed, the facility did not accumulate hazardous waste on-site for no more than 90 days.

4. According to 40 CFR § 262.17(a)(1)(ii) *"If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section;"*

At the time of the inspection, the facility failed to comply with this requirement at the HWAA subarea. Here, the containers observed were found in poor condition; almost all of them were observed with signs of corrosion and/or rusted, and with poor housekeeping.

5. According to 40 CFR § 262.17(a)(5)(i)(A) *"A large quantity generator must mark or label its containers with the following: The words "Hazardous Waste";"*

At the time of the inspection, the facility failed to comply with this requirement at the HWAA subarea. Here, containers stored in this subarea were observed without marks or labeled with the words "hazardous waste".

6. According to 40 CFR § 262.17(a)(5)(i)(B) *"An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704);"*

At the time of the inspection, the facility failed to comply with this requirement at the HWAA subarea. Here, containers stored in this subarea were observed without an indication of the hazards of the contents, a hazard statement or pictogram pictographic label, or a chemical hazard label.

7. According to 40 CFR § 262.17(a)(5)(i)(C) *"The date upon which each period of accumulation begins clearly visible for inspection on each container."*

At the time of the inspection, the facility failed to comply with this requirement at the Hazardous Waste Accumulation subarea. Here, containers stored in this subarea were observed without the date upon which each period of accumulation started.

8. *According to 40 CFR § 262.251 "A large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment".*

At the time of the inspection, the facility failed to comply with this requirement at the Slop Tank Area and the HWAA Subarea. According to the facility, the *List of common waste found in the branch - Waste Classification According to Total Group Rules* (Final Material Classification could vary depending on its analytical results, aka the Attachment CR-PROC-PR-HSEQ-081B), the slop is identified as a hazardous waste. However, at the time of the inspection, I observed that the AGST which receives the slop was not marked or labeled with the words "Hazardous Waste", the AGST did not have an indication of the hazards of the contents and/or a pictographic label was not available, and inventory logs or records were not available at the time of the inspection. In the HWAA Subarea, the cyclone fence was observed opened and operators/employees were not nearby or working in this area. Also, unlabeled containers with unknown content were observed at the HWAA subarea, without indication of the hazards of the contents and/or a pictographic label, without a date and proper aisle space available. In addition, the containers were not in good condition and were observed with signs of corrosion and/or rusted. The accumulation time of the containers at this subarea was unknown, and a log for this area was not available during the CEI or as part of the documents sent via email, it was also confirmed that a spill kit was not available at the subarea.

9. According to 40 CFR § 262.255 *"The large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill*

control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes."

At the time of the inspection, the facility failed to comply with this requirement at the HWAA. Here, aisle space between containers was not observed.

10. According to 40 CFR § 262.40(a) *"generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter."*

At the time of the inspection, the facility failed to comply with this requirement. The documents were requested as part of the CEI on August 3, 2022, and via email, on August 10, 2022. Although on September 2, 2022, the facility provided, via email, the docket of the certificates of disposal from 2019-2022 with a hyperlink to each certificate, the manifests' signed copies, as requested, were not received for review.

8 FOLLOW-UP ACTIONS

As expressed in Section 6 of this Report, additional information was requested to the facility representative on August 3, 2022, via email, as part of the closing meeting conducted on August 10, 2022, and via email, which was sent on August 10, 2022, as well. In addition, information and supportive documents were provided, via email, to the facility representatives, for future reference. Information related to each item is as follows:

8.1 REQUESTS

Information Requested	Reason
1. *Hazardous Waste Accumulation Area log – containers observed on August 3, 2022*	The log was not available at the time of the CEI.
2. *Certification of Mr. Raymond Walter* – Information and/or certification for 2021 and 2022	Confirm that the facility representative was able to sign the manifest at the time this action was taken.
3. *Certification of Mr. Pilgrim* - Information and/or certification for 2021 and 2022	Confirm that the facility representative was able to sign the manifest at the time this action was taken.
4. *Certification of Mr. Rafael Cordero* - Information and/or certification for 2020	Confirm that the facility representative was able to sign the manifest at the time this action was taken.
5. Narrative related to Lead (D008)	The Contingency Plan includes D008 as part of the facility's waste. Nevertheless, it was not included as part of the 2021 Biennial Report.
6. Accumulation points	It was discussed that there are accumulation points where containers are filled and then moved to the facility's Hazardous Waste Storage Area (HWSA).
7. Contingency Plan (CP) requirement	As part of the CP evaluation, the first responder's letters were not observed or available. Nevertheless, it was confirmed during our meeting that the documents are available.

8. *Hazardous waste (HW) determination for* the contact waters with gasoline traces	Evidence of the determination to confirm is not hazardous waste. Is this the non-hazardous waste collected at the ISO Tank?
9. *Hazardous waste (HW) determination for* non-regulated used oil/oily water slop	Evidence of the determination to confirm is not hazardous waste. Is this the non-hazardous waste collected at the ISO Tank?
10. *Manifests*	At the time of the evaluation, almost all manifests were observed without the certification of receipt of hazardous materials (signature from the designated facility and date). This issue was raised to the facility representative. They will request the information from the hauler company to then provide it to us.
11. *Narrative related to the* one non-reportable spill event that occurred at the facility[62]	During the opening meeting, it was discussed that one non-reportable spill event occurred in the last five (5) years. Also, it was told that the container which contains the content of the event is still at the facility.
12. *ISO Tank narrative*	At the time of the inspection, the tank was not available since left the facility before the CEI activity started.
13. *Epoxy containers*	Approximately 22 containers were placed at the Epoxy Content Subarea, located at the HWAA. At the time of the inspection, the facility representative was not able to determine if they are products or waste.
14. *HWSA area (aka HWAA)*	During the inspection, it was explained that this area is also used to store non-hazardous wastes. It was also informed that hazardous waste has not been generated nor stored in this area. During the review of the documents, it was explained that the facility layout identified this area as a "Storage Area" instead of an HWSA, meanwhile, the Contingency Plan and the Quick Reference Guide identified this area as the HWSA.

8.2 INFORMATION PROVIDED TO THE FACILITY REPRESENTATIVE

Information Requested	Link	Enclosed
1. *RCRA (Hazardous Waste)*	√	
2. *Universal Waste*	√	
3. *Used Oil*	√	
4. *Aerosol cans*	√	

[62] During the opening meeting, it was discussed that one non-reportable spill event occurred in the last five (5) years. Also, it was told that the container which contains the content of the event is still at the facility.

5. *Satellite Accumulation Areas*	√	
6. *Condition of containers*	√	
7. *Alternative Standards for Episodic Generation*		√
8. *EPA Form 8700-12*		√
9. *Managing your waste, A Guide for Small Business, English version*		√
10. *Como manejar sus residuos peligrosos, una guia para la pequeña empresa, Spanish version*		√
11. *One page with additional links which provide direct links for specific items for the RCRA Regulation*	√	√

9 ATTACHMENTS

I. ATTACHMENT I: EMAILS SENT TO FACILITY REPRESENTATIVES