

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

BASIC INFORMATION

Facility Name: Estvold Oilfield Services

RCRA ID: NDR000014183

Notification Status: Non-notifier

Date of Inspection: June 8, 2022

Facility Location: 3914 84th Ave NW
New Town, ND 58763

NE Corner of 84th Ave NW & Hwy 23/1804
Lat/Long: 47.979165, -102.384630

Facility Contact: Mike Borgschatz,
Chief Operating Officer, 701-898-8533

Arrival Time: 1:53 p.m.

Departure Time: 3:22 p.m.

Lead Inspector: Annette Maxwell, U.S. EPA RCRA Inspector

Attendees:

1. Kristin McNeill, U.S. EPA
2. Mike Borgschatz, Estvold Oilfield Services

Type and Purpose of Inspection: Compliance Evaluation Inspection
RCRA Subtitle C Inspection

Facility Type: Oilfield Services Facility

Facility located within the exterior boundary of the Fort Berthold Reservation

Applicable Regulations to Inspection: 40 CFR Parts 260-279

Inspection Type: Unannounced Inspection
EPA Inspection

OPENING CONFERENCE

Upon arrival at the facility the inspectors were informed by onsite personnel that the facility contact, Mike Borgschatz, was in an office across the street at 8449 39th St NW, New Town, ND, so we proceeded to that location and conducted an opening conference with Mr. Borgschatz, including an explanation of the scope of the inspection and presentation of credentials. We then returned to the site with Mr. Borgschatz and continued the inspection.

STAFF INTERVIEW

The following general facility and process description information was obtained verbally during this inspection from Mike Borgschatz unless otherwise noted.

Facility Name: Estvold Oilfield Services

Facility Location: Lat/Long: 47.979165, -102.384630

Date of Inspection: June 8, 2022

General Facility and Process Description: Estvold Oilfield Services (Estvold) provides services including, but not limited to, dirt work, facility maintenance, tank battery construction, and sucker rod pipe inspections, and has operated at this location since approximately 2013. Operating hours for the site are 6:00 a.m. to 6:00 p.m. Monday through Saturday.

Activities that occur at the facility that generate waste include vehicle and equipment maintenance, sand blasting and sucker rod coating. Estvold holds a TENORM decontamination license through the North Dakota Department of Environmental Quality. During sucker rod coating, the rods are first cleaned down to the metal during the inspection process. Steel shot is used to remove scale, and from that process particulates are collected using a dust collector. Heavier shot is reused and fines are collected for disposal to KT Enterprises. While awaiting transport for disposal, these fines are stored outdoors on the northeast corner of the north building in 55-gallon drums. Rods that do not pass inspection due to defects may be sold to ranchers or other users for fencing and other uses.

The wash bay at the facility doubles as a paint booth. Wastes generated in this area include paint booth filters and wastewater with scale and residual paint in an underground vault, which is collected via vacuum truck and hauled to KT Enterprises for disposal.

Used oil generated onsite is transported by Pat's Offroad dba Oil Worx. Spent lead-acid batteries are picked up by the supplier and exchanged. Non-TENORM, non-hazardous facility trash is transported for disposal to the Minot Landfill.

TOUR INFORMATION

Areas of the facility toured:

- Storage building, including equipment maintenance, storage and the fabrication (welding) shop
- Outdoor parts, scrap metal and trash trailer storage
- Sucker rod inspection shop
- Inspection bay (finished rods)
- Outdoor chemical storage (east side of north building)
- Wash bay

Only those areas in which we observed potential compliance concerns or noted pertinent activities are further discussed below.

Observations:

In the storage building, a tote containing used oil was not marked or labeled with the words "Used Oil".

At the wash bay/paint booth, I asked whether a hazardous waste determination had been performed on the paint filters. Mr. Borgschatz was not sure of the status of a hazardous waste determination on the paint filters.

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Outdoors on the east side of the north building near the wash bay, I observed paint blast media on the ground (photo #1). Mr. Borgschatz stated that he thought he had previously submitted hazardous waste determination documentation for this waste, but prior to and following the inspection I was not able to locate that documentation. Mr. Borgschatz stated that the brand of abrasive used was Black Magic Coal Slag.

In the same area I observed four totes (photo #2), one of which Mr. Borgschatz identified as roundup herbicide awaiting use. He was not able to identify the contents of the other three totes.

Inspection Logbook Nos.: 2021-0019 Pages: 1-9 and 2021-0023 Pages 1-15

CLOSING CONFERENCE

Deficiencies or Concerns: During the closing conference, I informed Mr. Borgschatz that I would be requesting follow-up on the labeling of the used oil tote and waste determinations on the paint filters, paint blast waste and the contents of the three totes containing unknown material.

INSPECTION FOLLOW-UP

Outstanding Concerns or Deficiencies: Follow-up from the facility is needed regarding:

- 1) Hazardous waste determinations for:
 - a. Paint booth filters
 - b. Three totes of unknown material located on the east side of the north building
 - c. Spent paint blast media on the ground on the east side of the north building
- 2) Labeling with the words "Used Oil" on totes and containers holding used oil

Details regarding follow-up on these matters will be included in correspondence to the facility, as appropriate.

The acceptance criteria of the disposal facilities identified during the inspection was not evaluated during this inspection. However, Estvold is requested to ensure that all disposal facilities receiving waste are provided thorough and accurate waste generation information and are authorized to receive that waste. For example, facilities that are authorized to receive oilfield waste that is exempt from RCRA Subtitle C hazardous waste regulation per 40 CFR 261.4(b)(5) (commonly referred to as the exploration and production, or E&P, exemption) may not be authorized to receive non-exempt waste even if it is not hazardous waste.

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SIGNATURES

ANNETTE MAXWELL Digitally signed by ANNETTE MAXWELL
Date: 2023.01.10 12:06:53 -07'00'

Annette Maxwell, RCRA Inspector

Pearson, Janice Digitally signed by Pearson, Janice
Date: 2023.01.10 13:49:05 -07'00'

Janice A. Pearson, Manager
RCRA & OPA Enforcement Branch
Enforcement and Compliance Assurance Division

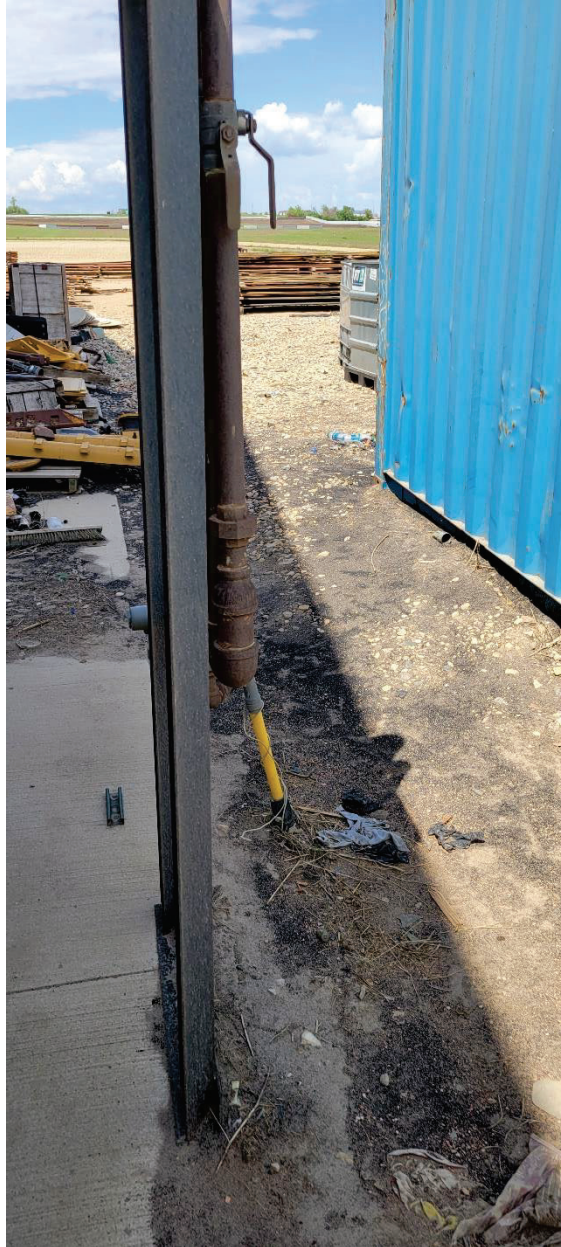
Appendices and Attachments

- Attachment 1 – Photograph Log

Facility Name: Estvold Oilfield Services
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Appendix 1 – Photograph Log

Photo 1: 20220608_145816.jpg, collected by Annette Maxwell on 6/8/2022; photo of spent blast media on the ground on the east side of the north building.



Facility Name: Estvold Oilfield Services
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Photo 2: 20220608_150154.jpg, collected by Annette Maxwell on 6/8/2022; photo of four totes located on the east side of the north building.



Photo 3: PXL_20220608_201329304.jpg, collected by Kristin McNeill on 6/8/2022; photo of an empty paint thinner container used for painting in the facility's paint booth/wash bay.



IU SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.		
Name of industry: Interroll Engineering West		
Address of industry: 1 Forge Road Cañon City, Colorado 81212		
Date of visit: 9/25/2024	Time of visit: 10:04 a.m. – 11:15 a.m.	
Name of inspectors: Preston Hamby, Fremont Sanitation District Jennifer Ferrando and Stephanie Passarelli, EPA Region 8 Chuck Durham and Sirese Jacobson, ERG		
Provide the name(s) and title(s) of industry representative(s)		
Name	Title	
Sherry Decker	EHS	
Shawn Thompson	Not provided	
Report Review and signature		
Drafter Name	Address/Phone Number	Date
Sirese Jacobson	Eastern Research Group 1113 Washington Avenue, Suite 300 Golden, CO 80401 720-789-8044	11/8/2024
Reviewer Name	Address/Phone Number	Date
Jennifer Ferrando	U.S. EPA Region 8 1595 Wynkoop Street 8ECA-W-N Denver, Colorado 80202 303-312-6601	1/17/25
Reviewer Name	Address/Phone Number	Date
STEPHANIE PASSARELLI  Digitally signed by STEPHANIE PASSARELLI Date: 2025.01.27 10:25:17 -07'00' Stephanie Passarelli	U.S. EPA Region 8 1595 Wynkoop Street 8ECA-W-N Denver, Colorado 80202 303-312-6803	1/22/25
Supervisor Signature / Name	Address/Phone Number	Date
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2025.01.27 10:12:42 -07'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ECA-W-N Denver, Colorado 80202	01/22/2025
Emilio Llamozas	303-312-6407	

IU Permit Number: 21		Exp. Date: October 17, 2025		IU Classification: CIU subject to 40 CFR 433.17	
Please provide the following documentation:					
1. Nature of operation: The facility is a metal finisher that manufactures conveyor belt turns for a variety of business applications, including Amazon, Federal Express, the United Postal Service, and airports.					
2. Number of employees:	55	Number of shifts:	1	Hours of operation:	Mon. - Fri., operating hours not determined
3. Wastestream flow(s) discharged to the POTW: Wastewater is primarily generated from washdown of spray booths.					
Sanitary:	Not provided	Process:	25-30 gpd	Combined:	Not provided
4. Describe any significant changes in process or flow: None					
5. Type of pretreatment system (Describe): None There is a flow meter located between the pressure washer and the spray booth. Wash water collects in sumps within each spray booth and is then pumped to the filtration system, then to the neutralization tank. Sodium hydroxide is used for pH adjustment, which is typically maintained at around 8.0 standard units (s.u.). The 55-gallon drum has an outlet at or near the midpoint from a height perspective. The wastewater gravity feeds from that outlet to the discharge connection point.					
	Continuous flow	X	Batch		Combined

IU SITE VISIT DATA SHEET (Continued)

6. Process area description (identify raw materials and processes used) Raw materials include steel (4'x10' sheets), nylon, powder coat and paints. The steel sheets are laser cut, then rolled with a hand-rolling machine, then formed using various size brake presses. Parts then go through the washdown booth which consists of a wash, rinse, second wash, and a bake oven. Parts will then go through either the powder coat booth or to one of three paint spray booths followed by a bake oven. The final step is assembly.			
7. Chemical storage area (identify the chemicals that are maintained on site and how they are stored): The inspection team observed the facility storing phosphoric acid, degreasers, and detergents. Paint pucks are stored in a designated area for hazardous waste pickup.			
Any floor drains?	No	Any spill control measures?	Yes, spill kits. Secondary containment pallets.

8. Are hazardous wastes drummed and labeled? Yes

9. Does the IU have hazardous waste manifests? Yes. The facility is a small quantity hazardous waste generator. The facility primarily generates hazardous waste as the paint pucks (paint is burned off to form pucks, which are disposed of by Safety Kleen quarterly), and cleanout from the parts washer (the parts washer is self-contained, but cleaned out every 6-12 weeks, and waste is disposed of by Safety Kleen). Safety Kleen also disposes of mop water from collection pit every 6 weeks.

10. Solid waste production and disposal: The facility generates scrap metal waste which is hauled offsite by Veolia Waste Management quarterly.

11. Description of sample location and methods: Samples are collected using a tube to pull small volumes from top of neutralization tank into sample bottles. The permit requires the facility to conduct self-monitoring for pH 3 times per week. Interroll personnel indicated that the samples are collected at a set time in the morning for each sample day.

FINDINGS AND CORRECTIVE ACTIONS

The following findings were identified during the inspection. The EPA has requested the District work directly with Interroll Engineering West to oversee correction of these items. No response from Interroll Engineering West to the EPA is requested at this time.

Facility representatives noted that they have recently changed to an environmentally friendly wash agent. The facility had been using a dilute phosphoric acid wash solution but is now using a caustic-based wash solution.

Finding 1 – Interroll Engineering West is not properly calibrating its pH meter.

The inspection team requested to see the pH buffer solutions used for meter calibration. The facility uses only a 7.0 buffer for calibration.

Pretreatment Requirement

Section I.2 of the discharge permit for Interroll states "The Permittee, if so directed by the District, shall provide and maintain, at its own expense, adequate facilities to consistently meet the effluent limitations established by this Permit. The Permittee shall at all times maintain these facilities in good working order and operate them as effectively as possible to achieve compliance with the terms and conditions of this Permit."

40 CFR §403.8(f)(2)(v) stipulates that POTWs are required to conduct surveillance activity in order to identify occasional and continuing noncompliance.

Corrective Action 1

The POTW should ensure that all SIUs are complying with the requirements of their discharge permit, including requirements for properly maintaining monitoring equipment. Specifically related to pH monitoring, the POTW should ensure that all SIUs are at minimum performing a two-point calibration for pH meters using buffers that cover the expected range of pH readings expected in the effluent discharge. A three-point calibration should be used for a pH range that is both below and above 7 standard units.

Finding 2 – The inspection team observed chemicals stored in the parts washer area which are no longer used in the process per the facility representative.

During the walk through, the inspection team viewed the parts washer and containment area for cleaners used in the washing stage (see Photograph 2). The facility representative noted that the blue drum is the phosphoric acid cleaner that is no longer in use. The white bucket in front of the photo is the new caustic cleaning solution that replaced the phosphoric acid cleaner.

Pretreatment Requirement

N/A

Recommendation 2

It is recommended the phosphoric acid cleaner be removed off-site as there is no intent for it to be used in the future, as indicated by Interroll personnel.

Finding 3 – Interroll Engineering West is not collecting samples at an appropriate time to ensure results are representative of the wastewater discharge.

During the walk through, the facility representative noted that samples are collected at a set time every morning for the designated sample days. Likewise, a review of the 2024 self-monitoring report indicates that the majority of samples were collected at the same time of day for each event, typically in the first hour of operation. Upon being questioned by the inspection team, the facility representative noted that this practice may not always match up with discharge times.

Pretreatment Requirement

Section E.1 of the discharge permit for Interroll states “Self-Monitoring Requirements: At a minimum, the Permittee is required to perform collection and analyses of wastewater samples with the frequency and type of measurement indicated with the most stringent standards. Samples or measurements must be representative of the discharge during normal operating conditions.”

Corrective Action 3

Self-monitoring must be performed during discharge events. This will ensure that sample results are representative of the actual discharge to the District.

Attachment A

Industrial User Site Visit Photograph Log



Photograph 1: View of the facility's spray booth. The sump pit (circled) is pumped to the final discharge tank.



Photograph 2: View of the parts washer and containment area for cleaners used in the washing stage. The black drum at the rear of photo is the coil cleaner. The white bucket in front of the photo is the new caustic cleaning solution that replaced the phosphoric acid cleaner.



Photograph 3: The final discharge tank used for pH neutralization is on the left side of the photo. The drum at the right side of the photo is the sodium hydroxide, the pH adjustment chemical.



Photograph 4: Another view of the final discharge tank. Wastewater gravity flows from the tank through the hose identified by the red arrow.



Photograph 5: A view of the top of the final discharge tank. The red arrow identifies the pipe used to convey wastewater from the final sump into the drum. The green arrow identifies the sample point.

On-site Clean Air Act (CAA) Inspection

Inspection Report Date: January 19, 2023

Inspection Dates: December 12, 2023

Site Inspected: Jorgenson Laboratories, Inc.
2211 West 8th Street, Loveland, Co 80513

EPA Representatives: Joseph Wilwerding

Colorado State Reps: Dave Huber

Inspection Report Prepared By: Joseph Wilwerding

Inspection Report Reviewed By: Scott Patefield **SCOTT PATEFIELD** Digitally signed by SCOTT PATEFIELD
Date: 2024.01.22 08:52:35 -07'00'

Applicable Rules: 40 CFR Part 63 Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities
Colorado Air Permit 06LR0197

Background

Joint inspection with EPA and Colorado Department of Public Health and Environment (CDPHE), Air Pollution Control Division (APCD), performed as part of collaborative Ethylene Oxide (EtO) sterilization facility oversight inspections in EPA Region 8.

Planning

Planning calls including Joseph Wilwerding and CDPHE staff to discuss trip logistics.

Inspection

The inspection of Jorgenson Laboratories, Inc. (Jorgenson) started at 10:20 am. Mr. Huber, inspector for CDPHE APCD, led the inspection. Mark Wilson, Operations Manager, and Tim Michaud, Mechanical Support and Development Director, both new since summer of 2022 at the facility, welcomed us at the door to the warehouse building in which the EtO sterilization process is located. Norm Jorgenson, the company owner, was not onsite for the inspection.

After showing our credentials/badges, Mr. Huber began the inspection with a discussion of changes to the facility and the site's permitting status with CDPHE. Mr. Huber expressed concerns that Jorgenson had made a change to the facility in June 2021 to add an additional EtO sterilization unit/cabinet, but had failed to submit appropriate materials and receive a permit prior to the change. As summarized in a 1/2/2024 warning letter sent by CDPHE to Jorgenson after the inspection,

1. Pursuant to Permit Number 06LR0197 Condition 6, Jorgensen Labs is required to submit a revised Air Pollutant Emission Notice (APEN) whenever there is a change in the facility, process, or activity. Jorgensen Labs reported a second unit began operating on 6/8/2021, prior to submitting a revised APEN and receiving a modified permit. A revised APEN requesting the change was received by the Division 1/4/2022 and Permit Application 06LR0197.XP was issued 1/20/2023. The source failed to

submit a revised APEN and receive a modified permit before there was a change to the facility violating Permit Number 06LR0197 Condition 6 from 6/8/2021 to 1/20/2023.

After discussing the APEN reporting and permitting concerns, we discussed Jorgenson's business lines and customers. Jorgenson supplies individual and commercial facilities nationally and internationally with a variety of veterinarian-related products for both large and small animals. The inspectors were shown a catalog, approximately 1-in thick, of products that Jorgenson supplies. Jorgenson started its supply of EtO-sterilized equipment—primarily surgical gowns and tubing—in approximately 2011. Mr. Wilson stated the EtO sterilization portion of the business is a smaller part of the business, but is a part with good profitability.

We then discussed possible impacts from the updated 40 CFR Part 63 Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities (hereafter MACT Subpart O) regulation, expected to be finalized in March 2024. Mr. Wilson stated the company has been in touch with two consultants to evaluate possible impacts to Jorgenson, based on various changes to the regulation. If the levels at which emissions control are required are lowered to affect Jorgenson, the company may have to install control equipment in multiple buildings, at a cost of \$475,000 per building. Additionally, the company's Van Buren storage facility, also in Loveland Colorado, might also require controls. At these costs, Mr. Wilson said the company would likely shut down its EtO sterilization process, or would engage a Denver company to do the sterilization for Jorgenson.

Sterilization Process

Jorgenson uses a sterilization process provided by Anderson Sterilizers (Anderson). Anderson provides the cabinet with pressure and temperature control processes, along with ampules of EtO for sterilization. In the sterilization process, Jorgenson employees load gowns and other equipment into larger bags, along with an 11 gram ampule of EtO, and then seal the larger bag. The larger bags, up to approximately 10 at a time, are loaded into the sterilization cabinet. From the exterior of the bag, the employees depress a trigger on the ampule, causing it to break and begin to spread throughout the bag. The door to the cabinet is closed and the sterilization cycle is started.

The sterilization cycle lasts approximately 16 hours, and is started at roughly 1:30 pm, Monday through Friday. During the cycle, the cabinet temperature is held at an elevated temperature (between 50-100 degrees Celsius) to improve the sterilization, and the pressure in the cabinet is slightly lowered. After 16 hours (i.e., at roughly 5:30 am) the cabinet is opened, and the employees slash each bag with a knife.

Note: The Jorgenson employees who perform this work did not describe using air purifying personal protection equipment while opening the EtO-containing bags. While Jorgenson representatives Mr. Wilson and Mr. Michaud indicated past evaluation work at the site found non-detectable results, opportunities may still exist to improve worker safety at the start of the purge step in process. A 2019 inspection report from CDPHE contained the following statement: "...Jorgensen Labs had the CSU OS&H Program evaluate plant wide processes for compliance with OSHA requirements, including the operation of the Andersen sterilizer. Personnel air monitoring samples performed indicated non-detectable EtO vapors to employee(s)." While the evaluation may have indicated non-detectable EtO vapor exposure for employees at that time, site EtO consumption, and therefore, possibly, exposure levels, have more than doubled since 2019.

The cabinet door is closed again, and the cabinet is evacuated with a fan that exhausts outside the building, just above the building roof line, and over a parking area for the building. This purge cycle lasts approximately 4 hours, until roughly 9:30 am. After that time, the cabinet is opened again, and the sterilized products are inspected and loaded into cardboard boxes for warehousing and shipping to their final

destination. The inspectors were shown gown packages that contain a passive EtO sterilization indicator, which turns color after being exposed to EtO for sufficient time.

Because the EtO purge step—when the bulk of the EtO used at Jorgenson is exhausted to the atmosphere—occurs during the morning commuting hours of 5:30 am to 9:30 am, Monday through Friday, when many people will be on the road going to school and work, and because the EtO is exhausted over a parking lot and building entrance used by Jorgenson staff, exposure to EtO from Jorgenson may be greater than would occur if the purge step were completed at a different time of day.

Jorgenson operates two sterilization cabinets, each with the same capacity (about 10 large bags per cabinet), using approximately 100-120 grams of EtO per cycle. Until June of 2021, Jorgenson operated a single cabinet. According to Mr. Huber, Jorgenson failed to permit the second unit appropriately when operation of the second unit began on June 8, 2021.

After the inspection, Mr. Wilson provided, via email, the following yearly amounts of EtO used and emitted from the site. Between 2014 and 2019, EtO usage stayed fairly flat, between 40 and 50 pounds per year. Beginning in 2020, usage began to rise, due to increased demand for sterilized goods. A second sterilization cabinet was purchased to support the increased demand in 2021, and as of 12/18/2023, yearly usage has roughly doubled compared to pre-2020 levels.

Year	Pounds EtO Used/ Emitted
2023	93.82
2022	70.62
2021	67.98
2020	57.2
2019	43.81
2018	48.06
2017	44.87
2016	44.75
2015	48.92
2014	41.45

Under its current permit with CDPHE APCD, Jorgenson’s EtO consumption rate shall not exceed 400 pounds per year. While Jorgenson still appears to be far below its permitted limit, two issues are concerning. First, Jorgenson’s EtO limit has remained at 400 pounds of EtO per year since at least 2019, when the company operated only a single sterilization cabinet. Based on statements from Mr. Wilson, the site could consume a maximum of ~100 pounds of EtO per year with a single cabinet, if the cabinet was operated continuously, 7 days per week. Therefore, the 400 pounds/year EtO limit was never representative of maximum possible operating conditions; rather, the limit was an unattainable value the site could never exceed with its permitted equipment. Second, Jorgenson’s consumption (and emission) rate of EtO has now more than doubled since EPA performed its recent EtO risk modeling work. Based on information provided by EPA Region 8 Air Resources Division, Jorgenson’s Maximum Individual Risk (MIR) was modeled based on an emission rate of 43 pounds of EtO per year. At that rate, the Jorgenson MIR was calculated to be 70 in 1 million. With usage rates now over twice those used in the modeling, Jorgenson’s MIR can be expected to increase, possibly crossing the 100 in 1 million threshold (EPA's presumptive upper bound for acceptable health risks. See [Proposed Air Toxics Rule for EtO Sterilization Facilities](#) - Federal Register Notice).

Related to its MACT Subpart O regulatory development and risk determination work, on September 13, 2021, EPA issued Jorgenson an information collection request (ICR) letter under Section 114 of the Clean Air Act. Notice of the letter was provided both by email and regular mail. EPA explained in its letter that it was issuing letter to EtO commercial sterilization companies that were not covered under previous information gathering efforts. Information on facility operations and EtO emissions from sterilization chamber vents, aeration room vents, chamber exhaust vents, and fugitive emissions was requested, and a response deadline of November 19, 2021 was provided.

Beginning January 19, 2022, EPA and its contractors made contact with Jorgenson to inform the company of its obligation to respond to the ICR and to offer assistance. On December 8, 2022, after repeated attempts to collect the requested information, EPA informed Jorgenson that a failure to provide information required by EPA under Section 114 of the Clean Air Act was a violation of the Act and could result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the Act, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with the information collection request pursuant to section 113(a) of the Act, 42 U.S.C. § 7413(a); 3) initiation of a civil action pursuant to section 113(b) of the Act, 42 U.S.C. § 7413(b); and/or 4) initiation of any other action authorized under the Act.

As of the date of this inspection report, Jorgenson had failed to reply adequately to the ICR.

After seeing the sterilization process, the inspectors were shown the warehouse area, located adjacent to the sterilization area in a colder part of the building. Mr. Wilson stated the products continue to offgas EtO in the warehouse, and that this part of the building might need to have EtO emissions controls under the proposed changes to MACT Subpart O.

The inspection ended at 12:25 pm. Mr. Wilson committed to providing monthly rolling average EtO usage quantities to demonstrate the site is below the 1 ton/12-month threshold for required controls in MACT Subpart O, as well as to provide information to CDPHE about the incorrectly (unpermitted?) second cabinet.

Mr. Huber took photographs during the inspection, and said he will be assembling an inspection report for CDPHE.

Areas of Concern

1. According to Mr. Huber, Jorgenson failed to permit the second unit appropriately when operations began in June 2021. Specifically, the source failed to submit a revised APEN and receive a modified permit before there was a change to the facility, violating Permit Number 06LR0197 Condition 6 from 6/8/2021 to 1/20/2023.
2. Because the EtO purge step—when the bulk of the EtO used at Jorgenson is exhausted to the atmosphere—occurs during the morning commuting hours of 5:30 am to 9:30 am, Monday through Friday, when many people will be on the road going to school and work, and because the EtO is exhausted over a parking lot and building entrance used by Jorgenson staff, community and worker exposure to EtO from Jorgenson may be greater than would occur if the purge step were completed at a different time of day.
3. To commence the EtO purge step, Jorgenson employees slash each EtO-containing bag in the sterilizer cabinet with a knife, and then close the cabinet door so the control system can begin evacuating the EtO gases to the atmosphere. The Jorgenson employees who perform this work did not describe using air purifying personal protection equipment while opening the EtO-containing bags. While Jorgenson representatives Mr. Wilson and Mr. Michaud indicated past evaluation work at the site found non-detectable results, opportunities may still exist to improve worker safety at the start of the purge step in process. Note: A 2019 inspection report from CDPHE contained the following statement:

“...Jorgensen Labs had the CSU OS&H Program evaluate plant wide processes for compliance with OSHA requirements, including the operation of the Andersen sterilizer. Personnel air monitoring samples performed indicated non-detectable EtO vapors to employee(s).”

4. Jorgenson’s EtO limit in its permit with the APCD has remained at 400 pounds of EtO per year since at least 2019, when the company operated only a single sterilization cabinet. Based on statements from Mr. Wilson, the site can consume a maximum of 100 pounds of EtO per year with a single cabinet, if the cabinet is operated continuously, 7 days per week. Therefore, the 400 pounds/year EtO limit was never representative of maximum operating conditions; rather, the limit was an unattainable value the site could never exceed with its permitted equipment.
5. Jorgenson’s consumption (and emission) rate of EtO has now more than doubled since EPA performed its recent EtO risk modeling work. Based on information provided by EPA Region 8 Air Resources Division, Jorgenson’s Maximum Individual Risk (MIR) was modeled based on an emission rate of 43 pounds of EtO per year. At that rate, the Jorgenson MIR was calculated to be 70 in a million. With usage rates now over twice those used in the modeling, Jorgenson’s MIR can be expected to increase, possibly crossing the 100 in 1 million threshold (EPA's presumptive upper bound for acceptable health risks).
6. Related to its MACT Subpart O regulatory development and risk determination work, on September 13, 2021, EPA issued Jorgenson an information collection request (ICR) letter under Section 114 of the Clean Air Act. Notice of the letter was provided both by email and regular mail. In 2022, EPA and its contractors made repeated contact with Jorgenson to inform the company of its obligation to respond to the ICR and to offer assistance. On December 8, 2022, EPA informed Jorgenson that a failure to provide information required by EPA under Section 114 of the Clean Air Act was a violation of the Act and could result in one or more types of enforcement actions. As of the date of this inspection report, Jorgenson had failed to reply adequately to the ICR.



REGION 8
DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

Attached please find the United States Environmental Protection Agency's (EPA's) inspection report of your inspected facility and/or any related fuel delivery inspections identified therein. EPA is providing this report as a matter of agency policy and will contact you again only if needed.

Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0911_03
Inspection Date(s):	September 11, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
Facility Name:	JR's Country Store No. 201
Facility Physical Location: (street address, building/unit #)	3920 Hollybrook Ln
(city, state, zip code):	Pueblo, CO 81005

Inspector and Approval

<u>Katelyn Bergl</u> Field Inspector Name	<u>Inspector</u> Title	<u>KATELYN BERGL</u> Digitally signed by KATELYN BERGL Date: 2024.11.19 17:38:30 -07'00' Signature
<u>Scott Patefield</u> Name of Approving Official	<u>Branch Manager</u> Title	<u>SCOTT PATEFIELD</u> Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 16:14:20 -07'00' Signature

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	JR's Country Store No. 201	Parent Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
AIRS-ID:	101-0131-001	CAA Permit (if any):	None on file
Primary Facility Representative & Title:	Trey Seymour President	On-site Facility Representative & Title:	Mary Eden, Clerk Hope Keck, Manager
Facility Contact Phone/Email:	troys@upop7211.com	On-site Contact Phone/Email:	N/A
Facility Address:	3920 Hollybrook Ln, Pueblo, CO 81005		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	World Kinect Corporation	Trucking Company Name (if different):	Same
Truck Identifier:	8382 (VIN NJ163023)	Trailer Identifier:	9005
Fuel Supply Company Representative & Title:	Ron Browning Operations Manager	Driver Name:	Don Clementi
Fuel Supply Company Contact Phone/Email:	Ronbrowning@wfscorp.com		
Fuel Supply Company Address:	1739 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information				
Inspection Number/ID:	R8_CAA_2024_0911_03	Inspection Date	9/11/2024	
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	2:15 PM	4:00 PM
Time Inspector Presented Credentials:	2:19 PM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
	Mary Eden		☒ SBREFA Form Provided	
			☐ Other materials or compliance assistance provided (describe):	
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3538 - 3541; IMG_0099 - 0114	
Weather & Other General Site Observations:	Partly cloudy, 90 deg F, winds 9 mph SE			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	The following are areas of concern identified during the inspection or records review: 1. An Air Pollutant Emissions Notice, or APEN, for this facility appears to have been last submitted to the Colorado Department of Public Health and Environment's (CDPHE) Air Pollution Control Division (APCD) in 2012. Typically, APENs are required to be updated every 5 years for this source category. The APEN for this facility may be past due. 2. Due to a recent acquisition of the facility, throughput records were only available beginning in January 2022. Throughput records are required to be kept for five years, as specified in 40 CFR § 63.11111(e). 3. Tank and associated vapor system were not vapor tight during the fuel delivery event. The following emissions were observed during the fuel delivery portion of EPA's inspection: a. Vapors from the truck, specifically at the vapor recovery line header, were observed after taking off the outer cam lock, but before removing the inner cap and before connecting the vapor recovery hose. Vapors continued once the inner cap was removed. b. During premium tank filling while the premium fill hose and premium vapor recovery hose were connected, vapors were observed from the premium spill bucket area, from the			

	premium vapor recovery bucket area, and from the regular unleaded (RUL) fueling spill bucket. The RUL fill pipe was uncapped and uncovered while the premium tank was filling. c. During fueling of both fuel types, and while the vapor recovery hoses were connected from the recovery pipes to the truck, vapors were also escaping from the vent stacks.
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Gasoline Throughput and Testing Records			
Applicable Throughput Category:			
☐ Calculated based on volume of gasoline loaded into all storage tanks		☒ Calculated based on volume of gasoline dispensed from all storage tanks	
☐ <10,000 gallons per month	☒ ≥ 10,000 gallons per month and < 100,000 gallons per month	☒ ≥ 100,000 gallons per month	
Date Applicable Throughput Category Was Exceeded:		Based on records provided since January 2022, the facility exceeded the 10,000 gallons per month throughput threshold in January 2022.	
Records: All Facilities regardless of throughput		Notes	
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)		Throughput records for this facility from January 2022 – September 2024 were provided via email by Troy Seymour on September 18, and October 10, 2024.	
☒ Last 12-month rolling throughput calculation		Provided along with 3-year throughput records	

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Premium	Amount of Fuel Delivered:	1) 2,200 gallons 2) 500 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	10/18/2023	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central loc. ☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation:	
A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of <u>photographs and videos recorded during the fuel delivery inspection.</u>	
Components of the refueling activity which were observed:	Description/Observations (including any OGI or AVO observations)

☒	Conditions of Equipment prior to refueling event	
☒	Connection of fuel and vapor lines prior to fuel transfer	Vapors from the truck, specifically at the vapor recovery line header, were observed after taking off the outer cam lock, but before removing the inner cap and before connecting the vapor recovery hose. Vapors continued once the inner cap was removed.
☒	Maintenance of fuel and vapor line connections during fueling event	During premium tank filling while the premium fill hose and premium vapor recovery hose were connected, vapors were observed from the premium spill bucket area, from the premium vapor recovery bucket area, and from the regular unleaded (RUL) fueling spill bucket. The RUL fill pipe was uncapped and uncovered while the premium tank was filling. During fueling of both fuel types, and while the vapor recovery hoses were connected from the recovery pipes to the truck, vapors were also escaping from the vent stacks.
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Documents Requested		
Document(s)	Status	Notes/Comments
3-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	
Fuel throughput records from October 2019 – December 2021	☐ Document(s) Provided ☐ Will Provide After Inspection ☒ Document(s) Denied ☒ Other (see notes)	Due to a recent acquisition, the company stated that throughput records prior to January 2022 were not available.
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3538.mp4	Vapors from the truck, specifically at the vapor recovery line header, were observed after taking off the outer cam lock, but before removing the inner cap and before	K. Bergl

	connecting the vapor recovery hose. Vapors continued once the inner cap was removed.	
MOV_3539.mp4	During premium tank filling while the premium fill hose and premium vapor recovery hose were connected, vapors were observed from the premium spill bucket area, from the premium vapor recovery bucket area, and from the regular unleaded (RUL) fueling spill bucket. The RUL fill pipe was uncapped and uncovered while the premium tank was filling.	K. Bergl
MOV_3540.mp4	During fueling of both fuel types, and while the vapor recovery hoses were connected from the recovery pipes to the truck, vapors were also escaping from the vent stacks.	K. Bergl
MOV_3541.mp4	The same fuel and vapor recovery hoses were used during RUL fueling, but vapors were not observed from the spill buckets during RUL fueling.	K. Bergl
IMG_0099.JPG	Condition of the RUL, premium, and diesel fill and vapor recovery access points prior to fueling.	K. Bergl
IMG_0100.JPG	Condition of the diesel fill and vapor recovery access points prior to fueling.	K. Bergl
IMG_0101.JPG	Condition of the RUL fill and vapor recovery access points prior to fueling.	K. Bergl
IMG_0102.JPG	Condition of the premium fill and vapor recovery access points prior to fueling.	K. Bergl
IMG_0103.JPG	Vapor vent stacks for the RUL, premium, and diesel storage tanks located on top of the canopy structure, as well as the general refueling area.	K. Bergl
IMG_0104.JPG	Vapor vent stacks for the RUL, premium, and diesel storage tanks located on top of the canopy structure.	K. Bergl
IMG_0106.JPG	EPA Method 27 certificate for truck.	K. Bergl
IMG_0107.JPG	EPA Method 27 certificate for truck.	K. Bergl
IMG_0108.JPG	EPA Method 27 certificate for truck.	K. Bergl
IMG_0109.JPG	Fuel truck: Truck identifier	K. Bergl
IMG_0110.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0111.JPG	Condition of the premium vapor recovery spill bucket and recovery pipe. The equipment was covered in rust and sludge, with liquid in the spill bucket. Vapors were observed from the premium vapor recovery equipment throughout the delivery, likely due to the condition of the equipment preventing a vapor tight seal between the equipment and the recovery hose.	K. Bergl
IMG_0112.JPG	Condition of the premium fueling spill bucket and pipe. There was visible rust in the spill bucket, and some physical damage visible to the fill pipe gasket.	K. Bergl

IMG_0113.JPG	Condition of the RUL fueling and vapor recovery spill buckets and pipes. There was visible rust in the spill buckets.	K. Bergl
IMG_0114.JPG	Premium fueling and vapor recovery equipment during premium fueling, with the fill hose and vapor recovery hose connected to the equipment.	K. Bergl



REGION 8

DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

Attached please find the United States Environmental Protection Agency's (EPA's) inspection report of your inspected facility and/or any related fuel delivery inspections identified therein. EPA is providing this report as a matter of agency policy and will contact you again only if needed.

Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0910_01
Inspection Date(s):	September 10, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8 Enforcement and Compliance Assurance Division Air and Toxics Enforcement Branch
Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
Facility Name:	JR's Country Store No. 205
Facility Physical Location: (street address, building/unit #)	25100 HWY 50 East
(city, state, zip code):	Pueblo, CO 81005

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL
Field Inspector Name	Title	Signature
Scott Patefield	Branch Manager	SCOTT PATEFIELD
		Digitally signed by KATELYN BERGL Date: 2024.11.19 17:28:21 -07'00'
		Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 15:33:49 -07'00'

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	JR's Country Store No. 205	Parent Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
AIRS-ID:	101-1117-001	CAA Permit (if any):	None on file
Primary Facility Representative & Title:	Trey Seymour President	On-site Facility Representative & Title:	Michelle Alarid, Manager
Facility Contact Phone/Email:	troys@upop7211.com	On-site Contact Phone/Email:	N/A
Facility Address:	25100 HWY 50 East, Pueblo, CO 81005		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	World Kinect Corporation	Trucking Company Name (if different):	Same
Truck Identifier:		Trailer Identifier:	0986
Fuel Supply Company Representative & Title:	Ron Browning Operations Manager	Driver Name:	Tom Hargis
Fuel Supply Company Contact Phone/Email:	Ronbrowning@wfscorp.com		
Fuel Supply Company Address:	1739 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information				
Inspection Number/ID:	R8_CAA_2024_0910_01	Inspection Date	9/10/2024	
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	7:00 AM	8:00 AM
Time Inspector Presented Credentials:	7:00 AM	Administrative Inspection Items:	☒ Announced	☐ Unannounced
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed	
	Michelle Alarid		☒ SBREFA Form Provided	
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3518 - 3521; IMG_0017 - 0021	
Weather & Other General Site Observations:	Partly cloudy, 65 deg F, winds 7 mph NW			
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.			
Areas of Concern:	The following are areas of concern identified during the inspection or records review: 1. An Air Pollutant Emissions Notice, or APEN, for this facility appears to have been last submitted to the Colorado Department of Public Health and Environment's (CDPHE) Air Pollution Control Division (APCD) in 2012. Typically, APENs are required to be updated every 5 years for this source category. The APEN for this facility may be past due. 2. Due to a recent acquisition of the facility, throughput records were only available beginning in January 2022. Throughput records are required to be kept for five years, as specified in 40 CFR § 63.11111(e). 3. Tank and associated vapor system were not vapor tight during the fuel delivery event. The following emissions were observed during the fuel delivery portion of EPA's inspection: a. Vapors from the truck, specifically at the vapor recovery line header, were observed after taking off the outer cam lock, but before removing the inner cap and before connecting the vapor recovery hose. Vapors continued once the inner cap was removed. b. Vapors from the RUL fuel spill bucket and the vapor			

	pressure/vacuum (P/V) vents were observed during RUL fueling. c. Vapors from the premium vapor recovery equipment were observed during premium fueling.
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Gasoline Throughput and Testing Records			
Applicable Throughput Category:			
☐ Calculated based on volume of gasoline loaded into all storage tanks		☒ Calculated based on volume of gasoline dispensed from all storage tanks	
☐ <10,000 gallons per month	☒ ≥ 10,000 gallons per month and < 100,000 gallons per month	☐ ≥ 100,000 gallons per month	
Date Applicable Throughput Category Was Exceeded:		Based on records provided since January 2022, the facility exceeded the 10,000 gallons per month throughput threshold in January 2022.	
Records: All Facilities regardless of throughput		Notes	
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)		Throughput records for this facility from January 2022 – September 2024 were provided via email by Troy Seymour on September 18, and October 10, 2024.	
☒ Last 12-month rolling throughput calculation		Provided along with 3-year throughput records	

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Premium 3) Diesel	Amount of Fuel Delivered:	1) 4,900 gallons 2) 1,100 gallons 3) 1,900 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	01/01/2024	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central loc. ☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation:	
A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.	
Components of the refueling activity	Description/Observations (including any OGI or AVO observations)

which were observed:		
☒	Conditions of Equipment prior to refueling event	Manhole covers were missing for the diesel and premium vapor recovery spill buckets. The store manager stated that the covers broke on Friday (4 days prior to the inspection). The store had blocked off the area with orange traffic cones prior to EPA's arrival and stated that they had already ordered replacement covers. No vapors were observed prior to fuel delivery.
☒	Connection of fuel and vapor lines prior to fuel transfer	Vapors from the truck, specifically at the vapor recovery line header, were observed after taking off the outer cam lock, but before removing the inner cap and before connecting the vapor recovery hose. Vapors continued once the inner cap was removed.
☒	Maintenance of fuel and vapor line connections during fueling event	Vapors from the RUL fuel spill bucket and the vapor pressure/vacuum (P/V) vents were observed during RUL fueling. Vapors from the premium vapor recovery equipment were observed during premium fueling.
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Documents Requested		
Document(s)	Status	Notes/Comments
3-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	

Documents Requested		
Document(s)	Status	Notes/Comments
Fuel throughput records from October 2019 – December 2021	☐ Document(s) Provided ☐ Will Provide After Inspection ☒ Document(s) Denied ☐ Other (see notes)	Due to a recent acquisition, the company stated that throughput records prior to January 2022 were not available.
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☐ Other (see notes)	
NESHAP 6C Initial Performance Tests	☐ Document(s) Provided ☐ Will Provide After Inspection ☐ Document(s) Denied ☒ Other (see notes)	Performance tests not conducted; records not available.

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3518.mp4	Vapors from the RUL fuel spill bucket and the vapor P/V vents observed during RUL fueling.	K. Bergl

MOV_3519.mp4	A closer view of the vapors from the RUL fuel spill bucket during refueling of the RUL tank.	K. Bergl
MOV_3520.mp4	Vapors from the truck on the vapor recovery line header were observed after taking off the outer cam lock, but before removing the inner cap and before connecting the vapor recovery hose.	K. Bergl
MOV_3521.mp4	Vapors from the premium vapor recovery equipment were observed during premium fueling.	K. Bergl
IMG_0017.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0018.JPG	Condition of the premium and diesel fill and vapor recovery access points prior to fueling. Manhole covers were missing for the diesel and premium vapor recovery spill buckets and had been covered with orange traffic cones to prevent damage. In this image, the driver had moved the cones to the side to be able to access the vapor recovery pipes.	K. Bergl
IMG_0019.JPG	Vapor vent stacks for the RUL, premium, and diesel storage tanks. The RUL and premium vent stacks are P/V-type vents, and the diesel vent is an open vent.	K. Bergl
IMG_0020.JPG	The premium fill hose was connected to the tank and pipe prior to the vapor hose connection. The vapor recovery hose elbow was attached to the vapor recovery port on the tank, and then finally the hose was connected to the elbow and then connected to the vapor recovery header on the truck. No vapors were observed on the infrared camera despite the order of the connections.	K. Bergl
IMG_0021.JPG	EPA Method 27 certificate for truck.	K. Bergl



REGION 8

DENVER, CO 80202

INSPECTION REPORT

NESHAP 6C: Gasoline Dispensing Facility Inspection

Attached please find the United States Environmental Protection Agency's (EPA's) inspection report of your inspected facility and/or any related fuel delivery inspections identified therein. EPA is providing this report as a matter of agency policy and will contact you again only if needed.

Without making a determination that your business or organization is a small business, EPA is also providing you with a link to this Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which provides an array of resources to help small businesses understand and comply with federal and state environmental laws.

Inspection Information	
Inspection Number:	R8_CAA_2024_0910_02
Inspection Date(s):	September 10, 2024
Regulatory Program(s):	40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C)
EPA Region/Program Conducting Inspection:	EPA Region 8, Enforcement and Compliance Assurance Division, Air and Toxics Enforcement Branch
Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
Facility Name:	JR's Country Store No. 214
Facility Physical Location: (street address, building/unit #)	615 Eagleridge Blvd # 1
(city, state, zip code):	Pueblo, CO 81008

Inspector and Approval

Katelyn Bergl	Inspector	KATELYN BERGL	Digitally signed by KATELYN BERGL Date: 2024.11.19 17:29:26 -07'00'
Field Inspector Name	Title	Signature	
Scott Patefield	Branch Manager	SCOTT PATEFIELD	Digitally signed by SCOTT PATEFIELD Date: 2024.11.19 15:53:09 -07'00'
Approving Official	Title	Signature	

FACILITY INSPECTION DETAILS AND OBSERVATIONS

General Facility Information			
Gasoline Dispensing Facility			
Facility Name:	JR's Country Store No. 214	Parent Company Name:	UPOP Holdings LLC. and UPOP 7-2-11 LLC.
AIRS-ID:	101-1118-001	CAA Permit (if any):	Permit Exempt Number 02PB0378S.XP
Primary Facility Representative & Title:	Trey Seymour President	On-site Facility Representative & Title:	David, Cashier
Facility Contact Phone/Email:	troys@upop7211.com	On-site Contact Phone/Email:	N/A
Facility Address:	615 Eagleridge Blvd # 1, Pueblo, CO 81008		
Enforcement and Compliance History:	None		
Fuel Delivery Company			
Fuel Supply Company Name:	World Kinect Corporation	Trucking Company Name (if different):	Same
Truck Identifier:		Trailer Identifier:	8625
Fuel Supply Company Representative & Title:	Ron Browning Operations Manager	Driver Name:	Randy Roybal
Fuel Supply Company Contact Phone/Email:	Ronbrowning@wfscorp.com		
Fuel Supply Company Address:	1739 E Platteville Blvd, Pueblo West, CO 81007		
Enforcement and Compliance History:	None		

General Inspection Information					
Inspection Number/ID:	R8_CAA_2024_0910_02	Inspection Date	9/10/2024		
Inspector(s):	Katelyn Bergl (EPA)	Arrival/Departure Time	8:15 AM	8:57 AM	
Time Inspector Presented Credentials:	8:50 AM	Administrative Inspection Items:	☒ Announced	☐ Unannounced	
Permission to Enter Facility Granted? If Yes, by whom? If No, explain.	☒ Yes ☐ No		☒ CBI Procedures Discussed		
	David		☒ SBREFA Form Provided		
			☐ Other materials or compliance assistance provided (describe):		
Photographer Name:	Katelyn Bergl	Photograph Range:	MOV_3522 -3525; IMG_0023 - 0038		
Weather & Other General Site Observations:	Partly cloudy, 65 deg F, winds 7 mph NW				
Inspection Narrative:	The facility was inspected under the Clean Air Act (CAA) for compliance with 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (NESHAP 6C). Inspection activities included observation of a fuel delivery event by the EPA inspector and a request for records required to be maintained under NESHAP 6C.				
Areas of Concern:	The following are areas of concern identified during the inspection or records review: 1. Due to a recent acquisition of the facility, throughput records were only available beginning in January 2022. Throughput records are required to be kept for five years, as specified in 40 CFR § 63.11111(e). 2. According to the throughput records submitted by the company, this facility had a 12-month throughput in excess of 1,200,000 gallons in September 2022 for the 9-month period from January 2022 through September 2022, resulting in a monthly throughput of gasoline greater than 100,000 gallons per month. Therefore, on or before September 2022, the facility was subject to the control requirements of 40 CFR § 63.11118 – Requirements for facilities with monthly throughput of 100,000 gallons of gasoline or more. NESHAP 6C at 40 CFR § 63.11113(c) clarifies that existing sources which become subject to the control requirements of 40 CFR § 63.11118 due to an increase in the monthly throughput must comply with the additional requirements, including installation of a vapor balance system and initial performance testing to demonstrate compliance, no later than three years after the source becomes subject. In this case, the facility appears to have triggered the control				

requirements on or before September, 2022, and must have complied with 40 CFR § 63.11118 no later than September 2025. At the time of the inspection, the facility had not yet complied. Due to incomplete records, the exact compliance date is unknown and could be earlier than September 2025.

3. The facility has not conducted initial performance tests to demonstrate compliance with the leak rate and cracking pressure requirements specified in item 1(g) of Table 1 of NESHAP 6C, and the static pressure performance requirement specified in item 1(h) of Table 1 of NESHAP 6C, as required by 40 CFR §§ 63.11120(a)(1) and (2). Based on the emission observations recorded during the inspection in conjunction with the driver's confirmation that there are no pressure/vacuum (P/V) vents installed on the tanks, the existing system is not compliant with 40 CFR § 63.11118. Because records were not available prior to January 2022, the initial compliance deadline is unclear. If the threshold was exceeded prior to September 2021, the facility would have been required to comply by the date of the EPA inspection.
4. Components of the tank and associated vapor equipment were not vapor tight during the fuel delivery event, as required by Item 1(b) of Table 1 of NESHAP 6C. The following emissions were observed during the fuel delivery portion of EPA's inspection:
 - a. During fueling of all fuel types, significant vapors were observed coming from an automatic tank gauging (ATG) system spill bucket parallel to the regular unleaded (RUL) tank spill bucket. The driver stated that he had previously observed vapors from that spill bucket and that he alerted the store nearly 1 year prior (specifically the Wednesday before Thanksgiving, which he remembered due to the holiday). The driver removed the cap for inspection, and it was observed that the cap was in disrepair and would not seal properly.
 - b. During RUL and diesel tank filling, vapors were observed from the tank vent pipes, despite the truck's vapor recovery hose being connected to the RUL vapor recovery pipe. Vapors were also observed from the RUL fuel line near the end of the fueling process, and liquid gasoline dripping from the connection was visible.
5. An Air Pollutant Emissions Notice, or APEN, for this facility appears to have been last submitted to the Colorado Department of Public Health and Environment's (CDPHE) Air Pollution Control Division (APCD) in 2012. Typically, APENs are required to be updated every 5 years for this source category. The APEN for this facility may be past due.

Gasoline Throughput and Testing Records								
Applicable Throughput Category:								
☐ Calculated based on volume of gasoline loaded into all storage tanks			☒ Calculated based on volume of gasoline dispensed from all storage tanks					
☐ <10,000 gallons per month		☐ ≥ 10,000 gallons per month and < 100,000 gallons per month		☒ ≥ 100,000 gallons per month				
Date Applicable Throughput Category Was Exceeded:			Based on records provided since January 2022, the facility exceeded the 100,000 gallons per month throughput threshold in September 2022.					
Records: All Facilities regardless of throughput			Notes					
☒ 5-Year Throughput Records Available (5-year records must be maintained and made available within 24 hours of request)			Throughput records for this facility from January 2022 – September 2024 were provided via email by Troy Seymour on September 18, and October 10, 2024.					
☒ Last 12-month rolling throughput calculation			Provided along with 3-year throughput records					
Records: Facilities ≥ 100,000 gallons per month			Notes					
☐ 3-year Leak Rate and Cracking Pressure Test (CARB Test Procedure TP-201.1E, - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, or equivalent)			Date of Last Test:	Never	Results of Last Test:	Pass / Fail	Report Provided:	Yes / No
			This NESHAP 6C performance test is required no later than September 2025, but has not been completed.					
☐ Static Pressure Test (CARB Test Procedure TP-201.3, - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, or equivalent)			Date of Last Test:	Never	Results of Last Test:	Pass / Fail	Report Provided:	Yes / No
			This NESHAP 6C performance test is required no later than September 2025, but has not been completed.					

Fuel Delivery Truck Compliance (Gasoline Cargo Tanks under NESHAP 6C)			
Fuel Type:	1) Regular Unleaded (RUL) 2) Premium 3) Diesel	Amount of Fuel Delivered:	1) 3,100 gallons 2) 2,000 gallons 3) 1,500 gallons
Annual Certification Test – Vapor Tightness Testing – EPA Method 27 of appendix A-8 to part 60 of CAA			
Date of Last Test:	01/10/2024	5-Year Test Record Availability:	☒ Available with truck ☐ Available at office or central location ☐ Not Available ☐ Other:
Results of Test:	Pass		

Fuel Delivery Event Observation:		
A fuel delivery event was observed by the EPA inspector. The inspector used a forward-looking infrared (FLIR) camera to record optical gas imaging (OGI) videos of gasoline vapors. Any auditory, visual, and olfactory (AVO) observations were also recorded. See Appendix A for a list of photographs and videos recorded during the fuel delivery inspection.		
Components of the refueling activity which were observed:		Description/Observations (including any OGI or AVO observations)
☒	Conditions of Equipment prior to refueling event	All manhole covers were present, and no vapors were observed prior to fuel delivery.
☒	Connection of fuel and vapor lines prior to fuel transfer	
☒	Maintenance of fuel and vapor line connections during fueling event	During fueling of all fuel types, significant vapors were observed coming from an ATG system spill bucket parallel to the RUL tank spill bucket. The driver stated that he had previously observed vapors from that spill bucket and that he alerted the store nearly 1 year prior (specifically the Wednesday before Thanksgiving, which he remembered due to the holiday). The driver removed the cap for inspection, and it was observed that the cap was in disrepair and would not seal properly. During RUL and diesel tank filling, vapors were observed from the tank vent pipes, despite the truck's vapor recovery hose being connected to the RUL vapor recovery pipe. Vapors were also observed from the RUL fuel line near the end of the fueling process, and liquid gasoline dripping from the connection was visible.
☒	Disconnection of fuel and vapor lines after fuel transfer	
☒	Conditions of Equipment after refueling event	

Facility Design Notes			
Component	Design	Quantity/ Capacity	Observations (disrepair, unsealed connections, signs of spills, etc)
Vapor Recovery system	Dual-point vapor recovery system installed for the RUL and premium tanks only, with one associated vapor recovery pipe for each of the two tank types. The diesel tank did not have a vapor recovery pipe.	2 dual-point	

Facility Design Notes			
Component	Design	Quantity/ Capacity	Observations (disrepair, unsealed connections, signs of spills, etc)
Vapor Vents	There were 3 tank vents installed at the facility to vent vapors from one vent for each of the RUL, premium, and diesel tanks. The vents do not appear to be pressure/vacuum (P/V)-type vents. The driver stated he does not believe they are P/V Vents.	3	Due to the absence of a P/V valve, the vents do not prevent vapors from being emitted during refueling events.
Tanks	1 RUL tank; 1 premium tank; 1 diesel tank	3	
Automatic Tank Gauging (ATG) System	1 for each tank type	3	

Documents Requested			
Document(s)	Status		Notes/Comments
3-year fuel throughput records including previous 12-month fuel throughput calculation	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)	
Fuel throughput records from October 2019 – December 2021	☐ Document(s) Provided ☐ Will Provide After Inspection	☒ Document(s) Denied ☐ Other (see notes)	Due to a recent acquisition, the company stated that throughput records prior to January 2022 were not available.
EPA Method 27 for the fuel delivery truck	☒ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☐ Other (see notes)	
NESHAP 6C Initial Performance Tests	☐ Document(s) Provided ☐ Will Provide After Inspection	☐ Document(s) Denied ☒ Other (see notes)	Performance tests not conducted; records not available.

APPENDIX A: Photograph and Video Log

File Name	Description	Photographer
MOV_3522.mp4	Vapors from far-right vapor vent observed were observed. At this point, only the diesel tank was filling, and no other tanks had been filled. The diesel tank was also on the far right, so the vapors were likely coming from diesel tank, although diesel produces less vapors than other fuel types. No vapor recovery hose was used during diesel filling.	K. Bergl
MOV_3523.mp4	Vapors from far-left vapor vent were observed during RUL fueling. The RUL tank was on the far left, so it's likely that this vapor vent is associated with the RUL tank. The RUL vapor recovery line to truck was connected, and RUL and diesel fuel fill hoses were connected to the tank fill pipes during this video. No emissions were observed at ground-level.	K. Bergl
MOV_3524.mp4	Vapors observed from the RUL fuel line near the end of the fueling process. Gasoline was also visually observed dripping from the connection.	K. Bergl
MOV_3525.mp4	During fueling of all types, significant vapors were observed coming from an ATG spill bucket parallel to the RUL tank spill bucket.	K. Bergl
IMG_0023.JPG	Condition of the RUL fill and vapor recovery access points prior to fueling but after the driver had already removed the cap and cover to the vapor recovery pipe.	K. Bergl
IMG_0024.JPG	Vapor vent stacks for the RUL, premium, and diesel storage tanks.	K. Bergl
IMG_0025.JPG	Condition of the premium fill and vapor recovery access points prior to fueling but after the driver had already removed the cap and cover to the vapor recovery pipe and attached the vapor recovery hose.	K. Bergl
IMG_0026.JPG	Fueling area as seen while the driver was attaching the premium fuel hose to the fill pipe. The RUL and diesel tanks had already been filled when this picture was taken.	K. Bergl
IMG_0027.JPG	Fuel truck: Trailer identifier	K. Bergl
IMG_0028.JPG	Condition of the capped and covered "veeder-root" brand automatic tank gauging (ATG) system prior to inspection or disturbance by EPA or the driver. Emissions were observed coming from this cover during fueling.	K. Bergl
IMG_0029.JPG	Condition of the capped and covered "veeder-root" brand ATG system prior to inspection or disturbance by EPA or the driver. Emissions were observed coming from this cover during fueling.	K. Bergl
IMG_0030.JPG	Condition of the capped "veeder-root" brand ATG system as the driver is removing the cap for inspection.	K. Bergl

	Emissions were observed coming from this component during fueling. Rust is observed throughout the spill bucket.	
IMG_0031.JPG	Condition of the “veeder-root” brand ATG system after the driver has removed the cap for inspection. Emissions were observed coming from this component during fueling. Rust is observed throughout the spill bucket.	K. Bergl
IMG_0032.MOV	Condition of the “veeder-root” brand ATG system after the driver has removed the cap for inspection. Emissions were observed coming from this component during fueling. Rust is observed throughout the spill bucket. The cap “o-ring” can be seen disconnected from the cap.	K. Bergl
IMG_0033.JPG	Condition of the fueling area after fueling was completed.	K. Bergl
IMG_0034.JPG	Condition of the fueling area and tank vapor vents after fueling was completed.	K. Bergl
IMG_0035.JPG	Condition of the fueling area and tank vapor vents after fueling was completed.	K. Bergl
IMG_0036.JPG	Condition of the fueling area and tank vapor vents after fueling was completed.	K. Bergl
IMG_0037.JPG	EPA Method 27 certificate for truck.	K. Bergl
IMG_0038.JPG	EPA Method 27 certificate for truck.	K. Bergl