



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

Date of Inspection: 10/08/2024	Lead Inspector (Print Name & Sign): Joseph Canzano, Clean Water Act Inspector and Compliance Coordinator	JOSEPH CANZANO Digitally signed by JOSEPH CANZANO Date: 2024.10.21 14:59:21 -04'00'
Date of Notice: 10/22/2024		

Facility Name: R.M. Packer Company, Inc.	Facility Address: 188-190 Beach Road Tisbury, MA 02568	Facility Type: Oil Storage Terminal & Water Transportation of Freight
Facility Contact & Phone: Glenn DeBlase, Compliance Officer 508-304-4466	Facility Email: <u>gd.rmpacker@gmail.com</u>	Facility Fax: N/A

The purpose of the inspection process is to determine compliance with the Clean Water Act (the “Act”), 33 U.S.C. § 1321; Stormwater Regulations, 40 C.F.R. Part 122; Oil Pollution Prevention regulations, 40 C.F.R. Part 112 (cumulatively the “Regulations”); and the September 29, 2019 Order on Injunctive Relief, No. 16-CV-10767-DJC (the “Order”). The scope of the inspection and plan review process may include, but is not limited to, reviewing and obtaining copies of documents and records; interviewing facility personnel; a physical inspection of the facility (including process areas); taking photographs or video; collecting samples; and other activities necessary to determine compliance with the Act, the Regulations, and the Order. The United States Environmental Protection Agency (“EPA”) inspected the Facility located at 181-190 Beach Road on October 8, 2024.

Please review this Notice of Inspection with Deficiencies form (“Notice”) carefully. Please be advised that this Notice, any attached document(s), and discussions during the closing conference may not set forth all deficiencies and that an in-depth review of this Notice and any other relevant information may identify deficiencies not identified herein. Also, the deficiencies noted are preliminary observations only, and this Notice is not a final determination of compliance or noncompliance. Please also be advised that any noncompliance with the Act and/or the Regulations may constitute a violation under the Act for which penalties or other relief may be sought and may also constitute a violation of the Order. This Notice and other relevant information will be reviewed by appropriate EPA personnel to determine if any deficiencies constitute violations of the Act, the Regulations, and/or the Order, and whether an enforcement action is appropriate.

You are urged to correct the deficiencies identified in this Notice as soon as possible, as responsibility for compliance rests with you. These deficiencies are potential violations observed by EPA staff. Correcting these deficiencies may help you with compliance with the Act, the Regulations, and/or the Order. EPA requests you submit all information, as soon as possible, showing your correction of the noted deficiencies to:

Margarita Chatterton, CWA Inspector
chatterton.margarita@epa.gov

Within 30 days of the date of this Notice, please provide documentation that deficiencies identified in this Notice have been corrected. If it is not feasible to correct the deficiencies within 30 days of the date of this Notice, immediately submit a detailed explanation and schedule indicating how and by when the noted deficiencies will be corrected. If you believe that your facility follows the Act, the Regulations, and/or the Order, you may submit an explanation, supported by documentation, as to why the facility complies within 30 days of the date of this Notice. Note that correction of a deficiency does not relieve the owner or operator from potential liability for any violations of applicable laws and regulations.

Confidential Business Information

You may be entitled to claim information submitted to EPA as part of this process as Confidential Business Information (“CBI”) pursuant to the regulations set forth in 40 C.F.R. Part 2. If EPA determines the information, you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2 Subpart B. Unless CBI is claimed, EPA may make the information available to the public without further notice to you.

**Attachment
to
Notice of Inspection with Deficiencies
October 22, 2024**

At the closing conference for the inspection held on October 8, 2024, the inspection team informed Facility representatives of the following deficiencies under the Act and/or Regulations at 40 C.F.R. Part 122 and 40 C.F.R. Part 112, and/or the portion of the Order on Injunctive Relief dated September 27, 2019 titled “Clean Water Act Injunctive Tasks.”

1. **Deficiency: The oil loading rack does not have adequate secondary containment.** EPA inspectors observed spaces, gaps, and fractures in the concrete containment pad and berm for the loading rack. EPA inspectors informed Facility personnel that in the event of an oil spill at the oil loading rack, there is potential for oil to flow off the property and into the municipal stormwater sewer system.

Summary of Rule/Requirement: Under 40 C.F.R. §112.7(h)(1), where loading/unloading rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading/unloading racks. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

2. **Deficiency: The Facility’s design and practices indicate it is discharging unauthorized non-stormwater process wastewaters from truck washing operations and contaminated wastewaters from the loading rack containment tote into Vineyard Haven Harbor.** The Facility representative showed EPA inspectors an exterior area of the Facility yard used by employees to periodically wash and clean oil delivery trucks and equipment to remove road salt and dirt. The inspectors observed that the area is not undercover, appears to be pitched, and drains toward Vineyard Haven Harbor. Additionally, EPA inspectors smelled a strong petroleum odor from a plastic tote containing wastewaters from the spill containment tank. A Facility representative informed inspectors that a portion of wastewater pumped from the spill containment tank is discharged to Vineyard Haven Harbor after the first portion of the wastewater is collected in the plastic tote.

Summary of Rule/Requirement: Order, Section C.7, Unauthorized Non-Stormwater Discharges. R.M. Packer shall identify, collect, or contain all process wastewater discharges from industrial activities that involve equipment or facility washing so that they are not commingled with stormwater discharges authorized by the MSGP. In the event that non-stormwater discharges ... are comingled with stormwater, R. M. Packer shall not discharge such comingled waters without first obtaining coverage under the proper National Pollution Discharge Elimination System permit. Alternatively, any unauthorized non-stormwater discharges may be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements if allowed by the sanitary sewer authority.

Order, Section C.8.f, Best Management Practices for Stormwater. R.M. Packer shall implement the following Best Management Practices. Vehicle, Maintenance, and Equipment Cleaning Areas. No later than 30 days after the date official judgment, ensure that any vehicle maintenance and equipment cleaning must occur inside or under a covered structure in an area well removed

from Vineyard Haven Harbor and Lagoon Pond to ensure that pollutants from such activities do not discharge in stormwater to these water bodies.

Additionally, under the EPA's Multi-Sector General Permit (MSGP), Part 8.P.1.3.4, Vehicle and Equipment Cleaning Areas, discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by the MSGP for this sector.

3. **Deficiency: Sampling conducted by the Facility is not conducted in a manner to ensure it is representative.** The Facility representative explained to EPA inspectors the Facility's sampling procedures for metals. The Facility representative demonstrated to EPA inspectors, for Outfall 001, the method used for collecting a sample; a hole is dug in the soils/ground, thereby disturbing soils. For Outfall 002 and Outfall 003, the stormwater sampling location has the potential to commingle with municipal street runoff. Additionally, certain sampling equipment being used to collect samples is not being properly cleaned.

Summary of Rule/Requirement: Order, Section C.6.c. Stormwater Consultant. No later than 60 days after the date of final judgment, retain the services of a stormwater consultant to ... assist with benchmark and impaired water monitoring. Ensure that the benchmark and impaired water monitoring is properly conducted, review the results of such monitoring, and submit and certify the results of such monitoring to EPA.

Additionally, under the EPA's MSGP, Appendix B.10.D, monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in the permit. Also, under MSGP Part 4.1.2, commingled discharges, if any authorized stormwater discharges commingle with discharges not authorized under this permit, you must conduct any required sampling of the authorized discharges at a point before they mix with other waste streams, to the extent practicable.

4. **Deficiency: The Facility SWPPP has not been fully reviewed and revised to reflect certain changes in Facility operations, conditions, and activities.** During the site walk, EPA inspectors observed certain operations and activities that were inconsistent with the Facility SWPPP and further suggested that a revision to the SWPPP is necessary. Such inconsistent items included uncovered waste roll-off containers, a sand and gravel storage area being used to wash trucks and equipment, the bulkhead adjacent to the barge ramp and unloading/loading area is failing resulting in soil erosion/scour and unidentified discharge points to Vineyard Haven Harbor, the operational area adjacent to the repair garage is redeveloped, and drainage wastewaters from the loading rack containment tank being discharged to Vineyard Haven Harbor.

Rule/Requirement: Order, Section C.6.g. Stormwater Consultant. No later than 60 days after the date of final judgment, retain the services of a stormwater consultant to ... revise R. M. Packer's SWPPP and prepare modifications as appropriate in response to facility changes.

Additionally, under the MSGP Part 2.1.2.2, Good Housekeeping, keep all dumpster lids closed when not in use, and under Part 2.1.2.5, Erosion and Sediment Controls, minimize pollutant discharges in stormwater, you must minimize erosion by stabilizing exposed soils at your facility and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.