



REGION 1

BOSTON, MA 02109

URGENT LEGAL MATTER – PROMPT REPLY NECESSARY

SENT VIA EMAIL

Date on electronic signature

Mr. Bruce J. Bemer, President
Bemer Petroleum Corporation
210 Commerce Street
Glastonbury, CT 06033
bemers@aol.com

Re: *Bemer Petroleum Corporation*: Notice of Potential Violations Pursuant to Section 112(r) of the Clean Air Act, Inspection Close-Out List in Attachment 2, and Notice of Upcoming Compliance Order

Dear Mr. Bemer:

The purpose of this letter to convey information about potentially dangerous conditions that the United States Environmental Protection Agency, Region 1 ("EPA") found during an inspection of the Bemer Petroleum Corporation and to alert you of EPA's next steps, including EPA's plan to issue a compliance order requiring you to comply with the Clean Air Act's chemical accident prevention provisions.

On March 18, 2024, representatives of the United States Environmental Protection Agency, Region 1 ("EPA") inspected the Bemer Petroleum Corporation ("Bemer") oil and propane distribution facility located at 210 Commerce Street, Glastonbury, Connecticut. EPA also inspected two other properties in Glastonbury where the company stores its products and wastes, located at 184 Commerce Street and 95 Oakwood Street. State and local officials accompanied EPA's inspectors. The inspection followed a referral that EPA received regarding dangerous storage of propane and other chemicals at the facilities. The purpose of EPA's inspection was to determine whether the company was complying with various environmental statutes and regulations administered by EPA, including the chemical accident prevention provisions of Section 112(r) of the Clean Air Act ("CAA"), Sections 302-312 of the Emergency Planning and Community Right-To-Know Act ("EPCRA"), and the Clean Water Act's oil Spill Prevention, Control and Countermeasure ("SPCC") regulations.

The inspection revealed numerous dangerous conditions, including, but not limited to problems associated with the facility's storage of propane, Bemer's principal product. Propane is liquified natural gas, stored under pressure, that is highly flammable. It is listed as an extremely hazardous substance in

40 C.F.R. § 68.130 and is subject, under certain circumstances, to the Clean Air Act's chemical accident prevention regulations, commonly called the "Risk Management Plan" or "RMP" regulations. Propane also is subject to the Clean Air Act's General Duty Clause, found at Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1). Industry standards of care call for the proper storage and handling of propane to prevent a Boiling Liquid Expanding Vapor Explosion ("BLEVE"). A BLEVE occurring at the company's 60,000-gallon propane tank would cause serious injuries up to a half-mile away, impacting businesses, residences, and the people who work there. EPA inspectors also saw other extremely hazardous substances during their inspection, such as acetylene, hydrogen, propylene, and methanol.

Attachment 1 provides a few photographs of potentially dangerous conditions that EPA inspectors observed. Attachment 2 contains a list of the inspectors' areas of concern and serves as EPA's inspection close-out. We can share the photographs referenced in Attachment 2 via an electronic folder if you provide us with contact information for recipients, including email addresses. The list in Attachment 2 is preliminary, as EPA lawyers have not yet confirmed that each item contravenes an industry standard of care. Some of the conditions observed during the inspection were previously identified by the Town of Glastonbury Fire Marshal ("Fire Marshal") and the United States Occupational Safety and Health Administration ("OSHA").

EPA is working closely with state and local officials to address potentially dangerous conditions at the Bemer properties. Although the inspection report is not yet complete, EPA wanted to provide you with its areas of concern and some information about what to expect from EPA as you respond to OSHA's citations and the Connecticut Department of Energy and Environmental Protection's Notice of Violation, which the State issued on April 5, 2024.

In the short term, EPA likely will take the following steps. This list does not preclude further enforcement actions.

1. **Clean Water Act Oil SPCC Notice of Deficiency:** Already issued April 8, 2024, with response due by May 8, 2024
2. **Inspection photographs:** EPA would like to send you a copy of the inspection photographs immediately via a share drive. Please provide contact information (including email addresses) for Bemer employees or contractors who should receive a link to the photographs.
3. **Inspection report:** EPA will send you a copy of the inspection report as soon as it is completed.
4. **Administrative Compliance Order:** EPA will issue an administrative compliance order ("Order") under the Clean Air Act. Although EPA suspects that multiple federal environmental laws were violated, to ensure public safety, EPA is focusing first on compliance with the Clean Air Act's chemical accident prevention provisions. EPA has provided more information about the Order below.
5. **Information Request:** EPA will issue a formal information request seeking additional information to assess the company's compliance with environmental laws. EPA likely will issue this information request at the same time it issues the Order.

More Information about the Upcoming Administrative Compliance Order

Legal Basis: EPA has not yet gathered the information needed to determine whether Bemer must comply with the Risk Management Plan (“RMP”) regulations found at 40 C.F.R. Part 68, but both the Clean Air Act’s RMP regulations and the General Duty Clause, found at Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), require facilities handling extremely hazardous substances, such as propane, to ensure that equipment is designed and maintained in a safe manner.¹

Pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance,² have a general duty to:

- a. identify hazards which may result from accidental releases of such substances, using appropriate hazard assessment techniques;
- b. design and maintain a safe facility taking such steps as are necessary to prevent releases; and
- c. minimize the consequences of accidental releases which do occur.

Facility owners and operators should implement all feasible means to reduce the threat of death, serious injury, or substantial property damage to satisfy the requirements of the General Duty Clause. S. Rep. 101-228, 1990 U.S.C.C.A.N. 3385, 3595 (1989). EPA routinely consults codes, standards, and guidance issued by chemical manufacturers, trade associations, and fire prevention associations (collectively, “industry standards”) to understand the hazards posed by using various extremely hazardous substances. The industry standards also are evidence of the standard of care that industry itself has recognized to be appropriate for managing those hazards. These industry standards are consistently relied upon by industry safety and fire prevention experts and are sometimes incorporated into state building, fire, and mechanical codes. For example, NFPA 58, *the Liquefied Petroleum Gas Code*, applies to Bemer’s operations and is incorporated into Connecticut’s fire code.

¹ EPA likely will defer an examination of whether the company is subject to 40 C.F.R. Part 68. Those regulations contain an exclusion, found at 40 C.F.R. § 68.126, for flammable substances used as fuel or held for sale as fuel at retail facilities. A complete analysis of whether that exclusion applies could require gathering and analyzing additional documents, which is not necessary to issue a compliance order and thus is not currently EPA’s top priority. In its citations, OSHA reached the conclusion that Bemer does *not* qualify as a “retail facility” for the purposes of a similar exclusion in the Process Safety Management regulations, found at 29 C.F.R. § 1910.119. Nothing in this letter is meant to contradict OSHA’s analysis. Indeed, EPA found many of the same safety deficiencies that OSHA found and is citing the Clean Air Act’s General Duty Clause to ensure that Bemer corrects those conditions as quickly as possible. Under the Clean Air Act, the General Duty Clause applies regardless of whether Bemer is subject to 40 C.F.R. Part 68. See 40 C.F.R. § 68.1 and 59 Fed. Reg. 4478, 4481 (Jan. 31, 1994).

² Under the General Duty Clause, the term “extremely hazardous substance” includes, but is not limited to, substances listed pursuant to Sections 112(r)(3) through (5) of the CAA, 42 U.S.C. § 7412(r)(3) through (5). Other “extremely hazardous substances” may include any substance that alone or in combination with other substances or factors may cause death, serious injury, or substantial property damages as a result of short-term exposures associated with releases to the air. See 40 C.F.R. § 1604.2, 84 Fed. Reg. 67899, 67905 (Dec. 12, 2019), 85 Fed. Reg. 10074, 10083 (Feb. 21, 2020); and Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Sen. Report No. 101-228, at 211, reprinted in 1990 U.S.C.C.A.N. 3385, 3596 (1989).

Likewise, facilities subject to the RMP regulations must document that equipment complies with recognized and generally accepted good engineering practices (“RAGAGEP”) or, for existing equipment designed and constructed in accordance with codes or standards no longer in general use, determine and document that equipment is designed, maintained, inspected, tested, and operating in a safe manner. 40 C.F.R. §§ 68.65(d)(2)-(3). Additionally, such facilities must correct deficiencies in equipment that are outside acceptable limits (as defined by RAGAGEP). 40 C.F.R. § 68.73(e).

Regardless of which Clean Air Act regime the facility falls under, Bemer currently is not storing and handling propane and other extremely hazardous substances in a safe manner and must take immediate steps to do so in accordance with recognized industry codes and standards. Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3), authorizes EPA to issue compliance orders for violations of the Clean Air Act, including violations of Section 112(r), 42 U.S.C. § 7412(r). Section 113 of the Clean Air Act also authorizes the United States to seek sizeable civil and criminal penalties for violations of the Act.

What the Order Will Require: The Order likely will notify you of one or more violations of the General Duty Clause. At a minimum, the Order will require the company to conduct a full process hazard review/analysis (“Hazard Review”) to comply with the General Duty Clause’s requirement to identify hazards which may result from releases of extremely hazardous substances, using appropriate hazard assessment techniques. The purpose of this review is to identify the hazards associated with Bemer’s storage of extremely hazardous substances in a systematic manner and develop a plan for addressing them. This Hazard Review should follow industry standards and guidance and consider the areas of concern identified in Attachment 2, and any other hazards that you or your contractors find.³ The Order also will require the company to submit a plan and schedule to address all the hazards found. This Order or a subsequent enforcement action will require the company to implement the Hazard Review’s recommendations.

Because of the dangers associated with addressing the conditions at Bemer’s properties, EPA expects you to hire a team to conduct this work with experts in (a) the industry standards of care that apply to Bemer’s operations (including, but not limited to, NFPA 58); (b) hazard review/analysis techniques; and (c) hazardous materials response.

EPA understands that other regulators, including the Connecticut Department of Energy & Environmental Protection (“CTDEEP”), the Fire Marshal, the Town of Glastonbury Conservation Commission (“Conservation Commission”), the Connecticut Department of Transportation (“CTDOT”), and OSHA have already issued citations, notices of violation and/or compliance orders requiring Bemer to address conditions at the facilities. As referenced above, EPA also already issued a Notice of Deficiency outlining potential Clean Water Act violations of the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112. Accordingly, to coordinate and avoid any potential conflicts in the timing and substantive requirements of these or any other compliance orders issued by various federal, state,

³ OSHA’s citations, issued on February 14, 2024, included a citation for Bemer’s failure to conduct a process hazard analysis, pursuant to 29 C.F.R. § 1910.119(e)(1), for the company’s bulk liquified petroleum gas operation. A process hazard analysis conducted pursuant to 29 C.F.R. § 1910.119(e)(1) should be sufficient for complying with the Clean Air Act’s General Duty Clause requirement to identify hazards, but EPA’s Order will cover more properties, more chemicals, and more areas within the 210 Commerce Street property (such as the areas around the perimeter of the property where Bemer has placed smaller tanks of propane).

or local authorities, EPA is proposing that its Order be issued with Bemer's input on proposed work timelines and on Bemer's consent. However, given EPA's heightened concern about the safety of the site, we will issue a unilateral order if we cannot quickly reach agreement with Bemer on a proposed safe plan of action to address conditions and return the facilities to full compliance.

To prioritize public safety, EPA's initial Order will not cite environmental laws other than the Clean Air Act. Also, this Order will focus on compliance rather than penalties, so that the company can first direct its resources to compliance. However, Bemer remains subject to penalties under the Clean Air Act and other environmental laws in the future, and neither this letter nor any compliance order precludes EPA from taking any enforcement action that the Clean Air Act or other environmental laws authorize.

EPA has been and continues to coordinate with other federal, state, and local agencies, so we do not expect EPA's Order to conflict with any work required by those entities. However, should that not be the case, please let EPA know so that all the parties can plan and prioritize accordingly.

We ask that Bemer keep an open line of communication with EPA about its plans while we are preparing the Order. Also, we ask that you notify EPA within three business days of receiving this letter as to whether Bemer expects to cooperate with an EPA Order.

Finally, please ensure that any work Bemer or its contractors conduct on the system complies with codes, standards, and guidelines recognized as generally accepted good engineering practices so that such work does not inadvertently create more hazards.

If you have any questions regarding this letter or the enclosed documents, please contact Len Wallace at wallace.len@epa.gov or 617-918-1835 or have your attorney contact Laura J. Berry, Esq. at berry.lauraj@epa.gov or 617-918-1148. Please contact them by email upon receiving this letter to confirm receipt.

Sincerely,

O'Donnell,
Mary Jane

Digitally signed by
O'Donnell, Mary Jane
Date: 2024.04.16 14:17:02
-04'00'

Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section
Enforcement and Compliance Division
odonnell.maryjane@epa.gov

Information Resources:

- *More information on the Clean Air Act's General Duty Clause:*
<https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-caa-section-112r1-may-2000>
- *More information about the chemical accident prevention regulations at 40 C.F.R. Part 68:*
<https://www.epa.gov/rmp> and guidance on the application of 40 C.F.R. Part 68, including

specific guidance for propane distributors: <https://www.epa.gov/rmp/guidance-facilities-risk-management-programs-rmp>

- *More information about requirement to report chemical inventory pursuant to EPCRA:* <https://www.epa.gov/epcra/what-epcra> with Connecticut-specific information at <https://portal.ct.gov/SERC/Facility-Information/Facility-Information/Chemical-Inventory-Reporting-Tier-II>

Enclosures:

Attachment 1: Sample Photographs from EPA's Inspections

Attachment 2: Inspection Close-Out – Areas of Concern

Cc:

Ryan P. Barry, Esq., Barry, Barall, Taylor & Levesque, LLC, rbarry@ct-attorneys.com (by email and certified mail)

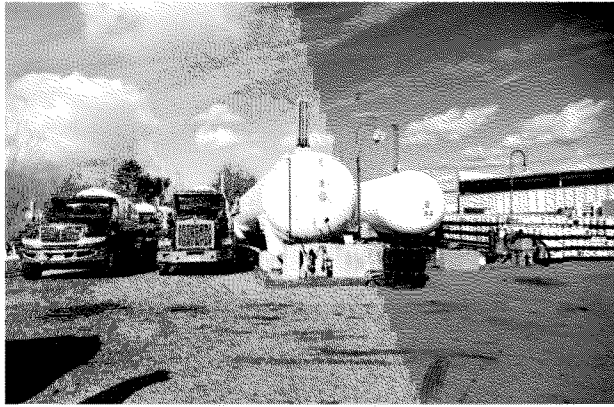
Robert Levandoski, CSP, CIH, CHMM, Fuss & O'Neill Manufacturing Solutions, rlevandoski@fando.com (by email and certified mail)

Jacobs, Walker, Rice & Barry, LLC (registered agent, by certified mail only)

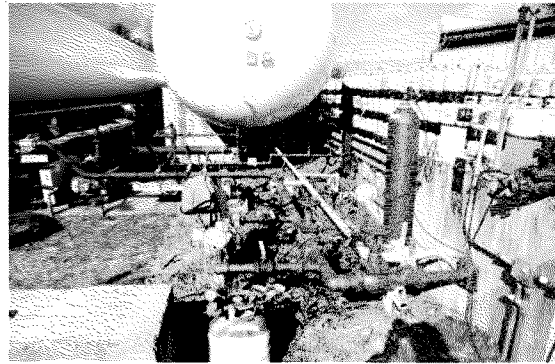
ATTACHMENT 1

Sample Photographs from EPA's Inspection



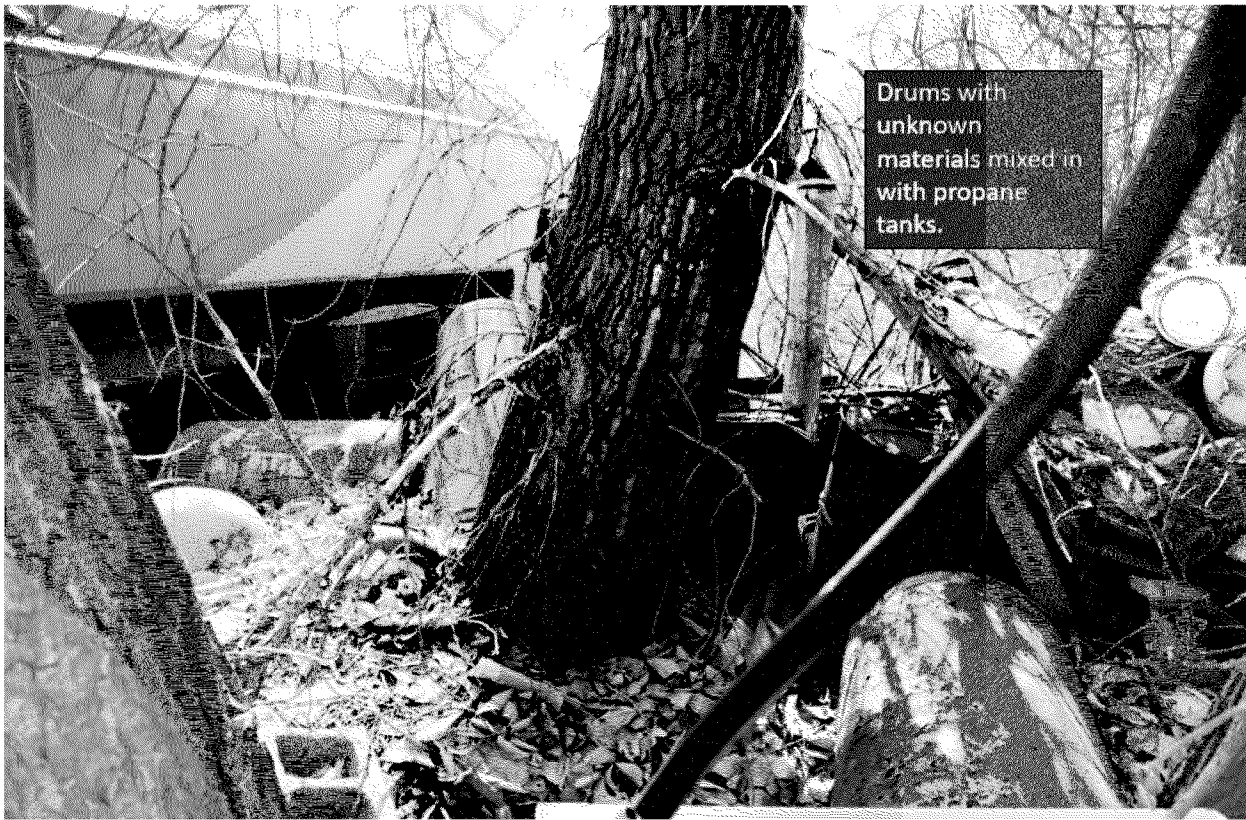


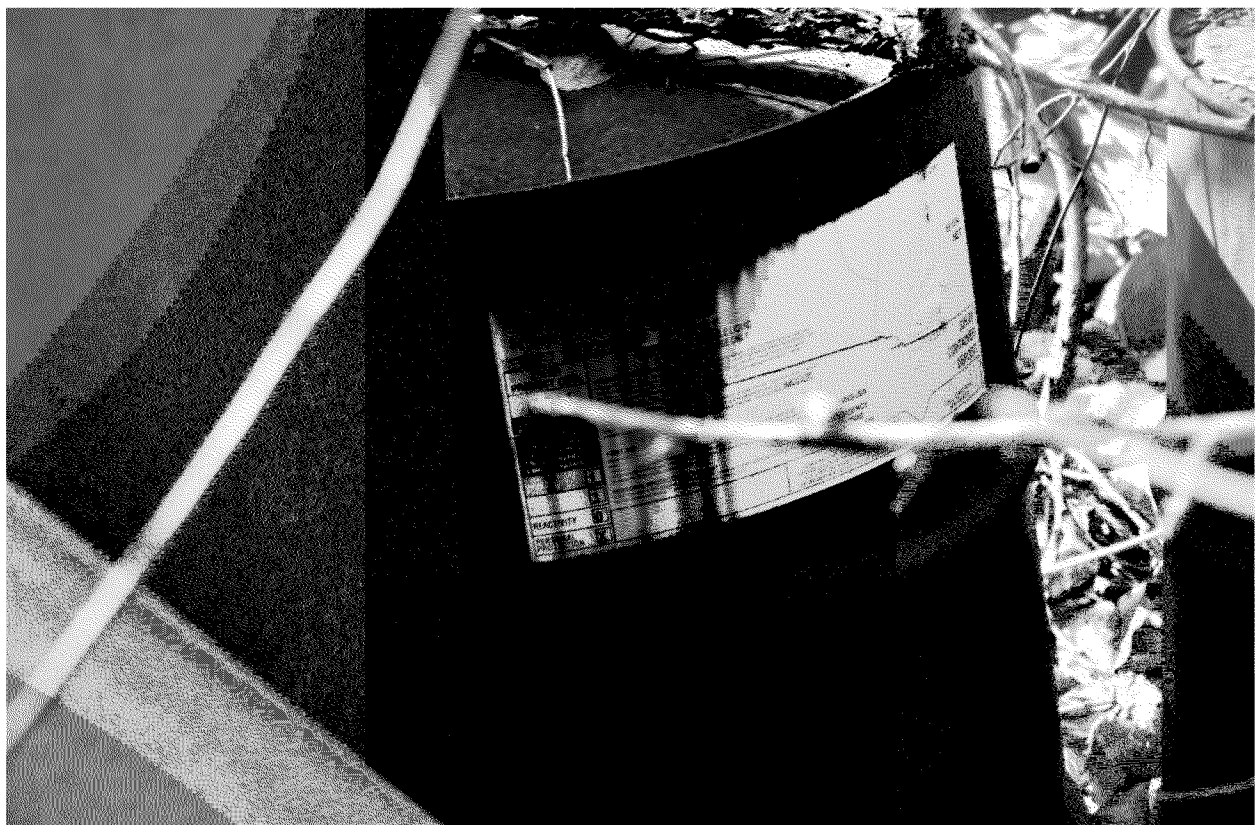
30,000-gallon and 60,000-gallon tanks of propane, filled by trucks. Not in compliance with industry standards of care (NFPA 58).

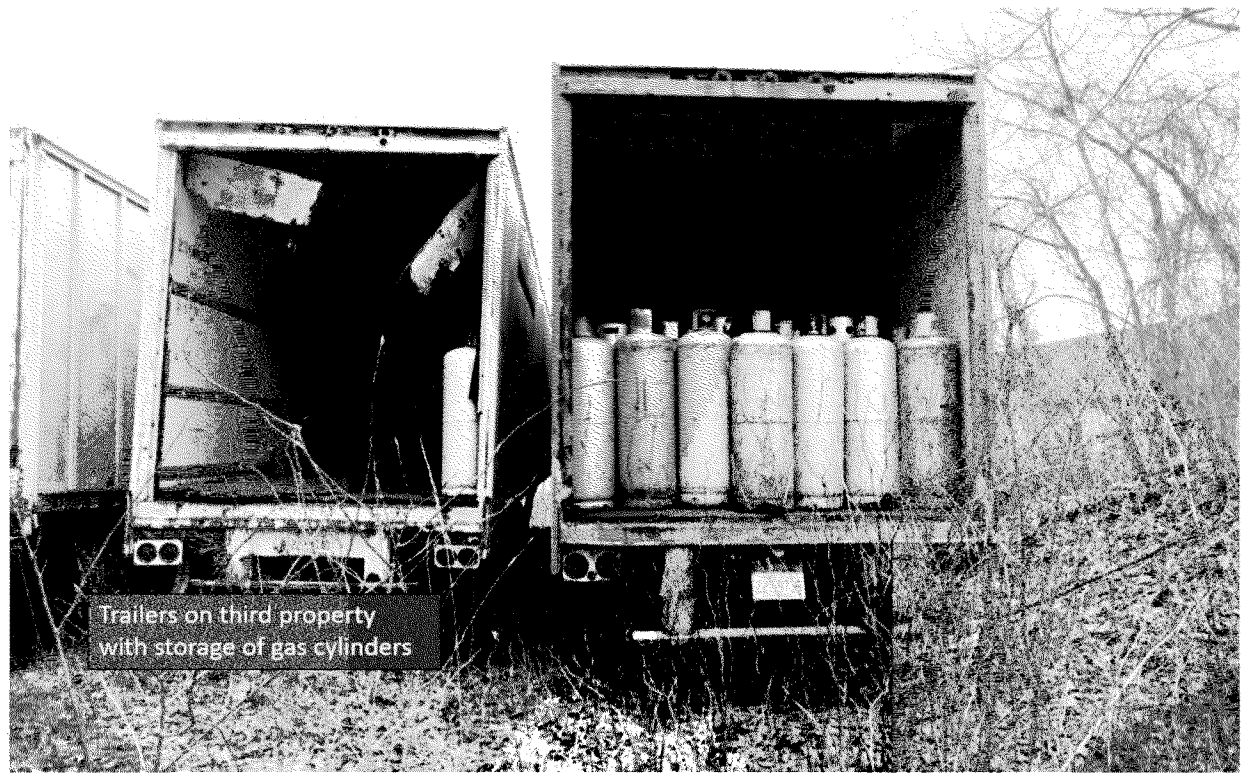


Tank support system in poor repair.









ATTACHMENT 2

INSPECTION CLOSE-OUT-- AREAS OF CONCERN

210 Commerce Street:

1. General housekeeping issues were observed throughout the Facility such that there was a consistent difficulty to identify a clear path of exit from chemical storage areas in case of an emergency (Photographs P1140621, P1140672, P1140685, P1140716, P1140719, and P1140720).
2. Combustible vegetation was observed to be growing near, on, and/or between chemical tanks, including tanks marked as containing propane as well as other unmarked tanks with unknown contents (Photographs P1140636, P1140676, P1140681, P1140748, P1140751, and P1140753).
3. Bulk flammable storage vessels and other chemical tanks were stored with inadequate spacing between them, preventing inspectors from being able to conduct a visual inspection of tank conditions (Photographs P1140620, P1140635, P1140672, P1140703, P1140716, P1140719, and P1140720).
4. The heat detection system for the two large propane tanks is located above the filling station; there was no heat detection system above the associated piping and pumps for the tanks, which would be another location of a leak and/or source of ignition (Photographs P1140640 and P1140661).
5. The heat detection station at the rear of the 30,000-gallon propane tank was identified as not working (Photographs P1140661, P1140662, and P1140671).
6. No LEL (Lower Explosive Limit) gas detectors system was observed surrounding the two large propane tanks.
7. No Gas & Flame Detection system was observed surrounding the two large propane tanks.
8. No leak detection camera system was observed surrounding the two large propane tanks.
9. Fire suppression on the roof of the office building adjacent to the two large propane tanks does not appear to be designed to cover the two large propane tanks from multiple angles (Photograph P1140638).
10. The propane filling station associated with both the two large propane tanks and the filling building was not grounded or bonded to allow for the equalization of static charge between the tanks and/or container(s) being filled (Photograph P1140640).
11. Tanker trucks filled with unknown amounts of propane were parked between and next to the two large propane tanks, which is a potential ignition hazard (Photographs P1140639, P1140650, P1140659, and P1140671).

12. Various vehicles were parked within 10 feet of the large propane tanks (Photographs P1140639 and P1140650).
13. Inspectors observed that the foundation beneath the 60,000-gallon propane tank may not be built wide enough to support the full weight of the tank (Photograph P1140651).
14. Inadequate piping supports were observed on propane piping associated with the two large propane tanks (Photograph P1140665).
15. On the westernmost side of the 30,000-gallon tank, inspectors observed a large crack in the concrete saddle, spanning through roughly $\frac{3}{4}$ of the supporting structure and creating a visible gap between the tank and the tank support (Photograph P1140678).
16. The pressure relief valves ("PRVs") near the base of the two large propane tanks appeared rusty. The facility representative stated that he did not know when they were last replaced (Photographs P1140639 and P1140640).
17. There was dry vegetation, plastic containers, metal drums, small propane tanks and other debris located under the two large propane tanks (Photographs P1140642, P1140645, P1140650, P1140655, P1140659, and P1140663).
18. Facility representatives identified a small propane filling station where the public could come and have portable or vehicle propane tanks filled. In this area, the inspection team observed the following: (Photographs P1140697, P1140710, and P1140711)
 - a. The filling station is located right next to egress stairs;
 - b. The filling station did not appear to be bonded or grounded and was not equipped with any static charge interlock;
 - c. The filling station was not equipped with breakaway filling hoses;
 - d. Debris was scattered around the filling station area, impeding movement in the area;
 - e. The filling station was not equipped with an emergency stop ("E-Stop"); and
 - f. There were no signs in the area marked "PROPANE FLAMMABLE NO SMOKING."
19. Inside the propane filling building, the inspection team observed the following: (Photographs P1140706, P1140707, P1140709, and P1140715)
 - a. The area is not equipped with emergency stop switches ("E-Stops") or emergency shutdown capabilities;
 - b. The area is not equipped with any gas leak detection system;
 - c. The area is not equipped with any air ventilation systems; and
 - d. The area is not equipped with any emergency fire suppression systems.
20. The propane piping inside the building was not labeled with contents, direction of flow, or phase (Photographs P1140707, P1140708, and P1140709).

21. Propane pipes coming from underground into the building were not labeled with contents, direction of flow, or phase (Photographs P1140723).
22. The egress from the building was impeded by cylinders that were not secured properly and too close to the stairs and pathway (Photographs P1140723).
23. The inspectors were unable to assess the cathodic protection (CP) for the underground propane pipes running from the two large stationary propane tanks to the two propane filling areas.
24. Different size cylinders were not properly secured (Photographs P1140700, P1140701, P1140702, P1140703, P1140716, and P1140717).
25. Different types of potentially incompatible gas cylinders were observed in storage without chemical segregation, including the following gasses: (Photographs P1140700, P1140703, P1140714, P1140716, and P1140717):
Propylene, Hydrogen, Methane, Oxygen, Acetylene, Helium, Propane & Nitrogen.
26. Incompatible materials were also stored with inadequate separation in the wetlands on the southern side of the property and within and around the filling building (Photographs P1140688, P1140704, and P1140781).
27. Inspectors observed multiple instances of chemical storage drums under stress and/or that had been structurally compromised, particularly in the area leading toward the southwestern corner of the 210 Commerce Street property (Photographs P1140729, P1140736, P1140739, and P1140740).
28. Some parts of the property at 210 and 184 Commerce Street are more than 300 feet from a fire hydrant although they contain gas cylinders, tanks, and trucks.
29. Inspectors observed unused personal vehicles, chemical storage tanks with unknown contents, and miscellaneous debris stored in the wetlands surrounding the property and/or buried in soil throughout the property (Photographs P1140610, P1140666, P1140677, P1140682, and P1140745).
30. Hoses used for chemical transfer throughout the Facility were not consistently affixed with unique, individual identifiers to provide evidence of a hose program at the facility (Photographs P1140621, P1140643, and P1140653).
31. Protective barriers were not in the correct locations or secured to the ground to provide adequate guarding and protection from vehicle impact to chemical piping located in front of the propane filling station (Photographs P1140639 and P1140642).
32. The filling stations for the two large propane tanks were not each equipped with "quick disconnects" to prevent a release in the case of a truck moving away while still connected to the charging station (Photograph P1140640).

33. There were not any signs observed near the two large propane tanks stating "PROPANE FLAMMABLE NO SMOKING" (Photograph P1140639).
34. The two large propane tanks did not have means of being secured to their respective foundations. The 60,000-gallon tank was not bolted to its foundation, and the 30,000-gallon tank did not have a harness securing the tank to the saddle (Photographs P1140651, P1140654, P1140655, and P1140660).
35. Inspectors observed corrosion on the 30,000-gallon propane tank at the contact point between the tank and the saddle foundation and on associated propane piping (Photographs P1140655, P1140656, P1140657, and P1140658).
36. The two large propane tanks had no NFPA diamonds posted and were not marked with the word "Propane" (Photographs P1140639 and P1140650).
37. Piping for the two large propane tanks was not properly labeled (Photographs P1140642 and P1140645).
38. Thirteen drums of methanol were observed outside in the elements, with no secondary containment. Other drums and cylinders were also stored in the area. (Photographs P1140691, P1140692, P1140693, P1140694, P1140659, and P1140695).
39. While walking down the access way leading to the southwestern corner of the property, broken and uncontained lead acid batteries were observed on the ground and open to weathering near the surrounding wetlands (Photographs P1140734, P1140736, P1140737, and P1140738).
40. Inspectors observed a lack of a manual override for the mechanized gate used for personal egress in the case of an emergency during a power failure at the western access gate to the property (Photographs P1140763, P1140764, and P1140765).
41. A facility representative and local responders pointed out a previously-filled propane truck that had been involved in a fire originating from the engine compartment. Inspectors were informed by the town Fire Marshal that there had recently been a fire, to which the local fire department responded. Fire Marshal representatives indicated that the filled propane trucks located next to the source of the fire are currently in the same position as when the Fire Department responded (Photograph P1140822). The town Fire Marshal informed the inspectors that this truck was no longer filled with propane due to a gradual leak that had allowed an unknown amount of propane, originally stored in the truck, to be released into the atmosphere (Photograph P1140822).
42. No windsocks observed during the inspection (Photographs P1140581, P1140637, P1140638, P1140690, P1140769, and P1140770).

43. The chain link fencing located along the facility fence line contained no personal paths of egress equipped with panic hardware along any length of the property line (Photographs P1140581, P1140588, and P1140765).
44. The storm drains observed during the inspection did not appear to be equipped with oil water separators and run directly into the wetlands (Photographs P1140579, P1140623, P1140624, and P1140725).
45. Multiple bulk flammables storage vessels were not adequately affixed with National Fire Protection Association (NFPA) diamonds to indicate the presence of potential chemical hazards (Photographs P1140620, P1140635, P1140640, P1140646, P1140686, and P1140700).
46. Entry/egress doors throughout the Facility were not affixed with NFPA diamonds to indicate the presence of potential chemical hazards (Photographs P1140582, P1140586, and P1140609).
47. Inspectors observed numerous vehicles (i.e., trucks and heavy machinery) parked on the edge of the main paved areas and against the surrounding wetlands without any parking chocks placed beneath the wheels (Photographs P1140584, P1140613, and P1140756).
48. Several oil drums were stored in open containers and/or without appropriate secondary containment throughout the main work area of the mechanics' garage and the storage room at the back of the garage (Photographs P1140593 and P1140594).
49. Flammables storage containers in the basement of the office building were not stored within a designated flammables cabinet and were actively stored adjacent to combustible materials (Photograph P1140595).
50. The sump pump located in the basement of the office building was observed to be open and contained a hose running directly into the wetlands from the building through a removed cap (Photographs P1140600, P1140601, and P1140602).
51. Nitrous Oxide cylinders were not stored within a flammable cabinet in the storage area located towards the back of the mechanics' garage. The flammables cabinet was not large enough to contain all inventory of the chemical cylinders present, so the facility also had flammable cylinders stored outside of the designated flammables cabinet, which were not secured from tipping over (Photograph P1140604).
52. Inspectors observed the flammables chemical storage cabinet and adjacent Nitrous Oxide tanks (approximately 1-ton) were not separated from combustible materials because the facility stored boxes and other materials against and on top of the flammables chemical storage cabinet and adjacent chemical tanks. (Photographs P1140604 and P1140605).

53. The flammables chemical storage cabinet located in the back storage room was observed to be unlocked and did not appear to be equipped with a locking mechanism. Additionally, the flammables chemical storage cabinet was not grounded (Photograph P1140604).
54. The flammables chemical storage cabinet within the back storage room did not have NFPA diamonds posted to denote potential hazards of substances contained within the cabinet (Photograph P1140604).
55. Chemical storage cylinders were inadequately secured to prevent cylinders from tipping over. Inspectors specifically observed this condition in the back storage room of the office building, surrounding and within the filling building, and on the back drive of the 210 Commerce Street property (Photographs P1140604, P1140696, P1140703, P1140726, and P1140744).
56. Inspectors observed a propane inlet access port that was uncovered and open to weathering and located in the bank leading down to the wetlands area on the eastern side of the office/garage building. The inspection team was told that this propane tank is used to heat the building (Photographs P1140615 and P1140616).
57. No bollards protecting the underground propane tanks (Photographs P1140587, P1140588, and P1140589).
58. Vegetation was growing on the propane inlet piping to the office building (Photographs P1140588, P1140617, and P1140618).
59. Propane pipe outside the office building and inside of the filling building was not affixed with appropriate labeling (i.e., contents, direction of flow, phase) (Photographs P1140588, P1140617, and P1140618).
60. Throughout the property, Inspectors observed multiple vehicles identified as containing flammable product that were being used as stationary bulk chemical storage tanks (Photographs P1140626, P1140627, P1140725, and P1140752).
61. No fire water runoff collection system was observed to collect the runoff from the fire suppression system to cool the propane tanks.
62. Inspectors observed a methanol drum in front of the filling station for the two large propane tanks with no impact protection from a vehicle. The methanol drum was not grounded or located in adequate secondary containment (Photographs P1140639, P1140646, and P1140647).
63. There was a manual Emergency Stop activation switch, servicing the pump for both of the large propane storage tanks on-site. This switch was not clearly labeled (Photograph P1140648).

64. The two chemical fill ports, one painted red, and one painted yellow, were not marked in any way to show what chemicals could be added to the two large propane tanks that they service (Photograph P1140648).
65. In the wetland, the inspection team observed vehicles (Photographs P1140743 and P1140745).
66. Inspectors observed a failing wooden fence which enabled multiple chemical tanks to fall down the incline. These tanks were observed resting along the chain link fence (Photograph P1140754).
67. The electrical panel marked "Panel P," located near the property access gate was housed in a wooden enclosure (Photograph P1140762).
68. The electrical panel near the western property access gate was surrounded by combustible vegetation that is growing beneath, around, and above the wooden panel housing and associated conduit (Photograph P1140762).

184 Commerce Street:

69. Inspectors observed four trailers filled with chemical tanks located in the area separating the 210 Commerce Street and 184 Commerce Street properties. Chemical transport trailers were not affixed with NFPA diamonds, DOT Placards or any other type of chemical hazard labeling to identify hazards of contents. Inspectors observed several more trailers with similar contents and issues regarding a lack of appropriate labeling throughout the 184 Commerce Street property (Photographs P1140773, P1140774, P1140775, P1140777, and P1140779).
70. Throughout the facility, inspectors observed widespread issues with poor housekeeping such that combustible materials were actively being stored near flammable chemical storage containers (Photographs P1140780, P1140782, and P1140794).
71. Trailers that contained an unknown number of chemical storage tanks were parked on the property line at the edge of the pavement located above the surrounding wetlands. These vehicles were not equipped with parking chocks beneath the wheels (Photographs P1140787 and P1140793).
72. Various chemical tanks were observed throughout the 184 Commerce Street property that had content meters indicating that they had not been completely evacuated and that were improperly stored and/or secured (Photographs P1140779, P1140781, and P1140794).
73. Eighteen (18) chemical drums were observed at the southeastern corner of the warehouse at the 184 Commerce Street property that had been breached. The chemical drums had holes through the sides or tops, were severely corroded, and were surrounded by various sources of combustible debris. Several chemical storage drums had vegetation growing

from within them. These chemical drums were located roughly 50-feet from the surrounding wetlands (Photographs P1140796 and P1140797).

74. Inspectors observed vegetation growing on the propane inlet piping to the warehouse (Photographs P1140800 and P1140801).
75. Inspectors observed multiple chemical storage tanks lacking proper labeling including NFPA diamonds and chemical hazard signage (Photographs P1140781, P1140782, and P1140795).
76. Propane pipe outside the warehouse was observed to be missing appropriate labeling (i.e., contents, direction of flow, phase) (Photographs P1140800 and P1140801).
77. Two propane tanks were observed that were not secured to their base on the ground (Photographs P1140798 and P1140806).
78. The inspection team was unable to assess the cathodic protection (CP) for the underground propane pipe running from the two stationary propane tanks to the building. Two propane tanks were linked in series on the western side of the warehouse that were providing propane through an underground pipe to the warehouse. The two tanks were connected via a rubber hose that was inadequately supported and partially resting on the ground in between the two tanks (Photographs P1140798, P1140804, and P1140805).
79. The two propane tanks described in item #78 were observed to have vegetative growth around and over the tanks (Photographs P1140798, and P1140799).
80. Corrosion was observed on the surface of the two connected propane tanks. (Photographs P1140805 and P1140806).
81. The propane tanks had no NFPA diamonds on them and no signage with the word "Propane" on them (Photographs P1140798 and P1140805).
82. Inspectors observed evidence of prior spray painting behind multiple trailers on the property, which had left rings on the pavement from where the objects had been placed during painting. No signs of fume containment and/or other mitigation efforts to prevent paint from entering the nearby water source were observed (Photographs P1140778, P1140780, and P1140781).
83. Inspectors observed multiple trailer trucks with old license plates and registration stickers, indicating that they did not have valid approval to allow them to be transported off the property (Photographs P1140783, P1140784, and P1140785).
84. An electrical transformer was present on the western side of the building that was not affixed with proper labeling stating whether the transformer oils contained polychlorinated biphenyls (PCBs) (Photographs P1140808 and P1140809).

95 Oakwood Drive

85. Throughout the 95 Oakwood property, inspectors observed widespread issues with general housekeeping that was creating potential hazards due to combustible materials being present near flammable chemical storage containers (Photographs P1140834, P1140836, P1140838, and P1140843).
86. Behind the warehouses present on the 95 Oakwood property, inspectors observed fourteen (14) trailers and a flatbed truck filled with chemical tanks of unknown contents. Trailers and chemical storage containers were not affixed with NFPA diamonds to identify hazards of contents or any type of chemical hazard labeling (Photographs P1140828 and P1140829).
87. Cylinders containing acetylene and potentially other chemicals were stored on the back of a flatbed truck adjacent to vegetation and other combustible debris (Photographs P1140830, P1140834, P1140835, and P1140836).
88. Unsecured propane cylinders were stored in the back of several tractor trailers parked in areas of encroaching vegetation (Photographs P1140828, P1140829, P1140838, P1140840, and P1140843).
89. Drums containing unknown chemicals were stored adjacent to vegetation and other combustible debris along the southeastern portion of the fence line (Photographs P1140849, P1140853, and P1140854).
90. Multiple chemical storage tanks were inadequately secured in the back of the trailers present on the property (Photographs P1140827, P1140838, P1140840, P1140843, and P1140853).
91. Multiple propane and other individual chemical storage tanks throughout the property were not affixed with NFPA diamonds to indicate the presence of chemical hazards (Photographs P1140827, P1140836, P1140840, P1140843, and P1140853).
92. The chain link fencing located along the property fence line contained no personal paths of egress equipped with panic hardware along any length of the property line (Photograph P1140823).
93. Inspectors observed remnants of a vehicle partially buried underneath a pile of soil on the western side of the property (Photograph P1140831).
94. The trailers filled with various chemical tanks and other miscellaneous vehicles present on the 95 Oakwood Drive property did not have valid registration or license plates (Photographs P1140835, P1140838, and P1140841).