



NOTICE OF SPCC INSPECTION WITH DEFICIENCIES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: 11/01/23	Lead Inspector (Print Name & Sign): Joseph Canzano, Oil Spill Prevention Enforcement Officer JOSEPH CANZANO  Digitally signed by JOSEPH CANZANO Date: 2023.11.02 10:33:58 -04'00'	Inspection Number: N/A
Additional Federal Inspectors: None		
Facility Name: American Performance Polymers LLC	Facility Address: 23 Gould Street Colebrook, NH 03576	Facility Type: Rubber Mfg.
Facility Contact & Phone: Richard Renehan, 978-526-8494 Rick Tillotson, 693-490-9877	Facility Email: <u>richren@rencogloves.com</u> <u>rick@americanperformancepolymers.com</u>	Facility Fax: N/A
The purpose of the inspection process is to determine compliance with Section 311 of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, and the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112 (the "Regulations"). The scope of the inspection and plan review process may include but is not limited to; reviewing and obtaining copies of documents and records; interviewing facility personnel; a physical inspection of the facility (including process areas); taking photographs or video; collecting samples; and other activities necessary to determine compliance with the Act and the Regulations. Please review this Notice of SPCC Inspection with Deficiencies form ("Notice") carefully. Please be advised that this Notice, any attached document(s) and discussions during the closing conference may not set forth all deficiencies, and that an in-depth review of this Notice and any other relevant information may identify deficiencies not yet identified herein. Also note that the deficiencies noted are preliminary observations only, and this Notice is <u>not</u> a final determination of compliance or noncompliance. Please also be advised that any noncompliance with the Act and/or the Regulations may constitute a violation under the Act for which penalties or other relief may be sought. Penalties may be assessed upon subsequent findings by a court of law or the Administrator of the United States Environmental Protection Agency ("EPA") that the facility has violated the Act and/or the Regulations. The EPA reserves the right to initiate an enforcement action under the Act and any other applicable law, and to seek penalties and other appropriate relief, for any violation of the Act, the Regulations, or other applicable laws. This Notice and other relevant information will be reviewed by appropriate EPA personnel to determine if any deficiencies identified in such review constitute violations of the Act and/or the Regulations, and whether an enforcement action is appropriate. It is EPA's intent to provide written correspondence describing any deficiencies identified during the subsequent inspection review process. To the extent this Notice identifies deficiencies with the Act and/or Regulations, you are urged to correct such deficiencies as soon as possible, as responsibility for compliance with the Act and/or regulations rests with you. These deficiencies are potential violations observed by EPA staff. Correcting these deficiencies may help you with compliance with the Act and/or Regulations. EPA requests you submit all information, as soon as possible, showing your correction of the noted deficiencies to: Joseph Canzano, Oil Spill Prevention Enforcement Officer Canzano.joseph@epa.gov If it is not feasible to correct the deficiencies within 30 days of the date of the inspection, immediately submit a detailed explanation and schedule indicating by when the noted deficiencies will be corrected. If you believe that your facility is not required to have an SPCC Plan, or is in compliance with the SPCC regulatory requirements, you may submit an explanation, supported by documentation, as to why the facility is not subject to the SPCC provision of the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 or meets its requirements within <u>30 days of the date of the Notice</u>. Correction of a deficiency does not relieve the owner or operator from potential liability for any violations of applicable laws and regulations. Confidential Business Information You may be entitled to claim information submitted to EPA as part of this process as Confidential Business Information (CBI) pursuant to the regulations set forth in 40 C.F.R. Part 2. If EPA determines the information, you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2 Subpart B. Unless CBI is claimed, EPA may make the information available to the public without further notice to you.		
Acknowledgement of Inspection		
Signature of Facility Representative: _____ Date: _____		
Printed Name of Facility Representative: _____ Title: _____		

**Attachment
to
Notice of SPCC Inspection with Deficiencies
October 25, 2023 Inspection**

At the closing conference the inspector informed the Facility representatives of the following deficiencies under the federal Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and federal National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Regulations at 40 C.F.R. Part 122.

- **Rule/Requirement:** Under 40 C.F.R. §112.3(a)(1), except as otherwise provided in this section, if your facility, or mobile or portable facility, was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan no later than November 10, 2011. If such a facility becomes operational after August 16, 2002, through November 10, 2011, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare and implement a Plan on or before November 10, 2011. **If such a facility (excluding oil production facilities) becomes operational after November 10, 2011, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare and implement a Plan before you begin operations.** You are not required to prepare a new Plan each time you move a mobile or portable facility to a new site; the Plan may be general. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. The Plan is applicable only while the mobile or portable facility is in a fixed (non-transportation) operating mode.

Deficiency: Facility representatives informed the inspector the facility doesn't have an oil Spill Prevention, Control and Countermeasure Plan but is in the process of developing a Plan. The inspector observed 33 oil-filled 250-gallon totes/containers not stored in containment in the Facility.

- **Rule/Requirement:** Under 40 C.F.R. §122.26(b)(14)(i)-(xi), stormwater discharges associated with specific categories of industrial activity are to be covered under a National Pollutant Discharge Elimination System permit, unless otherwise excluded. Category Eleven (xi): Light manufacturing (e.g., food processing, printing, and publishing, electronic and other electrical equipment manufacturing, public warehousing, and storage).

Deficiency: Public information indicates that the Facility's primary standard industrial code is 3069 (Fabricated Rubber Products, Not Elsewhere Classified) which is an identified code within EPA's 2021 Multi-Sector General Permit. The inspector confirmed with Facility personnel that the Facility has at least one stormwater outfall from the Facility which ultimately discharges to surface waters. The inspector observed certain industrial materials exposed to and/or come into contact with rainwater. The EPA has no record of the Facility applying for coverage under EPA's 2021 Multi-Sector General Permit or filing for a conditional exclusion for "no exposure" of industrial activities and materials to stormwater.