


**Spill Prevention Control and Countermeasure Inspection  
Findings and Violations Form  
(As of March 29, 2022)**

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| Company Name:<br><b>Broco Oil, Inc.</b>   |   | Docket Number:<br><b>CWA-01-2022-0048</b>   |  |
| Facility Name:<br><b>Same as above</b>  |   | Date of Inspection:<br><b>January 12, 2022</b>  |   |
| Address:<br><b>168 Hale Street</b>  |   |   |   |
| City:<br><b>Haverhill</b>   | Inspector's Name(s):<br><b>Joseph Canzano</b> |   |   |
| State:<br><b>MA</b>   | Zip Code:<br><b>01830</b>                     |   |   |
| Facility Contact:<br><b>Robert Brown, President</b><br><a href="mailto:bobby@brocooil.com">bobby@brocooil.com</a><br><b>Tel: 781-246-1130</b> |   | Enforcement Contact:<br><b>Joseph Canzano, Oil Spill Compliance Coordinator</b><br><a href="mailto:canzano.joseph@epa.gov">canzano.joseph@epa.gov</a><br><b>Tel: 617-918-1763</b> |   |

**Summary of Findings**

*EPA conducted an announced inspection at the Facility on January 12, 2022. The Facility has more than 1,320-gallons of oil storage capacity in aboveground containers greater than 55-gallons in capacity and is located in an area subject to flooding. In the event of an oil spill there is reasonable potential for oil to reach surface waters, i.e., the Little River which drains to the Merrimack River which is a drinking water supply source for downstream communities. Prior to the inspection the Facility provided EPA with a copy of an October 2019 draft Spill Prevention Control and Countermeasure (SPCC) plan. Following the inspection, the Facility provided EPA with an amended engineer certified SPCC plan stamped on January 11, 2022. The following identifies violations of the Oil Pollution Prevention Regulations (40 C.F.R. Part 112) at the Facility between May 2020 and March 2022.*

**(Bulk Storage Facilities)**

**GENERAL TOPICS: 40 CFR §112.3(a), (d), (e); §112.5(a), (b), (c); §112.7 (a), (b), (c), (d)**

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- No Spill Prevention Control and Countermeasure Plan - *112.3*
  - Plan not certified by a professional engineer - *112.3(d) – The draft 2019 plan was not stamped or signed by certifying professional engineer.*
  - Certification lacks one or more required elements - *112.3(d)(1)*
  - Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - *112.3(e)(1)*

- No plan amendment(s) if the facility has had a change in design, construction, operation, or maintenance which affects the facility's discharge potential - *112.5(a) - The draft October 2019 plan did not include an amendment for change for the addition of railroad car off-loading/transfer into ASTs, or Mobile Refueler/s from bottom loading rack in November 2019.*
- No evidence of five-year review of plan by owner/operator - *112.5(b) - The facility, at the time of the inspection, did not provide documentation demonstrating management review and evaluation of the plan completed at least once every five years.*
- Amendment(s) not certified by a professional engineer - *112.5(c) -*
- No management approval of plan - *112.7*
- Plan does not follow sequence of the rule and/or cross-reference not provided - *112.7*
- Plan does not discuss additional procedures/methods/equipment not yet fully operational - *112.7*
- Plan does not discuss conformance with SPCC requirement - *112.7(a)(1)*
- Plan does not discuss alternative environmental protection to SPCC requirements - *112.7(a)(2)*
- Plan has inadequate or no facility diagram, - *112.7(a)(3) – The facility diagram in the January 2022 plan was inadequate. It did not show an oil tank for the steam generator unit, an oil tank for a generator and complete oil transfer location/s for off-loading from rail cars.*
- Inadequate or no listing of type of oil and storage capacity of containers - *112.7(a)(3)(i) – The January 2022 plan did not list the oil tank for the steam generator unit or oil tank for a generator.*
- Inadequate or no discharge prevention measures - *112.7(a)(3)(ii)*
- Inadequate or no description of drainage controls - *112.7(a)(3)(iii)*
- Inadequate or no description of countermeasures for discharge discovery, response and cleanup - *112.7(a)(3)(iv)*
- Methods of disposal of recovered materials not in accordance with legal requirements - *112.7(a)(3)(v)*
- No contact list & phone numbers for response & reporting discharges - *112.7(a)(3)(vi)*
- Plan has inadequate or no information and procedures for reporting a discharge - *2.7(a)(4)*
- Plan has inadequate or no description and procedures to use when a discharge may occur - *112.7(a)(5)*
- Inadequate or no prediction of equipment failure which could result in discharges - *112.7(b)*
- Plan does not discuss, and facility does not implement appropriate containment/diversionary structures/equipment - *112.7(c)*
- Inadequate containment or drainage for Loading Area - *112.7(c) – Prior to EPA's inspection the containment area for the Facility's loading rack was inadequate. Following EPA's inspection, the Facility modified the containment area by constructing an 8" high asphalt berm.*
- Plan has no or inadequate discussion of any applicable more stringent State regulations, and guidelines -*112.7(j)*
- Plan did not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e). *40 CFR 112.20(f) - The draft October 2019 and PE certified January 2022 did not include a signed Certification.*

**- If claiming impracticability of appropriate containment/diversionary structures:**

- Impracticability has not been clearly denoted and demonstrated in plan - *112.7(d)*
- No periodic integrity and leak testing - *112.7(d)*
- No contingency plan - *112.7(d)(1)*
- No written commitment of manpower, equipment, and materials - *112.7(d)(2)*
- Plan has no or inadequate discussion of general requirements not already specified - *112.7(j)*

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**QUALIFIED FACILITY REQUIREMENTS: §112.6**

- Qualified Facility: No Self certification - *112.6(a)*
- Qualified Facility: Self certification lacks required elements - *112.6(a) or (b)*
- Qualified Facility: Technical amendments not certified - *112.6(a) or (b)*
- Qualified Facility: Qualified Facility Plan includes alternative measures not certified by licensed Professional Engineer - *112.6(b)*
- Facility: Environmental Equivalence or Impracticability not certified by licensed Professional Engineer - *112.6(b)(4)*

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**WRITTEN PROCEDURES AND INSPECTION RECORDS: §112.7(e)**

- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - *112.7(e)*
- Inspections and tests required are not in accordance with written procedures developed for the facility. - *112.7(e)*
- No Inspection records were available for review - *112.7(e)*
- Are not signed by appropriate supervisor or inspector- *112.7(e)*
- Are not maintained for three years - *112.7(e) - The Facility did not document informal Facility tank and piping inspections.*

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**PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES: §112.7(f)**

- No training on the operation and maintenance of equipment to prevent discharges and for facility operations - *112.7(f)(1)*
- No training on discharge procedure protocols - *112.7(f)(1)*
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan - *112.7(f)(1)*
- No designated person accountable for spill prevention - *112.7(f)(2)*
- Spill prevention briefings are not scheduled and conducted at least once a year - *112.7(f)(3)*

- Plan has inadequate or no discussion of personnel training and spill prevention procedures - *112.7(a)(1)*

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**SECURITY (excluding Production Facilities): §112.7(g)**

- Plan does not describe how the facility secures and controls access to the oil handling, processing and storage areas - *112.7(g)*
- Master flow and drain valves not secured - *112.7(g)*
- Starter controls on oil pumps not secured to prevent unauthorized access - *112.7(g)*
- Out-of-service and loading/unloading connections of oil pipelines not adequately secured - *112.7(g)*
- Plan does not address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges - *112.7(g)*

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**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK: §112.7(h)**

- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system - *112.7(h)(1)*
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck - *112.7(h)(1)* - *Prior to EPA's inspection the containment area for the Facility's loading rack was inadequate. Following EPA's inspection, the Facility modified the containment area by constructing an 8" high asphalt berm around the loading rack pad.*
- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before completing disconnect from transfer lines - *112.7(h)(2)* - *During the inspection, EPA inspector and facility certifying engineer observed an employee filling a compartment to a tanker truck at the top-load loading rack w/o truck wheel chocks in place in violation of the facility procedures.*
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck - *112.7(h)(3)*
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-*112.7(a)(1)*

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**QUALIFIED OIL OPERATIONAL EQUIPMENT: §112.7(k)**

- Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge - *112.7(k)(2)(i)*
- Failure to provide an oil spill contingency plan - *112.7(k)(2)(ii)(A)*
- No written commitment of manpower, equipment, and materials - *112.7(k)(2)(ii)(B)*

**FACILITY DRAINAGE: §112.8(b) & (c) and/or §112.12(b) & (c)**

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- Two “lift” pumps are not provided for more than one treatment unit - *112.8(b)(5)*
  - Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge - *112.8(b)(1)&(2) and 112.8(c)(3)(i)*
  - Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision - *112.8(c)(3)(ii) & (iii)*
  - Adequate records (or NPDES permit records) of drainage from diked areas not maintained - *112.8(c)(3)(iv)*
  - Drainage from un-diked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility - *112.8(b)(3)&(4)*
  - Plan has inadequate or no discussion of facility drainage - *112.7(a)(1)*

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**BULK STORAGE CONTAINERS: § 112.7(i), §112.8(c) and/or §112.12(c)**

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- Failure to conduct evaluation of field-constructed aboveground containers for risk of discharge or failure due to brittle fracture or other catastrophe - *112.7(i)*
- Material and construction of containers not compatible with the oil stored and the conditions of storage such as pressure and temperature - *112.8(c)(1)*
- Secondary containment capacity is inadequate - *112.8(c)(2)*
- Secondary containment systems are not sufficiently impervious to contain oil - *112.8(c)(2)*
- Completely buried metallic tanks are not protected from corrosion or are not subjected to regular pressure testing - *112.8(c)(4)*
- Buried sections of partially buried metallic tanks are not protected from corrosion - *112.8(c)(5)*
- Above ground containers are not subject to periodic integrity testing techniques such as visual inspections, hydrostatic testing, or other nondestructive testing methods - *112.8(c)(6)*
- Above ground tanks are not subject to visual inspections - *112.8(c)(6)*
- Records of inspections (or customary business records) do not include inspections of container supports/foundation, signs of container deterioration, discharges and/or accumulations of oil inside diked areas - *112.8(c)(6)*
- Steam return /exhaust of internal heating coils that discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system - *112.8(c)(7)*
- Container installations are not engineered or updated in accordance with good engineering practice because none of the following are present - *112.8(c)(8)*
  - high liquid level alarm with audible or visual signal, or audible air vent - *112.8(c)(8)(i)*
  - high liquid level pump cutoff devices set to stop flow at a predetermined level - *112.8(c)(8)(ii)*
  - direct audible or code signal communication between container gauger and pumping station - *112.8(c)(8)(iii)*
  - fast response system for determining liquid level of each bulk storage container, or direct vision gauges

with a person present to monitor gauges and the overall filling of bulk storage containers - *112.8(c)(8)(iv)*

- No testing of liquid level sensing devices to ensure proper operation - *112.8(c)(8)(v)*
- Effluent treatment facilities not observed frequently to detect possible system upsets that could cause a discharge as described in §112.1(b) - *112.8(c)(9)*
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected - *112.8(c)(10)*
- Mobile or portable storage containers are not positioned or located to prevent discharged oil from reaching navigable water, or have inadequate secondary containment - *112.8(c)(11)*
- Secondary containment inadequate for mobile or portable storage tanks - *112.8(c)(11)*
- Plan has inadequate or no discussion of bulk storage tanks - *112.7(a)(1)*

**FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS: §112.8(d) and §112.12(d)**

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- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection - *112.8(d)(1)*
- Corrective action is not taken on exposed sections of buried piping when deterioration is found - *112.8(d)(1)*
- Not-in-service or standby piping is not capped or blank-flanged and marked as to origin - *112.8(d)(2)*
- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction - *112.8(d)(3)*
- Above ground valves, piping and appurtenances are not inspected regularly- *112.8(d)(4)*
- Periodic integrity and leak testing of buried piping is not conducted at time of installation, modification, construction, relocation, or replacement - *112.8(d)(4)*
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations - *112.8(d)(5)*
- Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process - *112.7(a)(1)*