



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

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HEARINGS CLERK
EPA -- REGION 10

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2013-0112
This ESA is issued to: Siltronic Corporation
7200 NW Front Street
Portland, Oregon 97210-3676

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a) (3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On July 3, 2012, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d) (1) of the Act, 42 U.S.C. § 7413(d) (1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary, which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good-faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in the enclosed Summary for the total penalty amount of **\$4,000**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, and consents to the assessment of the penalty as stated above.

Respondent waives its rights to a hearing afforded by Section 113(d) (2)(A) of the Act, 42 U.S.C. § 7413(d) (2) (A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$4,000 in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator
Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mail Stop: OCE-084
Seattle, Washington 98101

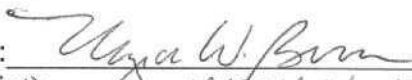
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA at the above address by Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the Summary.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): MYRON W. BURR
Title (print): SR. MGR. EHS
Cost to correct violation(s): \$4,000.00

Date: 9/12/13

FOR COMPLAINANT:


Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 6/6/2013

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.


~~Thomas M. Jahnke~~ M. Socorro Rodriguez
Regional Judicial Officer
EPA Region 10

Date: 9/23/13



U.S. ENVIRONMENTAL PROTECTION AGENCY

Risk Management Program Inspection Findings and Alleged Violations Summary Region 10

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME Siltronic Corporation	<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> GOVERNMENTAL/MUNICIPAL
FACILITY LOCATION 7200 NW Front Avenue, Portland, Oregon 97210-3676	# EMPLOYEES <u>870</u> POPULATION SERVED: _____
MAILING ADDRESS 7200 NW Front Avenue, Portland, Oregon 97210-3676	INSPECTION START DATE AND TIME: September 12, 2012; 8:40 AM INSPECTION END DATE AND TIME: September 12, 2012; 18:20 PM
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Mr. Myron Burr, Environmental Affairs Officer - (503) 243-2020	EPA FACILITY ID# 1000 0010 0142
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) Mr. Thomas McCue, Environmental Restoration Officer, (503) 243-2020	INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Charles Wilson, US EPA SEE Grantee, Lead Inspector Javier Morales, US EPA, RMP Coordinator, 206-55-1255 Stephanie Allen, US EPA SEE Grantee, Inspector, 206-553-2585 Bob Hales, US EPA SEE Grantee, Inspector, 206-553-4090 Jim Petersen, Ecology & Environment, Inc., START Contractor
	INSPECTOR SIGNATURE <i>[Signature]</i> DATE <u>9/10/2013</u>

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185? DATE RMP FILED WITH EPA: <u>06/21/99</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DATE OF LATEST RMP UPDATE: <u>08/04/08</u>
1) PROCESS/NAICS CODE: <u>334413</u> REGULATED SUBSTANCE: <u>Anhydrous Hydrochloric Acid</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> MAX. QUANTITY IN PROCESS: <u>69,000 (lbs)</u>
2) PROCESS/NAICS CODE: <u>334413</u> REGULATED SUBSTANCE: <u>Hydrofluoric Acid</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> MAX. QUANTITY IN PROCESS: <u>49,000 (lbs)</u>
3) PROCESS/NAICS CODE: <u>334413</u> REGULATED SUBSTANCE: <u>Hydrogen Gas</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> MAX. QUANTITY IN PROCESS: <u>21,170 (lbs)</u>

DESCRIPTION OF ALLEGED VIOLATIONS

CAA Section 112(r) and its implementing regulations in 40 C.F.R. Part 68 require an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance (listed in § 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

Three EPA representatives and an EPA contractor inspected the Siltronic Corporation on September 12, 2012. Based upon this inspection the Siltronic Corporation is in violation of the following risk management program elements:

- Siltronic Corporation failed to update and revalidate the PHA by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the hydrofluoric acid process as required by 40 CFR 68.67(f).
- Siltronic Corporation failed to annually certify that the operating procedures are current and accurate and that procedures for the Air Products hydrogen process have been reviewed as often as necessary as required by 40 CFR 68.69(c).
- Siltronic Corporation failed to document a necessary time period to implement change within the management of change procedures for the hydrochloric acid processes as required by 40 CFR 68.75(b)(4).

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ATTACHED CHECKLIST(S): <input type="checkbox"/> PROGRAM LEVEL 1 PROCESS CHECKLIST <input type="checkbox"/> PROGRAM LEVEL 2 PROCESS CHECKLIST <input checked="" type="checkbox"/> PROGRAM LEVEL 3 PROCESS CHECKLIST	
OTHER ATTACHMENTS:	_____

