



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2017-0209

This ESA is issued to: Jasper Products, LLC

At: 3877 East 27th Street, Joplin, Missouri 64804

for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA) and Jasper Products, LLC (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air and Waste Management Division. Respondent is Jasper Products, LLC, 3877 East 27th Street, Joplin, Missouri 64804.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policies entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On January 10-11, 2017, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 3877 East 27th Street, Joplin, Missouri, to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Chemical Accident Prevention Provisions Inspection Findings (CAPP Inspection Findings), 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 CAPP Inspection Findings, for the total penalty amount of **\$7,300**.

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 CAPP Inspection Findings, 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 CAA, 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 CAPP Inspection Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$7,300** 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, Missouri 63197-9000.

The Docket Number of this ESA is CAA-07-2017-0209, and must be included on the check.

This original ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check must be sent by certified mail to:

Amber Whisnant
Chemical & Oil Release Prevention Branch
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

A copy of the check must also be sent to:

Kathy M. Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the CAPP Findings. The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form 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 CAPP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Larry Bearden
Signature

Date: *July 10, 2017*

Name (print): *Larry Bearden*


Title (print): *Plant Engineer*
Jasper Products, LLC

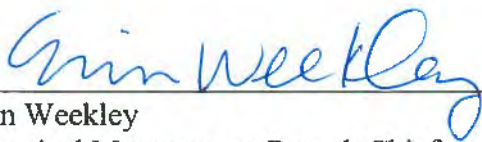
FOR COMPLAINANT:



Date:

2/20/17

 Becky Weber
Director
Air and Waste Management Division
EPA Region 7



Date:

7/18/17

Erin Weekley
Chemical Management Branch Chief
Office of Regional Counsel
EPA Region 7

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

Karina Borrromeo
Karina Borrromeo
Regional Judicial Officer

Date: July 31, 2017

Chemical Accident Prevention Provisions Inspection Findings
CAA § 112(r) Violations

Jasper Products, LLC
3877 East 27th Street
Joplin, Missouri 64804
Docket No. CAA-07-2017-0209

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Prevention Program
Process Safety Information [40 C.F.R. § 68.65(d)(1)(iii)] \$600
The owner or operator failed to maintain electrical classification information pertaining to the equipment in the process.
Facility addressed this post inspection.

Prevention Program
Process Safety Information [40 C.F.R. § 68.65(d)(2)] \$1,500
The owner or operator failed to document that equipment complies with recognized and generally accepted good engineering practices. Specifically, the facility did not have markings with a maximum spacing of 40 feet on pipe runs on the roof and did not have ammonia alarms and controls outside the engine room at the time of the inspection.
Facility addressed this post inspection

Prevention Program
Process Hazard Information [40 C.F.R. § 68.67(e)] \$1,500
The owner or operator failed to establish a PHA system to promptly address the findings and recommendations and resolve them in a timely manner.
Facility addressed this post inspection

Prevention Program
Operating Procedures [40 C.F.R. § 68.69(c)] \$1,200

The owner or operator failed to certify annually the operating procedures are current and accurate.

Facility addressed this post inspection

Prevention Program
Management of Change [40 C.F.R. § 68.75(b)(4)] \$300

The owner or operator failed to address the necessary time period for the change on the Management of Change form.

Facility addressed this post inspection

Prevention Program
Management of Change [40 C.F.R. § 68.75(b)(5)] *No Penalty Assessed*

The owner or operator failed to complete the authorization requirements for the proposed change on the Management of Change form prior to the change.

Facility addressed this post inspection

Prevention Program
Compliance Audit [40 C.F.R. § 68.79(a) & (d)] \$1,200

The owner or operator failed to conduct a compliance audit every 3 years and failed to document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected.

Facility addressed 68.79(a) post inspection. Regarding 68.79(d), the facility has communicated projected completion dates for remaining items. Facility is in the process of an RMP update. Expected completion by Summer/Fall 2017.

Updates: *Request for RMP was*
submitted 7/5/2017 to

Industrial Council Sta. 5, P.O.# 17-02056

Risk Management Plan

Risk Management Plan [40 C.F.R. § 68.160(b)(7)] \$1,000

The owner or operator failed to correctly report the maximum quantity of the regulated substance, anhydrous ammonia, on the Risk Management Plan.

Facility has communicated that it is in the process of adding a condenser to the north compressor room. Ammonia will be added to the system at that time. Facility has stated it will update the RMP with the correct quantity of anhydrous ammonia once it determines the new total. Expected completion by July 2017.

Updates:

*Condenser project Complete
Ammonia has been added and
total load adjusted*

TOTAL \$7,300

Calculation of Adjusted Penalty

1st Reference the multipliers for calculating proposed penalties for violations found during CAPP inspection matrix. Finding the column for >100 employees and the row for 1-5 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C.F.R. 68.130 for the amount in a process gives a multiplier factor of 1.0. Therefore, the multiplier for Jasper Products, LLC = 1.0.

2nd Adjusted Penalty = \$7,300 (Unadjusted Penalty) X 1.0 (Size-Threshold Multiplier) Adjusted Penalty = \$7,300

3rd An Adjusted Penalty of \$7,300 would be assessed to Jasper Products, LLC for Violations found during the CAPP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA).

Total Adjusted Penalty \$7,300

This section must be also completed and signed by **Jasper Products, LLC**:

The approximate cost to correct the above items: \$ 107,000⁰⁰

Compliance staff name: Larry Bearden

Signed: Larry Bearden Date: 7-10-2017

IN THE MATTER Of Jasper Products, LLC, Respondent
Docket No. CAA-07-2017-0209

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

rosado-chaparro.wilfredo@epa.gov

Copy via First Class Mail to Respondent:

Larry Bearden, Plant Engineer
Jasper Products, LLC
3877 East 27th Street
Joplin, Missouri 64804

Dated: 7/31/17



Kathy Robinson
Hearing Clerk, Region 7

