



U.S. ENVIRONMENTAL PROTECTION AGENCY

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. sec. 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. 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 chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME Bake-N-Joy Foods, Inc.	<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> GOVERNMENTAL/MUNICIPAL # of EMPLOYEES: 210
FACILITY ADDRESS: 351 Willow St., North Andover, MA 01432	INSPECTION START DATE: April 26, 2018 INSPECTION END DATE: April 26, 2018
	EPA FACILITY ID#: RMP 100000236988
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Brent Campbell Director of Operations 978-725-3163 bcampbell@bakenjoy.com Nick Greene EH&S Program Manager 978-701-7372 ngreene@bakenjoy.com Bob Ludwig Maintenance Manager 603-365-7277 bludwig@bakenjoy.com Tom Bradley Plant Engineer 978-989-5899 tbradley@bakenjoy.com	INSPECTOR NAME(S), TITLE(S): Drew Meyer, EPA Region 1 Leonard B. Wallace IV, EPA Region 1

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DATE RMP INITIALLY FILED WITH EPA: November 28, 2017 (Initial filing)	
1) PROCESS/NAICS CODE:311813	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>
REGULATED SUBSTANCE: anhydrous ammonia Program Level 3 MAX. QUANTITY IN PROCESS: 11,532	

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?

YES

NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1 PROCESS CHECKLIST PROGRAM LEVEL 2 PROCESS CHECKLIST PROGRAM LEVEL 3
PROCESS CHECKLIST

OTHER

ATTACHMENTS: _____

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE
BOSTON, MA 02109-3912**

**Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form:
Bake-N-Joy Foods, Inc., North Andover, MA**

1. Program Level 3 Alleged Violations and Unadjusted Penalties

Section C – Prevention Program – Safety information [68.65]	
<p>Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]?</p> <p>– At the time of the inspection, the Ammonia Machinery Rooms were not properly isolated from other parts of the Facility. The holes around two pipes penetrating the floor of Ammonia Machinery Room #1 were not sealed, and two doors to Ammonia Machinery Room #1 and one door to Ammonia Machinery Room #2 were not tightly sealed at the bottom. <i>See, e.g.</i>, ANSI/ASHRAE 15-2013 § 8.11.2; ANSI/IIAR 2-2014 §§ 6.2.1, 6.6.2, 6.10.2; ANSI/IIAR 9-2020 §§ 7.3.2.1, 7.3.6.2, 7.3.9.2.</p>	\$ 1500.00
Section C – Prevention Program – Safety information [68.65]	
<p>Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]?</p> <p>– At the time of the inspection, there were no audio/visual alarms outside the primary internal entrance to Ammonia Machinery Room #1 or the Ammonia Machinery Room #1 roof door. <i>See, e.g.</i>, NFPA 1-2012 § 53.2.3.1.2; ANSI/IIAR 2-2014 § 6.13.1 (3); ANSI/IIAR 9-2020 § 7.3.12.1 (3).</p>	\$ 1500.00
Section C – Prevention Program – Safety information [68.65]	
<p>Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]?</p> <p>– At the time of the inspection, there were some deficiencies in pipe maintenance. For example, a section of piping on the roof coming off the pressure relief valve header for Ammonia Machinery Room #1 was not plugged, and there was an open electrical wire hanging from ammonia piping in the machinery room. Additionally, some support brackets on ammonia piping in Ammonia Machinery Room #2 were not adequately secured, and the underlying piping was not painted to prevent corrosion. <i>See, e.g.</i>, ANSI/IIAR 2-2014 §§ 5.11.5, 6.2.2, 6.8.1, and 13.4.2; ANSI/IIAR 9-2020 §§ 7.2.7.1, 7.3.2.2; ANSI/ASHRAE 15-2013 §§ 8.5, 8.10.4, 11.6.1; IIAR Bulletin 109 § 4.7.4.</p>	\$ 1500.00

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Total unadjusted Program Level 3 penalty: \$15,000

3. Size-Threshold Quantity Multiplier

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility. Bake-N-Joy Foods, Inc. has approximately 210 employees.

Expedited Settlement Penalty Matrix: Private Industries

# of Employees	Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site		
	1 – 5	>5 – 10	> 10
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	1.0
> 100	1.0	1.0	1.0

Size/Threshold Quantity multiplier from Expedited Settlement Penalty Matrix: **1.0**

3. Proposed Penalty

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

$$\begin{aligned} \text{Proposed Penalty} &= \mathbf{\$15,000} \text{ (Unadjusted Penalty)} \\ &\times \mathbf{1.0} \text{ (Size/Threshold Quantity Multiplier)} \\ &= \mathbf{\underline{\$15,000}} \end{aligned}$$