



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 21 2009

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Shawn Lambert  
Safety & Risk Manager  
Co-Alliance (Buchanan Agronomy)  
1 Lincoln Ave.  
Danville, Indiana 46122

RE: Complaint and Expedited Settlement Agreement  
ESA Docket No. RMP-09-ESA-008  
Docket No. **CAA-05-2009-0029**

Dear Mr. Lambert:

Enclosed please find a copy of the fully executed Expedited RMP Settlement Agreement (ESA). The ESA is binding on EPA and Respondent. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Monika Chrzaszcz at (312) 886-0181, or [Chrzaszcz.monika@epa.gov](mailto:Chrzaszcz.monika@epa.gov), if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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U.S. EPA REGION 5  
2009 AUG 21 AM 10:41

## EXPEDITED SETTLEMENT AGREEMENT (ESA)

REPLY TO THE ATTENTION OF:

DOCKET NO: RMP-09-ESA-008

**CAA-05-2009-0029**

This ESA is issued to: Co-Alliance (Buchanan Agronomy)

At: 16724 Bakerstown Road, Buchanan, Michigan 49107

**2750903A031**

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

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This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Superfund Division, 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 February 23, 2009, 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

On October 28, 2009, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), 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 this ESA in order to settle the violations, described in the attached FORM, for the total penalty amount of **\$1,500.00**

This settlement is subject to the following terms and conditions:

The Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in herein and in the FORM, 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 the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,500.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is located at the top left corner of this ESA.)

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

Monika Chrzaszcz  
Chemical Emergency  
Preparedness and Prevention Section (SC-6J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

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 FORM. EPA does not waive any other enforcement action for any other violation 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 **Region 5 office** at the above address in correct form by the 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 FORM.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Shawn Lambert Date: 7/31/2009

Name (print): Shawn Lambert

Title (print): Safety & Risk Manager

Co-Alliance (Buchanan Agronomy)

FOR COMPLAINANT:

Richard C Karl Date: 8-13-09

Richard C. Karl, Director  
Superfund Division

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

Matt Mathur, Acting Date: 8/19/09  
Bharat Mathur, Acting  
Regional Administrator

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**National City**

National City Bank

100095237

62-20/311

JULY 28, 2009

Pay to the order of TREASURER, UNITED STATES OF AMERICA \*\*\*\*\* \$ 1,500.00

ONE THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS

Dollars

Drawer: National City Bank



Security Features Details on Back

*Beverly D. Fitch*  
AUTHORIZED SIGNATURE

MP

Remitter CO-ALLIANCE, LLP Docket No RMP-09-ESA-008

Payable through Citibank, N.A. One Penn's Way  
New Castle, DE 19720

⑈ 100095237 ⑈

⑆ 03 100 209 ⑆

38 790 749 ⑈

BD# 2750903A031

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**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**

**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

Date RMP submitted: <u>04/08/2008</u>	Date process(es) came online: <u>1960's</u>
Date of Inspection: <u>10/28/2008</u>	EPA Facility Identifier: <u>100000108625</u>

**Section A-Management [68.15]**

Management system developed and implemented as provided in 40 CFR 68.15? S M U N  
 Comments:

Has the owner or operator:

- |  |   |
|--|---|
| 1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N |
| 2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]                          | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N |
| 3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N |

**Section B: Hazard Assessment [68.20-68.42]**

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42? S M U N/A  
 Comments:

**Hazard Assessment: Offsite consequence analysis parameters [68.22]**

- |  |   |
|--|---|
| 1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)]<br><input checked="" type="checkbox"/> a. For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]<br><input type="checkbox"/> b. For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]<br>or<br><input type="checkbox"/> c. For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m <sup>2</sup> for 40 seconds? [68.22(a)(2)(ii)] or<br><input type="checkbox"/> d. For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]  | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)]<br><input checked="" type="checkbox"/> a. For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]<br><input type="checkbox"/> b. For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]<br><input type="checkbox"/> c. For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m <sup>2</sup> for 40 seconds? [68.22(a)(2)(ii)]<br><input type="checkbox"/> d. For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)]   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]  | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 6. Used appropriate surface roughness values for the release analysis? [68.22(e)]  | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]  | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)]  | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENAL SHEET**

**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

<b>Hazard Assessment: Worst-case release scenario analysis [68.25]</b>	
9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the a worst- case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] <input type="checkbox"/> a. If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity ? [68.25(b)(1)] <input type="checkbox"/> b. If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
13a. Has the owner or operator for <u>toxic substances</u> that are <u>normally gases</u> at <u>ambient temperature</u> and handled as a gas or liquid under pressure :	
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/
13.b. Has the owner or operator for <u>toxic gases</u> handled as <u>refrigerated liquids</u> at <u>ambient pressure</u> :	
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.b.(2) [ Optional for owner / operator ] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.c. Has the owner or operator for <u>toxic substances</u> that are <u>normally liquids</u> at <u>ambient temperature</u> :	
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, the surface area of the contained liquid shall be used to calculate the volatilization rate? [68.25(d)(1)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENAL SHEET**

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13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)].	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.d. Has the owner or operator for <u>flammables</u> :	
13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)] a. What modeling technique did the owner or operator use? [68.25(g)] _____	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)] <input type="checkbox"/> a. Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)] <input type="checkbox"/> b. Proximity to the boundary of the stationary source? [68.25(i)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Hazard Assessment: Alternative release scenario analysis [68.28]</b>	
18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
19. Selected a scenario: [68.28(b)] <input checked="" type="checkbox"/> a. That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)] <input type="checkbox"/> b. That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)] <input checked="" type="checkbox"/> a. Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)] <input type="checkbox"/> b. Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)] <input type="checkbox"/> c. Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)] <input type="checkbox"/> d. Vessel overflowing and spill, or overpressurization and venting through relief valves or rupture	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENAL SHEET**

**Program Level 2 Process Checklist**

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disks? [68.28(b)(2)(iv)] <input type="checkbox"/> e. Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]	
21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] <input type="checkbox"/> a. The five-year accident history provided in 68.42? [68.28(e)(1)] <input type="checkbox"/> b. Failure scenarios identified under 68.50? [68.28(e)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Hazard Assessment: Defining off-site impacts–Population [68.30]</b>	
25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
28. Estimated the population to two significant digits? [68.30(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<b>Hazard Assessment: Defining off-site impacts–Environment [68.33]</b>	
29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [ Source may have used LandView to obtain information ] [68.33(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<b>Hazard Assessment: Review and update [68.36]</b>	
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected on increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Hazard Assessment: Documentation [68.39]</b>	
Has the owner/operator maintained the following records:	
33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENAL SHEET**

**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
36. Methodology used to determine distance to endpoints? [68.39(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

**Hazard Assessment: Five-year accident history [68.42]**

38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
39. Has the owner or operator reported the following information for each accidental release: [68.42(b)] <input type="checkbox"/> a. Date, time, and approximate duration of the release? [68.42(b)(1)] <input type="checkbox"/> b. Chemical(s) released? [68.42(b)(2)] <input type="checkbox"/> c. Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)] <input type="checkbox"/> d. NAICS code for the process? [68.42(b)(4)] <input type="checkbox"/> e. The type of release event and its source? [68.42(b)(5)] <input type="checkbox"/> f. Weather conditions (if known)? [68.42(b)(6)] <input type="checkbox"/> g. On-site impacts? [68.42(b)(7)] <input type="checkbox"/> h. Known offsite impacts? [68.42(b)(8)] <input type="checkbox"/> i. Initiating event and contributing factors (if known)? [68.42(b)(9)] <input type="checkbox"/> j. Whether offsite responders were notified (if known)? [68.42(b)(10)] <input type="checkbox"/> k. Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

**Section C: Prevention Program**

Implemented the Program 2 prevention requirements as provided in 40 CFR 68.48 - 68.60?  S  M  U  N/A  
 Comments:

**Prevention Program- Safety information [68.48]**

1. Compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment: [68.48(a)] <input checked="" type="checkbox"/> a. Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)] <input type="checkbox"/> b. Maximum intended inventory of equipment in which the regulated substances are stored or processed? [68.48(a)(2)] <input checked="" type="checkbox"/> c. Safe upper and lower temperatures, pressures, flows, and compositions? [68.48(a)(3)] <input checked="" type="checkbox"/> d. Equipment specifications? [68.48(a)(4)] <input checked="" type="checkbox"/> e. Codes and standards used to design, build, and operate the process? [68.48(a)(5)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
2. Ensured the process is designed in compliance with recognized and generally accepted good engineering practices? [68.48(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
3. Updated information if a major change has occurred that made the information inaccurate? [68.48(c)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

**Prevention Program- Hazard review [68.50]**

4. Has the owner or operator conducted a review of the hazards associated with the regulated substances, processes, and procedures? [68.50(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
5. Did the review identify: <input type="checkbox"/> a. The hazards associated with the process and regulated substances? [68.50(a)(1)] <input checked="" type="checkbox"/> b. Opportunities for equipment malfunctions or human errors that could cause an accidental release? [68.50(a)(2)] <input checked="" type="checkbox"/> c. The safeguards used or needed to control the hazards or prevent equipment malfunctions	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**

**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

or human error? [68.50(a)(3)] <input checked="" type="checkbox"/> d. Any steps used or needed to detect or monitor releases? [68.50(a)(4)]	
6. Determined by inspecting all equipment that the processes are designed, fabricated, and operated in accordance with applicable standards or rules, if designed to meet industry standards or Federal or state design rules? [68.50(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
7. Documented the results of the review? [68.50(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
8. Ensured that problems identified were resolved in a timely manner? [68.50(c)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
9. Updated the review at least once every five years or whenever a major change in the processes occurred? [68.50(d)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
10. Resolved all issues identified in the review before startup of the changed process? [68.50(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Prevention Program- Operating procedures [68.52]</b>	
11. Has the owner or operator prepared written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process? (Operating procedures or instructions provided by equipment manufacturers or developed by persons or organizations knowledgeable about the process and equipment may be used as a basis for a stationary source's operating procedures.) [68.52(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
12. Do the procedures address the following: [68.52(b)] a. Initial startup? [68.52(b)(1)] b. Normal operations? [68.52(b)(2)] c. Temporary operations? [68.52(b)(3)] d. Emergency shutdown and operations? [68.52(b)(4)] e. Normal shutdown? [68.52(b)(5)] f. Startup following a normal or emergency shutdown or a major change that requires a hazard review? [68.52(b)(6)] g. Consequences of deviations and steps required to correct or avoid deviations? [68.52(b)(7)] h. Equipment inspections? [68.52(b)(8)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13. Has the owner or operator ensured that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process? [68.52(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<b>Prevention Program - Training [68.54]</b>	
14. Certified that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties? (For those employees already operating a process on June 21, 1999, the owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures.) [68.54(a)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
15. Provided refresher training at least every three years, or more often if necessary, to each employee operating a process, to ensure that the employee understands and adheres to the current operating procedures of the process? [68.54(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
16. Determined, in consultation with the employees operating the process, the appropriate frequency of refresher training? [68.54(b)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
17. Certified that each employee was trained in any updated or new procedures prior to startup of a process after a major change? [68.54(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Prevention Program - Maintenance [68.56]</b>	
18. Prepared and implemented procedures to maintain the on-going mechanical integrity of the process	

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENAL SHEET**  
**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

equipment? [68.56(a)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N
19. Trained or caused to be trained each employee, involved in maintaining the on-going mechanical integrity of the process, in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks? [68.56(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
20. Has every maintenance contractor ensured that each contract maintenance employee is trained to perform the maintenance procedures developed? [68.56(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
21. Has the owner or operator performed or caused to be performed inspections and tests on process equipment that follow recognized and generally accepted engineering practices? [68.56(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
<b>Prevention Program -Compliance audits [68.58]</b>	
22. Has the owner or operator certified that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed? [68.58(a)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N
23. Has compliance audit been conducted by at least one person knowledgeable in the process? [68.58(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
24. Has the owner operator developed a report of the audits findings? [68.58(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
25. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.58(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
26. Has the owner or operator retained the two most recent compliance audit reports, unless more than five years old? [68.58(e)]	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N
<b>Prevention Program - Incident investigation [68.60]</b>	
27. Has the owner or operator investigated each incident which resulted in, or could reasonably have resulted in a catastrophic release? [68.60(a)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
28. Were all incident investigations initiated not later than 48 hours following the incident? [68.60(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
29. Was a summary prepared at the conclusion of every investigation, which included: [68.60(c)] a. Date of incident? [68.60(c)(1)] b. Date investigation began? [68.60(c)(2)] c. A description of incident? [68.60(c)(3)] d. The factors that contributed to the incident? [68.60(c)(4)] e. Any recommendations resulting from the investigation? [68.60(c)(5)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
30. Has the owner or operator promptly addressed and resolved the investigation findings and recommendations, and are the resolutions and corrective actions documented? [68.60(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
31. Has the owner or operator reviewed the finding with all affected personnel whose job tasks are affected by the findings? [68.60(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
32. Has the owner or operator retained investigation summaries for five years? [68.60(f)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<b>Section D - Emergency Response [68.90 - 68.95]</b>	
Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? Comments:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A

**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**  
**Program Level 2 Process Checklist**

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N
1.a. If the facility is not a first responder:	
1.a.(1) For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
1.a.(2) For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N
2. An emergency response plan which is maintained at the stationary source and contains the following? [68.95(a)(1)] a. Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)] b. Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)] c. Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N
3. Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
4. Training for all employees in relevant procedures? [68.95(a)(3)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
5. Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
6. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan")? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/
7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/

**Section G - Risk Management Plan [68.190 - 68.195]**

1. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update. <input checked="" type="checkbox"/> Five-year update. [68.190(b)(1)] <input type="checkbox"/> Within three years of a newly regulated substance listing. [68.190(b)(2)] <input type="checkbox"/> At the time a new regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)] <input type="checkbox"/> At the time a regulated substance is first present in a new process above threshold quantities. [68.190(b)(4)] <input type="checkbox"/> Within six months of a change requiring revised PHA or hazard review. [68.190(b)(5)] <input type="checkbox"/> Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)] <input type="checkbox"/> Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/
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RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

Program Level 2 Process Checklist

Facility Name: Buchanan Agronomy (Co-Alliance), 16724 Bakerstown Road, Buchana, Michigan 49107

2. If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> I
3. If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> I