



U.S. ENVIRONMENTAL PROTECTION AGENCY

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

5/3/24

11:44 AM

U.S. EPA REGION 1 HEARING CLERK

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: The Gillette Company, AMC, operated by the Gillette Company LLC
Facility Address: 30 Burt Road, Andover, MA 01810
Responsible Official: Travis Gombos, Americas Regional HSE Leader
Facility Representative: Travis Gombos, Americas Regional HSE Leader
Inspection Start Date: March 23, 2022
Inspection End Date: March 23, 2022
EPA Facility ID#: 1000 0017 4857
Inspector Name(s): Tyler Diercks, EPA Region 1; Leonard B. Wallace IV, EPA Region 1

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)? YES
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? NO
DATE RMP INITIALLY FILED WITH EPA: 03/22/2001 DATE OF LATEST RMP UPDATE: 09/21/2021
1) PROCESS/NAICS CODE: 32562 PROGRAM LEVEL: 1
REGULATED SUBSTANCE: Isobutane, Isopentane MAX. QUANTITY IN PROCESS: 115,000 pounds, 127,000 pounds

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? YES
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:

1. Program Level 3 Alleged Violations and Unadjusted Penalties

Section C – Prevention Program – Safety information [68.65]	
<p>Has the owner or operator documented either 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 style="margin-left: 40px;">– At the time of the inspection, entrances to the facility and entrances to the facility’s extrusion room did not have proper NFPA diamond labeling. The NFPA diamond on each of the flammable mixture storage tanks was not an adequate size. <i>See, e.g.</i>, NFPA 704-2017 § 4.3; NFPA 704-2017 Chapter 9; NFPA 1-2021 § 60.5.1.8.2.1; NFPA 400-2017, § 6.1.8.2.1</p>	\$ 1500.00
Section C – Prevention Program – Safety information [68.65]	
<p>Has the owner or operator documented either 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 style="margin-left: 40px;">– At the time of the inspection, pipes containing isopentane and isobutane were not properly labeled. <i>See, e.g.</i>, ASME A13.1-2015</p>	\$ 1500.00
Section H – Risk Management Plan [40 CFR 68.190 – 68.195]	
<p>Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Five-year update [68.190(b)(1)].</p> <p style="margin-left: 40px;">– The Facility re-submitted its RMP on September 21, 2021, which was approximately one year and two months late for re-submittal. The RMP was due to be re-submitted on July 20, 2020.</p>	\$ 2000.00

Total unadjusted penalty: \$5,000

2. 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.

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.

$$\begin{array}{rcl} \text{Proposed Penalty} & = & \mathbf{\$5,000} \text{ (Unadjusted Penalty)} \\ & \times & \mathbf{1.0} \text{ (Size/Threshold Quantity Multiplier)} \\ & = & \mathbf{\underline{\$5,000}} \end{array}$$