

ENCLOSURE 2
EXPEDITED SETTLEMENT ALLEGED VIOLATIONS AND FINAL ADJUSTED PENALTY SUMMARY
Clean Air Act – Risk Management Program

Respondent: Dickinson Frozen Foods
P.O. Box 3110
Pasco, Washington 99302

Facility: Dickinson Frozen Foods - dba IdaCold LLC
6198 Treasure Valley Way
Nampa, Idaho 83687

Responsible Official: Todd Campbell, Director of Operations
(208) 467- 4992

Inspection Date: September 2, 2021 and April 4, 2023
Inspection Time: 09:00 am – 02:00 pm
Lead Inspector: Peter Phillips, RMP Specialist
(808) 497-5265

Inspection Findings and Alleged Violations

RMP Submission Date

Initial Submission Date: 06/24/1999
Date of Latest Update: 11/22/2022
RMP Facility ID: 100000139003
Program Level: 3
Chemical Name: Ammonia (anhydrous)
Chemical Amount: 14,000 lbs.
NACIS Code: 49312
Facility Type: Private Industry
Employees: 7

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 Section 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

On April 4, 2023, EPA inspectors conducted an On-site Compliance Inspection at the Dickinson Frozen Foods doing business as IdaCold LLC facility listed above. The On-site Inspection was in follow-up to an Off-site Compliance inspection conducted on September 2, 2021. The following is a summary of the Alleged Violations of the Risk Management Program which were identified during the inspections.

1. **Violation 1:** Process Hazard Analysis (§ 68.67(f)): Dickinson Frozen Foods conducted a 2014 PHA and an October 19, 2020, PHA. Dickinson Frozen Foods was late in conducting their five-year

PHA revalidation, that was due in 2019. The facility claims the delay was due to operational impacts experienced during the COVID-19 pandemic. Dickinson Frozen Foods did not update and revalidate the initial PHA at least every five years. Dickinson Frozen Foods most recent October 19, 2020, PHA was conducted six years after their previous 2014 PHA.

2. **Violation 2:** Risk Management Plan (§ 68.160(b)(6) and § 68.195(b)): Dickinson Frozen Foods did not update the emergency contact information within one month of any change (name, title, phone number, and email). Mr. Penrod left the company in early 2021. Dickinson Frozen Foods did not update the emergency contact until the 5-year update on November 22, 2022, more than 30-days since the previous emergency contact left the company.
3. **Violation 3:** Training (§ 68.71(a)(1)): Dickinson Frozen Foods did not document that each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, had been initially trained in an overview of the process and in the operating procedures. Dickinson Frozen Foods only operator left the company in June 2021 and had not been replaced at the time of April 4, 2023, inspection. Dickinson Frozen Foods was operating their refrigeration system without an appropriately trained operator.
4. **Violation 4:** Mechanical Integrity (§ 68.73(f)(3)): During the April 4, 2023, inspection of Dickinson Frozen Foods facility, two safety relief valves (SRV) due for replacement in January 2023 and February 2023 had not been replaced for Compressors RC-6 and RC-7 in the engine room. Dickinson Frozen Foods stated that the SRVs were on back-ordered due to supply chain issues and provided invoice orders verifying status of the back order.

Final Adjusted Penalty Calculation

The Final Adjusted Penalty for an RMP ESA is a non-negotiable penalty offer.

First the Unadjusted Penalty is calculated using the Risk Management Program Expedited Settlement Penalty Sheet, Enclosure 2. Each Alleged Violation listed above is assigned a penalty amount in the spreadsheet and the Unadjusted Penalty is determined by adding all the penalty amounts.

The Unadjusted Penalty is multiplied by the Size-Threshold Quantity Multiplier to determine the Adjusted Penalty. The Size-Threshold Quantity Multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility. See the Multiplier Factor tables below.

$$\text{Adjusted Penalty} = \text{Unadjusted Penalty} \times \text{Size-Threshold Quantity Multiplier}$$

Unadjusted Penalty Calculation

Adding the penalty numbers in the Risk Management Program Expedited Settlement Penalty Sheet, an unadjusted penalty of \$6,500 is derived.

Size-Threshold Quantity Multiplier

According to the RMP, the facility employs between 0 to 9 people and uses and/or stores 1 to 5 times the threshold amount of Ammonia (anhydrous), which is regulated under the Clean Air Act Section 112(r) Risk Management Program. Using the tables below, the multiplier is determined to be 0.4.

Adjusted Penalty Calculation

Adjusted Penalty = \$6,500 (Unadjusted Penalty) x 0.4 (Size-Threshold Multiplier)

Final Adjusted Penalty = \$2,600

EXPEDITED SETTLEMENT PENALTY MATRIX
Multiplier Factor for Calculating Proposed Penalties for RMP Violations

Private Industries

# of Employees	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

Governmental Entities

(Primarily public drinking water and wastewater systems)

Total Population Served	1 – 5*	5 – 10*	10*
1 – 10,000	0.2	0.4	0.6
10,001 – 100,000	0.4	0.6	0.8
100,000	0.6	0.8	1.0

* Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site.