

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

Respondent: Carlisle Construction Materials, LLC
1285 Ritner Hwy, Carlisle, PA, 17013-9381

Facility: Carlisle Construction Materials, LLC
19727 57th Avenue East,
Puyallup, Washington 98375

Responsible Official: Robert Birdsell, Senior Divisional EHS Manager
(615) 218-6441

Inspection Date: June 16, 2021

Inspection Time: 9:00 am – 2:00 pm

Lead Inspector: Bob Hales, SEE Grantee, RMP Inspector
[Contact: Ryan Bowsby, EPA Case Officer (206-553-1849)]

Inspection Findings and Alleged Violations

RMP Submission Date

Initial Submission Date: October 29, 2012

Date of Latest Update: November 15, 2019

RMP Facility ID: 100000219612

Program Level: 3

Chemical Name: Pentane and Isopentane [Butane, 2-methyl]

Chemical Amount: 131,500 lbs (Pentane) and 130,250 lbs (Isopentane)

NACIS Code: 326150

Facility Type: Private Industry

Employees: 75

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 June 16, 2021, EPA inspectors initiated an Off-site Compliance Monitoring Inspection at the Carlisle Construction Materials, LLC facility listed above. The following is a summary of the Alleged Violations of the Risk Management Program which were identified during the inspection.

1. **Violation 1.** Process Hazard Analysis (PHA): Carlisle Construction Materials, LLC failed to establish a system to promptly address PHA findings and recommendations; and to assure that the recommendations were resolved in a timely manner. [68.67(e)]. The 2017 PHA identified fifteen action items with four action items still open or in progress at the time of inspection. The two open

action items involved modifications to equipment and were classified as low risk. The two action items with 'work in progress' status involved evaluating the B side process controls and determining a preventative maintenance schedule for the replacement of the metering pump. There were no due dates or dates of completion on the tracking sheet, the tracking sheet only shows the status of the action item at the time of inspection in March 2021.

2. **Violation 2.** - Compliance Audits: Carlisle Construction Materials, LLC failed to demonstrate that they have evaluated compliance with Subpart D, at least once every three years by at least one person knowledgeable of process. [68.79(a)]. The 2019 Compliance Audit dated October 29, 2019 was 10 months past the due date of January 1, 2019.
3. **Violation 3.** Risk Management Plan: Carlisle Construction Materials, LLC failed to submit corrected emergency contact information within thirty days of the change. [68.195(b)]. Shawn Osler was identified as the emergency contact in the RMP dated November 15, 2019. Shawn Osler retired from Carlisle Construction Materials, LLC in 2022 and no update has been made as of July 26, 2024.

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 3. 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 \$3,700 is derived.

Size-Threshold Quantity Multiplier

According to the RMP, the facility employs between 10 to 100 people and uses and/or stores greater than 10 times the threshold amount of Pentane and Isopentane, which is regulated under the Clean Air Act Section 112(r) Risk Management Program. Using the tables below, the multiplier is determined to be 1.0.

Adjusted Penalty Calculation

Adjusted Penalty = \$3,700 (Unadjusted Penalty) x 1.0 (Size-Threshold Multiplier)

Final Adjusted Penalty = \$3,700

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.