



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101-3140

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OFFICE OF  
COMPLIANCE AND ENFORCEMENT  
EPA - REGION 10

## EXPEDITED SETTLEMENT AGREEMENT

**DOCKET NO:** CAA-10-2019-0044  
**This ESA is issued to:** Pasco Processing, LLC  
5815 Industrial Way  
Pasco, Washington

This Expedited Settlement Agreement (ESA) is being entered into by the U.S. Environmental Protection Agency Region 10 (EPA), by its duly delegated official, and by Pasco Processing, LLC ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On February 13, 2019, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

### ALLEGED VIOLATIONS

EPA has determined that Respondent violated the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act (CAA), as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary ("Summary"), which is hereby incorporated by reference.

### SETTLEMENT

In consideration of the penalty assessment factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in the enclosed Summary for the total penalty amount of **\$2,000**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, and consents to the assessment of the penalty as stated above.

Respondent waives its rights to contest the allegations contained herein or in the Summary, to a hearing afforded by Section 113(d)(2)(A) of the CAA, 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 Respondent has corrected the violations listed in the enclosed Summary.

Respondent agrees to submit payment in full of the \$2,000 within 30 days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.

Payment instructions are included on the enclosed "Payment Instructions," which is hereby incorporated by reference.

This original ESA must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 155, Mail Stop: OCE-201  
Seattle, Washington 98101

Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk, and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the CAA referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA is not returned to the EPA Region 10 at the above address by 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 Summary.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature:   
Name (print): Kim Lacey  
Title (print): Corporate Risk Manager  
Cost to correct violation(s): \_\_\_\_\_

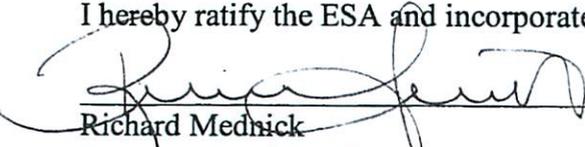
Date: 4/8/19

FOR COMPLAINANT:

  
Edward J. Kowalski  
Director  
Office of Compliance and Enforcement

Date: 5/2/2019

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

  
Richard Mednick  
Regional Judicial Officer

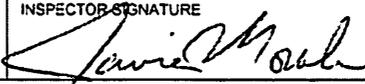
Date: 5/6/19



# U.S. ENVIRONMENTAL PROTECTION AGENCY

## Risk Management Program Inspection Findings and Alleged Violations Summary Region 10

**REASON FOR INSPECTION:** This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. 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 of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME <b>Pasco Processing, LLC</b>		<input checked="" type="checkbox"/> PRIVATE	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL
FACILITY LOCATION <b>5815 Industrial Way, Pasco, Washington 99301</b>		# EMPLOYEES: 455	POPULATION SERVED:
MAILING ADDRESS <b>5815 Industrial Way, Pasco, Washington 99301</b>		INSPECTION START DATE AND TIME: <b>December 4, 2018</b>	
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER <b>Frank Tieg, Company Operator, (509) 544-6700</b>		INSPECTION END DATE AND TIME: <b>December 4, 2018</b>	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) <b>Scott Campbell, Plant Engineer, (509) 544-6720</b>		EPA FACILITY ID# <b>1000 0010 9161</b>	
		INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) <b>Javier Morales, RMP Coordinator, (206) 553-1255</b>	
		INSPECTOR SIGNATURE 	DATE <b>2/19/19</b>

### INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DATE RMP FILED WITH EPA: <b>6/22/1999</b>	DATE OF LATEST RMP UPDATE: <b>2/12/2010</b>	
1) PROCESS/NAICS CODE: <b>311411</b>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>	
REGULATED SUBSTANCE: <b>Anhydrous Ammonia</b>	MAX. QUANTITY IN PROCESS: <b>75,000 (lbs.)</b>	

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

The owner or operator must review and update the RMP as specified in 40 C.F.R. § 68.190(b) as required by § 68.190(a). Pasco Processing, LLC failed to submit an updated RMP to EPA at least once every five years as required by § 68.190(a) and (b)(1). The first submission of the RMP that EPA has on file is dated 6/22/1999. The latest RMP submission that EPA has on file is dated 2/12/2010. The five-year update was due 2/12/2015.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
ATTACHED CHECKLIST(S):		
<input type="checkbox"/> PROGRAM LEVEL 1 PROCESS CHECKLIST	<input type="checkbox"/> PROGRAM LEVEL 2 PROCESS CHECKLIST	<input checked="" type="checkbox"/> PROGRAM LEVEL 3 PROCESS CHECKLIST

## Payment Details Report

Company: Tiegs Frank S  
Requester: McClory, Janelle  
Run Date: 04/12/2019 1:05:52 PM CDT



### Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Confirmed by Bank  
Transaction Number: 194CE0445GSF1J55

#### Debit Account Information

Debit Bank: 323070380  
Debit Account: 004851086570  
Debit Account Name: PASCO PROCESSING LLC  
Debit Currency: USD

#### Beneficiary Details

Beneficiary Name: US Environmental Protection Agency  
Beneficiary Address: P.O. Box 979077  
Beneficiary City: St. Louis, MO  
Beneficiary Postal Code: 63197-9000  
Beneficiary Country: US - United States of America

Beneficiary Account: 68010727  
Beneficiary Bank ID: 021030004  
US DEPARTMENT OF THE TREASURY  
33 LIBERTY ST  
NEW YORK CITY  
US - United States of America

Beneficiary Email:  
Beneficiary Mobile Number:

#### Payment Details

Credit Currency: USD  
Credit Amount: 2,000.00

Value Date: 04/12/2019

#### Optional Information

Sender's Reference Number: 194CE0445GSF1J55

Beneficiary Information: Docket No. CAA-10-2019-0044  
Pasco Processing LLC

#### Additional Routing

Intermediary Bank ID:

Receiver Information:

#### Control Information

Input: jm585663  
Approved: jm585663  
Initial Confirmation: WTX:2019041200382400  
Confirmation #: FEDR:20190412B6B7HU3R011602

Input Time: 04/12/2019 1:04:52 PM CDT  
Time: 04/12/2019 1:05:33 PM CDT

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Pasco Processing, LLC, Docket No.: CAA-10-2019-0044**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator  
1200 Sixth Avenue, 20-C04  
Suite 155  
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Ms. Kim Lacey  
Corporate Risk Manager  
Pasco Processing, LLC  
P.O. Box 3110  
Pasco, Washington 99301

DATED this 7 day of May, 2019   
Teresa Young  
Regional Hearing Clerk  
EPA Region 10

**Payment Details Report**



**Company:** Tiegs Frank S  
**Requester:** McClory, Janelle  
**Run Date:** 04/12/2019 1:05:52 PM CDT

RECEIVED  
19 MAY -7 AM 8:28  
HEARINGS CLERK  
FEDERAL RESERVE

**Domestic High Value (Wire)**  
**Payment Category:** Urgent/Wire

**Status:** Confirmed by Bank  
**Transaction Number:** 194CE0445GSF1J55

**Debit Account Information**

**Debit Bank:** 323070380  
**Debit Account:** 004851086570  
**Debit Account Name:** PASCO PROCESSING LLC  
**Debit Currency:** USD

**Beneficiary Details**

**Beneficiary Name:** US Environmental Protection Agency  
**Beneficiary Address:** P.O. Box 979077  
**Beneficiary City:** St. Louis, MO  
**Beneficiary Postal Code:** 63197-9000  
**Beneficiary Country:** US - United States of America

**Beneficiary Account:** 68010727  
**Beneficiary Bank ID:** 021030004  
US DEPARTMENT OF THE TREASURY  
33 LIBERTY ST  
NEW YORK CITY  
US - United States of America

**Beneficiary Email:**  
**Beneficiary Mobile Number:**

**Payment Details**

**Credit Currency:** USD  
**Credit Amount:** 2,000.00

**Value Date:** 04/12/2019

**Optional Information**

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