

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

FILED

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U.S. EPA REGION 1
HEARING CLERK

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In the Matter of:	)	
	)	Docket No.
Pineland Farms Potato Company, Inc.	)	
	)	CAA-01-2026-0024
Respondent.	)	
	)	CONSENT AGREEMENT
	)	AND FINAL ORDER
_____	)	

CONSENT AGREEMENT AND FINAL ORDER

1. The issuance of this Consent Agreement (“Consent Agreement” or “Agreement”) and attached Final Order (“Final Order” or “Order”), in accordance with 40 C.F.R. § 22.13(b), simultaneously commences and concludes an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d) and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 1 (“EPA”).

3. Respondent is Pineland Farms Potato Company, Inc. (“Respondent”).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement and the attached final order without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order (“CAFO”).

5. As discussed below, the CAFO resolves the following violations that Complainant alleges occurred in connection with Respondent's storage and handling of anhydrous ammonia at its potato processing, packaging, and distribution facility in Mars Hill, Maine:

- a. Failure to identify hazards which may result from accidental releases of extremely hazardous substances using appropriate hazard assessment techniques, in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).
- b. Failure to design and maintain a safe facility, taking such steps as are necessary to prevent such releases, in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1); and
- c. Failure to minimize the consequences of a release should one occur, in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

I. JURISDICTION

6. This Consent Agreement and Final Order is entered into under Sections 113(a)(3)(A) and 113(d) of the CAA, 42 U.S.C. §§ 7413(a)(3)(A) and 7413(d), and the Consolidated Rules of Practice, 40 C.F.R. Part 22.

7. EPA and the U.S. Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for administrative penalty assessment. 42 U.S.C. § 7413(d)(1); 40 C.F.R. § 19.4 (containing the inflation adjustment for the administrative penalty cap set out in 42 U.S.C. § 7413(d)(1)).

8. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

II. STATUTORY AND REGULATORY AUTHORITY

9. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), states that the purpose of Section 112(r) and its implementing regulations is “to prevent the accidental release and to minimize the consequences of any such release” of an “extremely hazardous substance.”

10. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to (a) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques; (b) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur. This section of the CAA is referred to as the “General Duty Clause.”

11. The extremely hazardous substances listed pursuant to Section 112(r)(3) include, among others, anhydrous ammonia.

12. The term “accidental release” is defined by Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

13. The term “stationary source” is defined by Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), in pertinent part, as any buildings, structures, equipment, installations, or substance-emitting stationary activities, located on one or more contiguous properties under the control of the same person, from which an accidental release may occur.

14. The term “have a general duty in the same manner and to the same extent as section 654 of title 29 [of the U. S. Code]” means owners and operators must comply with the General Duty Clause in the same manner and to the same extent as employers must comply with the Occupational Safety and Health Act (“OSH Act”) administered by the Occupational Safety and Health Administration (“OSHA”). Section 654 of the OSH Act provides, in pertinent part, that “[e]ach employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees” and “shall comply with occupational safety and health standards promulgated under this act.” 29 U.S.C. § 654.

15. The intent of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), is for facility owners and operators to implement all feasible means to reduce the threat of death, serious injury, or substantial property damage to satisfy the requirements of the General Duty Clause. S. Rep. 101-228, 1990 U.S.C.C.A.N. 3385, 3595 (1989).

16. EPA routinely consults codes, standards, and guidance issued by chemical manufacturers, trade associations, and fire prevention associations (collectively, “industry standards”) to understand the hazards posed by using various extremely hazardous substances. The industry standards also are evidence of the standard of care that industry itself has recognized to be appropriate for managing those hazards. These industry standards are

consistently relied upon by industry safety and fire prevention experts and are sometimes incorporated into state building, fire, and mechanical codes.

17. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d) allow EPA to assess civil penalties for violations of the General Duty Clause. Forty C.F.R. Part 19 sets out the statutory penalties as adjusted for inflation. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), the Debt Collection Improvement Act of 1996 (as amended in 2015 by Section 701 of Pub. L. 114–74, 31 U.S.C. § 3701), and EPA’s Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, provide for the assessment of civil penalties for violations of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), and Part 68, in amounts of up to \$59,114 per day per violation for violations that occurred after November 2, 2015 and are assessed on or after January 8, 2025.

III. GENERAL ALLEGATIONS

18. At all times relevant to the violations alleged herein, Respondent owned and operated a potato processing, packaging, and distribution facility located at 115 Presque Isle Road, Mars Hill, Maine (the “Facility”).

19. The Facility is located in a rural area, approximately one mile north of Mars Hill, ME and 4.5 miles west of the U.S.-Canada border. Residential areas surround the Facility to the south and east, with the closest home located less than 350 away. Fort Street Elementary School is located approximately 0.5 miles southeast of the Facility and Central Aroostook High School is located approximately one mile southeast.

20. Respondent is a corporation organized under the laws of the State of Maine.

21. As a corporation, Respondent is a “person” within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), against whom an administrative penalty order may be issued under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

22. The Facility is a “stationary source” as that term is defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

23. At all times relevant to the violations alleged herein, Respondent was the “owner or operator” of the Facility, within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

24. At all times relevant to the violations alleged herein, the Facility’s ammonia refrigeration system (“System”) used approximately 9,800 pounds of anhydrous ammonia. Accordingly, Respondent “stored” and “handled” anhydrous ammonia, which, as indicated in paragraphs 10 and 11 above, is subject to the General Duty Clause.

25. Accordingly, at the time of the violations alleged herein, Respondent operated a stationary source that handled and stored anhydrous ammonia and thus was subject to the General Duty Clause found in Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

26. Anhydrous ammonia is a clear, colorless gas at atmospheric pressure and temperature with a strong odor. It is often stored and shipped under pressure as a liquid. It presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Inhalation of ammonia may cause irritation and burns of the respiratory tract, laryngitis, shortness of breath, high-pitched respirations, chest pain, pulmonary edema, and pneumonia. Ammonia vapors may be fatal if inhaled. Ingestion of ammonia may cause nausea, vomiting, and oral, esophageal, and stomach burns. If ammonia has contacted the eyes, irritation, pain,

conjunctivitis, tearing, and corneal erosion may occur, and loss of vision is possible. Dermal exposure may result in severe burns and pain. Exposure to 300 parts per million of ammonia by volume is immediately dangerous to life and health.

27. Ammonia gas is generally regarded as nonflammable but burns at concentrations of approximately 15.5% to 27% by volume in air with strong ignition. It can explode if released in an enclosed space with a source of ignition present or if a vessel containing anhydrous ammonia is exposed to fire. The fire hazard increases in the presence of oil or other combustible materials.

28. Due to the dangers associated with anhydrous ammonia, the ammonia refrigeration industry has developed industry standards to control the risks associated with the use of ammonia, specified in Attachment A. These standards are consistently relied upon by refrigeration experts and are sometimes incorporated by reference into state building and mechanical codes.

29. The Facility had a major upgrade in 2022 when it upgraded the refrigerated surge conveyor, and another in 2023 when it upgraded all piping in the cuts, cooling and conveyer area and upgraded the coils.

30. On October 25, 2023, two duly authorized EPA inspectors and one contract inspector (collectively, the “EPA Inspectors”) conducted an inspection at the Facility (the “Inspection”). The purpose of EPA’s Inspection was to determine whether Respondent was complying with Section 112(r) of the CAA and Sections 302-313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”).

31. The EPA inspectors toured the Facility's ammonia machinery room ("AMR"), high pressure receiver room ("HPR"), chemical storage room and acid storage area, line 2 spiral freezer coils, lead acid battery storage area, roof, outdoor ammonia equipment, and the Facility exterior.

32. During the Inspection, EPA observed numerous potentially dangerous conditions. These potentially dangerous conditions were explained in EPA's out-brief meeting with Respondent via Microsoft Teams on November 21, 2023 and in EPA's Inspection Report, which was provided to Respondent.

33. The potentially dangerous conditions identified by EPA are listed in the chart attached to and made a part of this CAFO as Attachment A. Attachment A also explains how each of the conditions could lead to an ammonia release or inhibit the Facility's ability to minimize the consequences of any release that might occur and provides examples of recognized industry standards of care that feasibly could reduce or eliminate the hazard.

34. On October 17, 2023, a week prior to the Inspection, EPA issued an inspection notification letter to Respondent, informing Respondent that EPA would be conducting the upcoming Inspection. In this letter, EPA asked Respondent to make its Process Hazard Review ("PHR") available for review at the time of the Inspection (among other records), and to also provide an electronic copy of the requested documents to EPA. Respondent did not provide the PHR to EPA prior to, or during, the inspection.

35. EPA again requested the PHR in a close-out letter on November 20, 2023, and reiterated its request the next day at the November 21, 2023 out-brief meeting. Respondent did not provide the PHR in response to these requests.

36. EPA requested the PHR by email on August 20, 2025 and again on September 16, 2025. On March 20, 2026 Respondent provided the PHR to EPA, which was completed on May 6, 2025.

IV. VIOLATIONS

COUNT I – FAILURE TO IDENTIFY HAZARDS WHICH MAY RESULT FROM ACCIDENTAL RELEASES OF EXTREMELY HAZARDOUS SUBSTANCES USING APPROPRIATE HAZARD ASSESSMENT TECHNIQUES

37. The allegations in paragraphs 1 through 37 are hereby realleged and incorporated herein by reference.

38. Pursuant to the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to, among other things, identify hazards which may result from accidental releases of such substances, using appropriate hazard techniques.

39. The duty to identify hazards that may result from hazardous releases under the General Duty Clause requires determining (a) the intrinsic hazards of the chemicals used in the processes; (b) the risks of accidental releases from the processes through possible release scenarios; and (c) the potential effect of these releases on the public and the environment. The document that contains this analysis is often referred to as a process hazard analysis or process hazard review.

40. The recommended industry practice and standard of care for identifying, analyzing, and evaluating potential hazards associated with ammonia refrigeration systems of the same size and type as Respondent's refrigeration system is, *inter alia*, to use standard,

industry-developed hazard identification checklists or more formalized techniques such as a “What If” analysis. IIAR has developed checklists for this purpose. *See, e.g.*, U.S. Env’tl. Prot. Agency, Guidance for Implementation of the General Duty Clause Clean Air Act Section 112(r)(1) § 2.3.1 (2000), available at <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>; IIAR ARM Program § 10 (2005) and § 3 (2018).

41. Respondent did not complete a Process Hazard Review for the ammonia refrigeration system in the Facility until May 6, 2025.

42. Accordingly, from at least October 1, 2021 through May 5, 2025, Respondent failed to identify hazards which may result from accidental releases of extremely hazardous substances, using appropriate hazard techniques, in violation of the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

COUNT II – FAILURE TO DESIGN AND MAINTAIN A SAFE FACILITY

43. The allegations in paragraphs 1 through 43 are hereby realleged and incorporated herein by reference.

44. Pursuant to the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to, among other things, design and maintain a safe facility, taking such steps as are necessary to prevent releases.

45. The recommended industry practice and standard of care for designing and maintaining a safe facility so as to prevent releases of extremely hazardous substances is to

base design considerations upon applicable design codes, federal and state regulations, and industry guidelines to prevent releases or minimize their impacts as well as to develop and implement standard operating procedures, maintenance programs, personnel training programs, management of change practices, incident investigation procedures, self-audits, and preventative maintenance programs. EPA's *Guidance for Implementation of the General Duty Clause: Clean Air Act Section 112(r)(1)* (May 2000) ("EPA's GDC Guidance") explains broad categories of measures appropriate for preventing releases of extremely hazardous substances, and the International Institute of Ammonia Refrigeration and others have developed more specific standards and guidelines for preventing releases of ammonia, set out in Attachment A.

46. The instances in which EPA alleges that Respondent failed in its general duty to design and maintain the Facility in a safe manner, taking such steps as are necessary to prevent a release of an extremely hazardous substance, are listed in Attachment A, which is incorporated by reference into this CAFO. They include, for example, failure to provide impact protection for the HPR sight glass and unsupported valve; unlabeled and poorly labeled ammonia piping; failure to provide a source of power to the ammonia detectors and ventilation in case of loss of power; and failure to address areas of corrosion on piping, damaged insulation, and ice build-up on piping and valves that prevented operation of critical valves.

47. Examples of industry standards associated with each instance in which Respondent failed in its general duty to design and maintain a safe facility (identified in Attachment A) demonstrate that the hazard is recognized by the ammonia refrigeration industry and that the industry has identified a feasible means by which Respondent could have eliminated or reduced the hazard. Further, Attachment A identifies, for each condition, how the

failure to address the hazard could lead to or exacerbate a release of anhydrous ammonia and cause harm.

48. Accordingly, from at least October 1, 2021 through November 30, 2025, EPA alleges that Respondent failed to design and maintain a safe facility, taking such steps as were necessary to prevent a release of an extremely hazardous substance, in violation of the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

**COUNT III – FAILURE TO MINIMIZE THE CONSEQUENCES
OF ACCIDENTAL RELEASES THAT MIGHT OCCUR**

49. The allegations in paragraphs 1 through 49 are hereby realleged and incorporated herein by reference.

50. Pursuant to the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances (including anhydrous ammonia) have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to, among other things, minimize the consequences of any accidental releases that do occur.

51. Industry standards and guidelines for minimizing the consequence of an accidental release from ammonia refrigeration systems are found, among other places, in the industry standards referenced in Attachment A. They include emergency planning and preparedness measures, as well as design and maintenance measures to minimize the severity and duration of releases that do occur.

52. The recommended industry practice and standard of care for emergency response planning at ammonia refrigeration systems of this size is to, *inter alia*, design and implement an emergency response plan that specifically addresses release scenarios developed

from hazard analyses and facility-based knowledge, identifies emergency response equipment and its whereabouts, includes communication with and involvement of emergency planning and response officials, incorporates accident training for employees, and involves conducting periodic exercises to ensure that the plan is adequate to address emergency scenarios. EPA's GDC Guidance at 16-18. The ammonia refrigeration industry has developed standards and guidelines for emergency planning purposes. For example, Chapter 7 of Standard 9: Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems ("ANSI/IIAR 9") provides that refrigeration facilities should provide directions for the emergency shutdown of the system at a location that is readily accessible to trained refrigeration system staff and trained emergency responders. Such documentation should include, among other items, instructions with details and steps for shutting down the system in an emergency, the name and telephone numbers of the refrigeration operating and maintenance staff, the names and telephone numbers of all local, state, and federal agencies to be contacted as required in the event of a reportable incident, the quantity of ammonia in the system, and emergency facility contact title and phone number to call in the event of an alarm or ammonia release. IIAR 9-2020, Chapter 7.

53. The instances in which EPA alleges that Respondent failed in its general duty to minimize the consequences of a release should one occur are listed in Attachment A, which is incorporated by reference into this CAFO. They include, for example, failure to isolate HPR from other occupied areas in the facility; failure to provide signage limiting access to that room; failure to provide mechanical ventilation in HPR room; failure to provide Audio/Visual alarms outside the HPR room; failure to label emergency isolation valve or make emergency isolation

valves (king valves) readily accessible from floor level; inadequate signage and labeling on ammonia-containing equipment; unsealed pipe penetrations in the wall of the AMR.

54. Examples of industry standards associated with each instance in which Respondent failed in its general duty to minimize the consequences of a release (identified in Attachment A) demonstrate that the hazard is recognized by the ammonia refrigeration industry and that the industry has identified a standard means by which Respondent could have eliminated or reduced the hazard. Further, Attachment A identifies, for each condition, how the failure to address the hazard could lead to or exacerbate a release of anhydrous ammonia and cause harm.

55. Accordingly, from at least February 1, 2021 through November 30, 2025, EPA alleges that Respondent failed to minimize the consequences of an accidental release of an extremely hazardous substance should one occur, in violation of the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

V. TERMS OF SETTLEMENT

56. For the purpose of this proceeding, as required by 40 C.F.R. §§ 22.18(b)(2) and 22.34 and CAA Section 113(d)(2)(A), 42 U.S.C. § 7413(d)(2)(A), Respondent:

- a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. Neither admits nor denies the specific factual allegations contained in this CAFO;
- c. Consents to the assessment of a civil penalty as stated below;
- d. Consents to the issuance of any specified compliance or corrective action order;
- e. Consents to the conditions specified in this CAFO;
- f. Consents to any stated Permit Action;

- g. Waives any right to contest the alleged violations of law set forth in Section IV of this CAFO and its right to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A); and
 - h. Waives its right to appeal the Final Order accompanying this Consent Agreement.
57. For the purpose of this proceeding, Respondent also:
- a. Agrees that this CAFO states a claim upon which relief can be granted against Respondent;
 - b. Acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - c. Waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
 - d. Consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of Maine;
 - e. Waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an

additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

- f. Waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

58. Respondent certifies to the best of its knowledge based upon reasonable belief that it has corrected the violations alleged in this CAFO and is currently in compliance with the General Duty Clause at the Facility. Respondent further certifies that its compliance at the Facility includes compliance with ANSI/IIAR Standard 9.

59. Pursuant to Sections 113(a)(3)(A), (d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(a)(3)(A), (d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria, the applicable penalty policies, EPA has determined that it is fair and proper to assess a civil penalty of **\$207,141** for the violations alleged in this matter. Respondent consents to the issuance of this CAFO and consent for purposes of settlement to pay the penalty cited in paragraph 61 below.

Penalty Payment

60. Respondent agrees to:
- a. pay a civil penalty in the amount of **\$207,141** (“Assessed Penalty”) within thirty calendar (30) days of the Effective Date of this CAFO.
 - b. pay the EPA Penalty using any method, or combination of methods, provided on the websites <https://www.epa.gov/financial/additional-instructions-making->

[payments-epa](#) and <https://www.epa.gov/financial>, and identifying every payment with “Docket No. CAA-01-2026-0024.” **Do not pay the penalty until receiving a copy of the fully executed CAFO.**

61. When making a payment, Respondent shall, concurrently with any payment or within 24 hours of any payment, serve proof of such payment to the following person(s):

Huddy Grandy
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
grandy.harinarayan@epa.gov

and

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
santiago.wanda@epa.gov

and

R1_Hearing_Clerk_Filings@epa.gov

and

EPA’s finance office at CINWD_AcctsReceivable@epa.gov.

62. “Proof of payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with “Docket No. CAA-01-2026-0024” and Respondent’s name.

63. **Interest, Charges, and Penalties on Late Payments.** Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance

of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

64. **Tax Treatment of Penalties**. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

65. **Late Penalty Actions**. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

66. **Tax ID Number.** Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides

the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at chalifoux.jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

VI. ADDITIONAL PROVISIONS

67. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties and approval of the

Regional Judicial Officer.

68. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

69. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

70. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative(s) of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents.

71. By signing this CAFO, the Respondent agrees that its obligations under this CAFO and EPA's compromise of statutory maximum penalties constitute sufficient consideration for the other party's obligations.

72. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

73. Complainant and Respondent, by entering into this CAFO, each consent to accept digital signatures hereupon. The parties acknowledge that electronic signatures carry the legal effect, validity, or enforceability of handwritten signatures. Respondent further

consents to accept electronic service of the fully executed CAFO, by e-mail, at Drysdale.Michael@dorsey.com and tim.mcgraw@michaelfoods.com. Respondent understands that these e-mail addresses may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

VII. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

74. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.

75. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113(d) of the CAA for the violations alleged herein. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law.

76. The civil penalty provided under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as

penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

77. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

78. 69. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

79. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

80. EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA, and EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

81. This CAFO in no way relieves Respondent or its employees of any criminal

liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

82. Each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

VIII. EFFECTIVE DATE

83. Respondent and Complainant agree to issuance of the attached Final Order. EPA will electronically transmit a copy of the filed CAFO to Respondent upon filing. EPA will also forward a copy of this CAFO to the State air pollution control agency upon issuance. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

The foregoing Consent Agreement, *In the Matter of Pineland Farms Potato Company, Inc.*, Docket No. CAA-01-2026-0024, is hereby stipulated, agreed, and approved for entry.

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:

JAMES CHOW

Digitally signed by JAMES CHOW
Date: 2026.09.28 14:14:43 -04'00'

Date: _____

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1

The foregoing Consent Agreement, *In the Matter of Pineland Farms Potato Company, Inc.*, Docket No. CAA-01-2026-0024, is hereby stipulated, agreed, and approved for entry.

FOR PINELAND FARMS POTATO COMPANY, INC.:

Signed by:

Todd Sylvester

B44B6171EE41467...

Date: September 25, 2026

Pineland Farms Potato Company, Inc.

Printed Name: Todd Sylvester

Title: VP of Tax

Address: 9350 Excelsior Blvd, Ste 300, Hopkins, MN 55343

Respondent's Federal Tax Identification Number: 27-3173851

Docusign Envelope ID: 5C375FAD-7C0E-8C27-8393-3848E0C4B309

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of EPA's Consolidated Rules of Practice; Sections 113(d)(1) and (d)(2)(B) of the Clean Air Act, 42 U.S.C. §§ 7413(d)(1) and (d)(2)(B), the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Consent Agreement, in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

Date: _____

**MICHAEL
KNAPP**

Digitally signed by
MICHAEL KNAPP

Date: 2026.09.29
09:46:32 -04'00'

Michael J. Knapp
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

Attachment A:
Recognized and Generally Accepted Good Engineering Practices
Pineland Farms Potato Company

The following table presents the Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) associated with the CAA Section 112(r) and EPCRA Sections 302-312 areas of concern identified by the EPA inspection team at the Pineland Farms Potato Company facility located in Mars Hill, Maine. In collaboration with the American National Standards Institute, the International Institute of Ammonia Refrigeration (“IIAR”) has issued and updates, among others, Standard 2: *Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems* (“ANSI/IIAR 2”); Standard 4: *Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems* (“ANSI/IIAR 4”), Standard 5: *Start-up and Commissioning of Closed Circuit Ammonia Refrigeration Systems* (“ANSI/IIAR 5”); Standard 6: *Standard for Testing, Inspection, and Maintenance of Closed-Circuit Ammonia Refrigeration Systems* (“ANSI/IIAR 6”); Standard 7: *Developing Operating Procedures for Closed-Circuit Ammonia Mechanical Refrigerating Systems* (“ANSI/IIAR 7”); and Standard 9: *Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems* (“ANSI/IIAR 9”), *inter alia*, along with other applicable standards and guidance. Bulletins and guidance include, without limitation, IIAR Bulletin No. 114, *Guidelines for Identification of Ammonia Refrigeration Piping and Components* (1991, most recently updated in 2018) (“IIAR Bull. 114”); IIAR Bulletin No. 116, *Guidelines for Avoiding Component Failure in Industrial Refrigeration Systems Caused by Abnormal Pressure or Shock* (1992) (“IIAR Bull. 116”); and the Ammonia Refrigeration Management Program (2005, most recently updated in 2019) (“IIAR ARM Program”), which is intended to provide streamlined guidance to systems that have less than 10,000 pounds of ammonia. Also in collaboration with the American National Standards Institute, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (“ASHRAE”) has issued (and updates) “Standard 15: Safety Standard for Refrigeration Systems.” These standards are consistently relied upon by refrigeration experts and are often incorporated into state building and mechanical codes. The chart cites to the standards of care that were in effect in 2023, when the last major upgrades to the Facility prior to the inspection were performed.

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
1 There was no door to the high-pressure receiver room ("HPR room") to restrict and separate air flow from or to other occupied areas of the Facility.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	In the event of an ammonia release inside the HPR room, the failure to have tight-fitting, sealed doors risk the spread of ammonia vapors outside the room to other areas of the facility. The lack of a door also risks unauthorized people from inadvertently accessing the HPR and causing a release. The HPR typically holds the most ammonia of any equipment in an ammonia refrigeration system.	ANSI/IIAR-2 (2021), Section 6.2.1 ("The machinery room shall be separated from the remainder of the building by tight-fitting construction having a one-hour fire-resistance rating. Doors shall comply with Section 6.10."); Section 6.2.5 ("Air shall not flow to or from any portion of a premises that is routinely accessible to or occupied by people on a part-time or full-time basis through a machinery room unless the air is ducted and sealed to prevent ammonia leakage from entering the airstream. Access doors and panels in ductwork and air-handling units located in a machinery room shall be gasketed and tight-fitting."); ANSI/IIAR-9 (2020), Section 7.3.2.1 ("The machinery room shall be separated from the remainder of the building by tight-fitting construction. Doors shall comply with Section 7.3.9.2.").
2 The HPR room was not marked with a permanent sign to indicate that only authorized personnel are permitted to enter the room.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Not restricting access to the HPR room could result in unauthorized personnel accessing the equipment and being exposed to any ammonia releases from the equipment. Manipulation of various system components could increase the chance of an accidental ammonia release.	ANSI/IIAR-2 (2021), Section 6.3.3 ("Access to a machinery room shall be restricted to authorized personnel. Signage on machinery room doors shall comply with Section 6.15."); Section 6.15.3 ("Each machinery room entrance door shall be marked with a permanent sign to indicate that only authorized personnel are permitted to enter the room."). ANSI/IIAR-9 (2020), Section 7.2.9.1.3 (same); Section 7.3.3.4 ("Access to a machinery room shall be restricted to authorized personnel. Signage on machinery room doors shall comply with Section 7.2.9.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
3 The HPR room did not contain any mechanical ventilation for normal operation or emergency operation.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Without adequate ventilation, vapors are more likely to build up to levels that are significant inhalation and dermal hazards or that risk causing fire or explosion. The buildup of dangerous levels of toxic/flammable vapors in a machinery room can thus delay the entry of emergency response personnel to shut off the system, resulting in a prolonged release.	ANSI/IIAR-2 (2021), Section 6.14.3 ("Machinery rooms shall be vented to the outdoors by means of a mechanical exhaust ventilation system."); <i>see eg.</i>, Sections 6.14.6, 6.14.7; ANSI/IIAR-9 (2020), Section 7.3.13.2 ("Machinery rooms shall be vented to the outdoors by means of a mechanical exhaust ventilation system at a rate that complies with the codes and standards adopted at the time of installation or at the time that there was an addition or modification that would affect the emergency ventilation rate.")
4 The Facility did not post National Fire Protection Association (NFPA) signage on the doors into the facility to indicate the presence of ammonia.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	A lack of signs about the hazards posed by chemicals in a space increases the chance of inadvertent exposure to ammonia releases and could frustrate effort to react quickly and properly during an ammonia release. Coupled with the lack of signs to warn unauthorized personnel from entering the room containing the high-pressure receiver, this failure could also lead to a release from employees' lack of care around the ammonia-containing equipment.	ANSI/IIAR 2-2021, § 6.15.1 (A NFPA 704 placard shall be provided...on or next to all doors through which a person can enter the machinery room.); ANSI/IIAR 9-2020, § 7.2.9.1 (Buildings and facilities with refrigeration systems shall be provided with placards in accordance with NFPA 704.); NFPA 1-2021 § 53.2.4.1 (Refrigeration units or systems shall be provided with approved hazard identification signs in accordance with NFPA 704, among other information.); NFPA 704-2022 § 4.3 (As a minimum, signs shall be posted at the following locations: (1) Two exterior walls or enclosures containing a means of access to a building or facility, (2) Each access to a room or area, (3) Each principal means of access to an exterior storage area.).

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
5 The primary and secondary door to the Ammonia Machine Room (AMR) were not tight-fitting and not equipped with panic hardware, and the glass panel in the door leading to AMR was not heat and impact resistant. The secondary door to the AMR contained permanently open vents allowing airflow between the AMR and the facility hallway.	Failure to minimize the consequences of releases which do occur.	In the event of an ammonia release inside the ammonia machine room, the failure to have tight-fitting, sealed doors risk the spread of ammonia vapors outside the room. Also, it is more difficult for employees to escape when the doors do not have panic hardware.	ANSI/IIAR-2 (2021), Section 6.2.5 ("Air shall not flow to or from any portion of a premises that is routinely accessible to or occupied by people on a part-time or full-time basis through a machinery room unless the air is ducted and sealed to prevent ammonia leakage from entering the airstream;"); Section 6.10.2 ("Machinery doors shall be self-closing and tight-fitting. Doors that are part of the means of egress shall be equipped with panic hardware..."); ANSI/IIAR-9 (2020), Sections 7.3.2.1 ("The machinery room shall be separated from the remainder of the building by tight-fitting construction;"); Section 7.3.2.5 ("Air shall not flow to or from any portion of a premises that is routinely accessible to or occupied by people on a part-time or full-time basis through a machinery room unless the air is ducted and sealed to prevent ammonia leakage from entering the airstream"); and 7.3.9.2 ("Machinery room doors shall be self-closing and tight fitting. Doors that are part of the means of egress shall be equipped with panic hardware...").

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
6 No emergency shutdown procedures or Piping and Instrumentation Diagram (P&ID) were readily accessible to the AMR. The refrigeration system did not contain a permanent sign, readily accessible, indicating the name and contact information for whom to contact in an emergency, the maximum intended inventory of ammonia in the system, the type of refrigerant compressor oils, or the lowside and highside design pressures.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Providing readily accessible shutdown instructions and schematic drawings assists workers and responders by showing where critical shutoff valves are located and how to access them. During a release event, easy access to emergency shutdown instructions can facilitate a quicker response time and reduce the duration and severity of an accidental release. Missing shutdown instructions frustrate efforts to respond quickly in the event of a release. This information provides critical information to those who are maintaining the system or responding to an emergency.	ANSI/IIAR-2 (2021), Section 5.14.1.1 ("Signage or schematic drawings for each system containing more than 22 lbs of ammonia shall be posted at a location that is readily accessible to trained refrigeration staff and trained emergency responders. Schematic drawings or signage shall include . . . 1. instructions with details and steps for shutting down the system in an emergency; 2. The contact information for whom to contact in an emergency; 3. Maximum intended inventory of ammonia in the system; 4. Type of refrigerant compressor oil(s); 5. Lowside and highside design pressures."); ANSI/IIAR-9 (2020), Section 7.2.10 ("It shall be the duty of the person in charge of the premises at which the refrigeration system is installed to provide directions for the emergency shutdown of the system at a location that is readily accessible to trained refrigeration system staff and trained emergency responders").

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
7 Multiple drums of ammonia waste oil were stored inside of the AMR in close proximity to the electrical panel, without proper secondary containment, and at least one drum was open.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Exacerbates risk of fire or explosion, which could cause an ammonia release or make an ammonia release more dangerous. Ammonia is flammable at certain concentrations.	ANSI/IIAR-2 (2021), Section 6.4 ("Combustible materials or flammable liquids shall not be stored in machinery rooms outside of approved fire-rated storage containers"); ANSI/IIAR-9 (2020), Section 7.3.4 ("Combustible materials shall not be stored in machinery rooms outside of approved fire-rated storage containers"). NFPA 1-2021 § 53.3.1.3.1 (Flammable and combustible materials shall not be stored in refrigeration machinery rooms except for incidental materials necessary for the safe and proper operation of the system.).
8 The Emergency Eye Wash Shower Station was inside the AMR was obstructed by drums and trash bin, and the Emergency Eyewash Shower station in the hallway, which was set back from the hallway, was not clearly identified as to its location.	Failure to minimize the consequences of releases which do occur.	Makes it difficult for emergency responders and workers to wash off this corrosive, toxic chemical in the event of exposure.	ANSI/IIAR-2 (2021), Section 6.7.1.2 ("The path of travel within the machinery room to at least one eyewash/safety shower unit shall be unobstructed and shall not include intervening doors;") ANSI/IIAR-9 (2020), Section 7.3.7.2 ("The path of travel within the machinery room to at least one eyewash/safety shower unit shall be unobstructed and shall not include intervening doors;") ANSI/ISEA Z358.1, Section 4.5.3 ("It is the installer's responsibility to ensure that emergency showers shall . . . be located in an area identified with a highly visible sign positioned so the sign shall be visible within the area served by the emergency shower. The area around the emergency shower shall be well-lit.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
9 An ammonia pipe in the AMR was not plugged, capped or locked closed when it was not in use.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	If an ammonia pipe is not capped and a valve is mistakenly opened, ammonia will flood the room, which would exacerbate the risks of an explosion and toxic exposure to workers and first responders, particularly if a person is in near proximity to the pipe. Lock out/tag out procedures inform employees when a pipe was locked out and by whom, and the purpose of these procedures is to control the flow of ammonia and prevent its uncontrolled release.	ANSI/IIAR-2 (2021), § 13.3.2.6 ("Shut-off valves connecting ammonia-containing equipment or piping to atmosphere shall be capped, plugged, blanked, or locked closed during shipping, testing, operating, servicing, or standby conditions when they are not in use."); ANSI/IIAR 6-2019, Table 11.1 (piping), Inspection item (I) (calling for regular inspections to verify all piping system openings, except relief discharge termination points, are plugged, capped, or locked closed with appropriate administrative controls).
10 Unsealed pipe penetrations were present in the wall of the AMR.	Failure to minimize the consequences of releases which do occur.	In the event of an ammonia release inside the ammonia machine room, the failure to have sealed pipe penetrations and a fully sealed room risks the spread of ammonia vapors outside the room and risks the spread of fire explosion. Ammonia is explosive at certain concentrations.	ANSI/IIAR-2 (2021), Section 6.6.2 ("Pipes penetrating the machinery room separation shall be sealed to the walls, ceiling, or floor through which they pass in accordance with Section 6.2.1. Where Section 6.2.1 requires that the separation have a fire rating, pipe penetrations shall be fire stopped in accordance with the building code."); ANSI/IIAR-9 (2020), Section 7.3.6.2 ("Pipes penetrating the machinery room envelope shall be sealed to walls, ceilings, or floors through which they pass to prevent leakage of ammonia vapor to adjoining spaces and to maintain the fire rating of the machinery room envelope.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
11 Open electrical wires, not properly sealed inside electrical boxes, were coiled on the wall inside the AMR.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Exacerbates risk of fire or explosion. Ammonia is flammable at certain concentrations.	ANSI/IIAR-2 (2021), Section 5.16.8 ("Electrical equipment and wiring shall be installed in accordance with the electrical code.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
12 Some of the ammonia piping in the AMR, ammonia piping off of the surge drum for the line 2 spiral freezer, and ammonia piping behind the condensers, lacked pipe labels to indicate the contents and direction of flow. Pipe labels to indicate the contents and direction of flow for the ammonia piping on the roof were faded and illegible. The Facility utilized inconsistent colors (Yellow, Orange, and Grey) to identify the ammonia system piping.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	The lack of proper pipe labeling makes it more difficult to properly maintain system, increases chance of accidental release of ammonia, and could frustrate efforts to respond quickly in the event of a release.	ANSI/IIAR-2 (2021), Section 5.14.5 (Requiring ammonia piping mains, headers, and branches to be identified with the word "ammonia," and the physical state of the ammonia, relative pressure level of ammonia, pipe service, and direction of flow); ANSI/IIAR-2 (2021) Appendix Q, Section 4.1 ("Piping markers in accordance with this guideline, are designed to identify the refrigerant contained within that piping segment (i.e., ammonia including the physical state of the refrigerant, relative pressure level of the refrigerant and direction of flow"); Appendix Q, Section 7.2 (piping should follow a consistent color scheme either recommended by Appendix Q or developed and documented by the facility); ANSI/IIAR-9 (2020), Section 7.2.9.4 (Requiring ammonia piping mains, headers, and branches to be identified with the word "ammonia," and the physical state of the ammonia, relative pressure level of ammonia, pipe service, and direction of flow).

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
13 The facility did not have a system to provide uninterrupted power to the ammonia detection system or emergency ventilation in case of loss of power.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	In the event of a power loss, if the ammonia detection system is not powered then the emergency ventilation will not be activated. Likewise, if the emergency ventilation system is not powered then it will not activate in the event of a release. Ammonia would remain trapped in the room at increasing concentrations, creating a risk of explosion, delaying emergency response, endangering first responders and workers, and causing a greater release.	ANSI/IIAR-2 (2021), Section 16.1.4 ("A means shall be provided for monitoring the concentration of an ammonia release in the event of a power failure for all systems where leak detection is required in accordance with this standard"); <i>also see</i> Section 6.14.7.4 ("Emergency ventilation shall be powered independently of the equipment within the machinery room and shall continue to operate regardless of whether emergency shutdown controls for the machinery room have been activated.") ANSI/IIAR-9 (2020), Section 7.3.12.3 ("The power supply for the ammonia detectors and alarms shall be a dedicated branch circuit. In the event of a loss of power on other circuits or an emergency shutdown of refrigeration equipment, the ammonia detection and alarm system shall remain on. In the event of a loss of power to the ammonia detection and alarm system, a power failure trouble signal shall be sent to a monitored location.")
14 The rooftop condensers had only one way on and off, and some of the egress ladders were blocked. Additionally, there was only one means of egress from the roof of the facility.	Failure to minimize the consequences of releases which do occur.	Two means of egress is required to allow for the immediate evacuation of a roof without exposure to ammonia released from rooftop piping. Two means of egress is also necessary to access the roof to secure a leak without coming into proximity with the leak.	ANSI/IIAR-2 (2021), Section 5.16.6 ("Means of egress shall comply with the building code"); Int'l Bldg Code § 1006.3.1 (2015), adopted and incorporated into the Maine Uniform Building and Energy Code (requiring a minimum of two exits from a roof with an occupant load of 1-500 occupants).

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
15 No Audio and Visual alarms were observed outside the room that held the HPR.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Ammonia alarms provide early warning that a release is taking place, enabling quick response and protecting workers, first responders, and the public from a larger release. Properly siting and identifying ammonia alarms enables employees and responders to determine what chemical is being released and helps distinguish between an ammonia release and a fire.	ANSI/IIAR-2 (2021), Section 6.13.1.2 ("Audible and visual alarms shall be provided inside the room to warn that access to the room is restricted to authorized personnel and emergency responders when the alarm has activated. Additional audible and visual alarms shall be located outside of each entrance to the machinery room.") ANSI/IIAR-9 (2020), Section 7.3.12.3 ("Additional audible and visual alarms shall be located outside of each entrance to the machinery room.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
16 The ammonia Emergency Audio/Visual Alarms inside of the HPR room, AMR, hallway, and near the spiral freezer were not labeled or not properly labeled.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	Ammonia alarms provide early warning that a release is taking place, enabling quick response and protecting workers, first responders, and the public from a larger release. Properly identifying ammonia alarms enables employees and responders to determine what chemical is being released and helps distinguish between an ammonia release and a fire. Inadequate labelling of alarms increases the chance of inadvertent exposure to ammonia releases and could frustrate effort to react quickly and properly during an ammonia release. Additionally, this could create confusion among employees and emergency response personnel as to the reason for the alarm resulting in inadvertent exposure to ammonia.	ANSI/IIAR-2 (2021), Section 17.6 ("Ammonia leak detection alarms shall be identified by signage adjacent to visual and audible alarm devices."); ANSI/IIAR-9 (2020), Section 7.3.12.6 (same).

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
17 Piping was used to support other piping near the HPR.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.	Lack of adequate piping supports can weaken piping to the point where it fails, causing a release.	ANSI/IIAR-2 (2021), Section 13.4.1 ("Piping hangers and supports shall carry the weight of the piping and any additional expected loads."); Section 13.4.2 ("Refrigerant piping shall be isolated and supported to prevent damage from vibration, stress, corrosion, and physical impact."); ANSI/IIAR-9 (2020), Sections 7.2.7.1 ("Piping, tubing, and equipment shall be supported to prevent excessive vibration and movement."); Section 7.3.2.2 ("Piping supports shall carry the weight of the piping system including contents and insulation; if necessary, provide sway bracing to minimize vibration.")
18 HPR piping and sight glass were not protected against impacts and bumps.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.	Lack of adequate bump protection increases risk of ammonia release from accidental damage to system components.	ANSI/IIAR-2 (2021), Section 7.2.4 ("Where ammonia equipment is installed in a location subject to physical damage from powered vehicles normally operating in the area, guarding or barricading shall be provided."); Section 12.6.2 ("Physical protection shall comply with Section 7.2.4."); Section 16.2.2 ("Visual liquid level indicators used to observe ammonia level, such as in a vessel or heat exchanger, shall be designed and specified for installation in a manner that provides protection from physical damage."); ANSI/IIAR-9 (2020), Section 7.2.12.1 ("Where ammonia-containing equipment is installed in a location subject to physical damage, guarding or barricading shall be provided.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
19 The Emergency Isolation Valves (i.e., "King Valves") associated with the HPR could not be readily accessed from the floor.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases. Failure to minimize the consequences of releases which do occur.	The use of this valve provides responders a means to isolate a large quantity of ammonia during a release situation. Any impediment to its use can lengthen the time of a release, endangering workers, emergency responders, and people off-site. Platforms or chains used to operate valves that are out of reach from ground level are necessary and aid first responders.	ANSI/IIAR-2 (2021), Section 5.12.5.2 ("Manually operated isolation valves identified as being part of the system emergency shutdown procedure shall be directly operable from the floor or by use of a chain or a remote-actuated manual operator that is operated from a permanent work surface. Accessibility and clearance to operate the valves while wearing emergency response personal protective equipment shall be provided.") ANSI/IIAR-9 (2020), Section 7.3.3.3 ("1) Manually operated valves that are inaccessible from floor level shall be operable from portable platforms, fixed platforms, ladders, or shall be chain operated 2) Manually operated isolation valves identified as being part of the system emergency shutdown procedure shall be directly operable from the floor or chain operated from a permanent work surface.")
20 The ammonia relief header piping was directed downward towards the roof of the facility.	Failure to minimize the consequences of releases which do occur.	Improperly placed discharge reliefs can result in ammonia being sprayed on people during a release, further exacerbating the consequences of a release.	ANSI/IIAR-2 (2021), Section 15.5.1.5 ("The termination of the discharge shall be directed upward and arranged to avoid spraying ammonia on persons in the vicinity.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
21 One of the condenser tops that could be observed was damaged; condenser labeling was damaged or missing.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.	Lack of equipment inspection and maintenance can create risk of equipment breakdown, leading to a release.	ANSI/IIAR-2 (2021), Section 5.14.3 ("Refrigeration equipment shall be uniquely labeled in a manner consistent with system documentation"); <i>see also</i> Section 10 (explaining nameplate data required for condensers, including manufacturing information, design pressure, direction of fan rotation, and electric motor power and supply); ANSI/IIAR-6, Table 8.1 (Requiring inspection and verification that condenser fans, shrouds, and hubs are all in place and have no signs of excessive degradation); ANSI/IIAR-9 (2020) Section 7.2.9.2 ("Refrigeration equipment shall be provided with labels indicating the equipment's name or identifier.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
22 Ice build-up was observed on the piping and valves associated with Recirculator PR-1, blocking operation of critical valves.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.	Ice buildup can obscure and valves and weigh down components, risking collapse and ammonia release and making it difficult or impossible to turn off components. It also exposes pipes to moisture, which can cause corrosion and pipe failure. NDT on vessels, high-pressure liquid piping, and piping relief vents can determine the extent of identified deficiencies.	ANSI/IIAR-6, Section 5.6.8 ("Equipment and piping shall be kept free from excessive ice buildup. 5.6.8.2 Ice buildup shall not interfere with the operation of emergency shut-off valves."); ANSI/IIAR-2 (2021), Section 5.10.1 ("Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate effects of condensation and excessive frost buildup to a level that interferes with valve operation or creates damage to piping, equipment or supports. EXCEPTIONS: 2. Piping and fittings constructed of corrosion-resistant materials or protected with a corrosion-resistant treatment shall be permitted to be uninsulated if they are routinely defrosted or are otherwise managed to limit ice accumulation.") ANSI/IIAR-9 (2020), Section 7.2.6.1 ("Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate condensation and excessive frost buildup where the surface temperature is below the dew point of the surrounding air during normal operation and in an area where condensation and frost could develop and become a hazard to occupants or cause damage to the structure, electrical equipment, or refrigeration system.")

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm	Examples of Industry Standards of Care, Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard
23 Insulation on the ammonia piping on the roof of the facility was either damaged or missing. The ammonia piping from the condensers displayed multiple areas of surface corrosion and flaking paint.	Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.	Corrosion can weaken piping and vessels to the point where it fails, causing a release. Risks release of ammonia from system components if corrosion continues to point of failure.	ANSI/IIAR-2 (2021), Section 5.10.1 ("Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate effects of condensation and excessive frost buildup to a level that interferes with valve operation or creates damage to piping, equipment or supports."); ANSI/IIAR-6 (2019), Section 5.6.8 ("Equipment and piping shall be kept free from excessive ice buildup."); ANSI/IIAR-6 (2019), Section 11.1.1 ("Where pitting, surface damage, general corrosion, or a combination thereof, is visually observed on a metal surface of the piping, deficient areas shall be further evaluated per Sections 11.1.1.1 – 11.1.1.3."); ANSI/IIAR-9 (2020), Section 7.2.6.1 ("Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate condensation and excessive frost buildup where the surface temperature is below the dew point of the surrounding air during normal operation and in an area where condensation and frost could develop and become a hazard to occupants or cause damage to the structure, electrical equipment, or refrigeration system.")