



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2018-0356
This ESA is issued to: Jdb, Inc.
380 South Pacific Highway
Woodburn, Oregon 97071

RECEIVED

18 SEP 17 AM 11:15

HEARINGS CLERK
EPA - REGION 10

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 Jdb, Inc. ("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 December 9, 2016, 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 **\$4,200**.

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 \$4,200 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

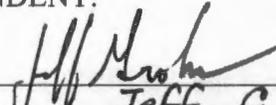
Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk, and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the CAA referenced in the Summary. EPA does not waive its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

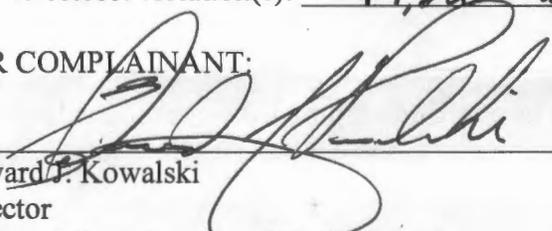
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): Jeff Grohs
Title (print): President + CEO
Cost to correct violation(s): \$4,200 - USD

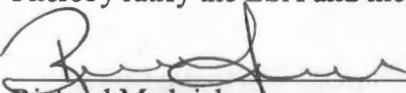
Date: 9/5/18

FOR COMPLAINANT:


Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 9/14/2018

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


Richard Mednick
Regional Judicial Officer

Date: 9/16/18



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: BrucePac	<input checked="" type="checkbox"/> PRIVATE # EMPLOYEES: 350	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL POPULATION SERVED: Click here
FACILITY LOCATION: 380 S Pacific Highway, Woodburn, Oregon 97071	INSPECTION START DATE AND TIME: March 21, 2018 – 08:30	
MAILING ADDRESS: 380 S Pacific Highway, Woodburn, Oregon 97071	INSPECTION END DATE AND TIME: March 21, 2018 – 15:35	
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Mark Witte, Director of Mechanical Systems, (503) 871-3383	EPA FACILITY ID# 1000 0019 7342	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Jeff Grohs, President & CEO Mark Witte, Director of Mechanical Systems Jacob de Soto, Director of HR & Safety Paul Geck, Maintenance Manager Keith Beckman, Environmental Manager Jesus Barboza, Vice President of Operations	INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Bob Hales, US EPA SEE Grantee, Lead RMP Inspector, 206-553-4090 Erin Williams, US EPA, RMP Inspector Terry Garcia, US EPA SEE Grantee, RMP Inspector Peter Phillips, US EPA SEE Grantee, RMP Inspector Maren Fulton, Ecology and Environment, Inc., EPA START Contractor	
	INSPECTOR SIGNATURE 	DATE 8-8-2018

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: 11/13/06	DATE OF LATEST RMP UPDATE: 08/05/14	
1) PROCESS/NAICS CODE: 49312	PROGRAM LEVEL: <input type="checkbox"/> 1	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3
REGULATED SUBSTANCE: anhydrous ammonia	MAX. QUANTITY IN PROCESS (lbs.): 26,550	

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.

Four EPA representatives and an EPA contractor inspected the BrucePac facility on March 21, 2018. Based upon this inspection the BrucePac facility is in violation of the following risk management program elements:

- Process Safety Information:** The BrucePac facility's process safety information does not contain relief system design and design basis, as required in 40 CFR 68.65(d)(1)(iv). Relief systems design and design basis information was not found during the RMP inspection. One June 5, 2018, BrucePac provided a PermaCold letter dated May 31, 2018 that addresses the ammonia relief valve discharge piping and relief valve sizing.
- Process Hazard Analysis:** The BrucePac facility's Process Hazard Analysis (PHAs) have not been updated or revalidated by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the current process, as required in 40 CFR 68.67(f). BrucePac is updating or revalidating their PHAs every six years. BrucePac has a 2006, 2012 and 2018 on file. BrucePac completed a PHA update or revalidation on March 20, 2018 prior to the inspection.

Operating Procedures:

- The BrucePac facility written operating procedure that addresses emergency shutdown, including conditions under which emergency shutdown is required did not the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, as required in 40 CFR 68.69(a)(1)(iv). The written operating procedures did not assign qualified operators to the emergency shutdown process. On March 29, 2018, BrucePac provided a revised EOP-4, Emergency Shutdown for Rooms, dated March 28, 2018 that assigns a qualified operator for an emergency shutdown.

DESCRIPTION OF ALLEGED VIOLATIONS (Cont'd)

4. The BrucePac facility has not developed and implemented written operating procedure that addresses startup following a turnaround, or after an emergency shutdown, as required in 40 CFR 68.69(a)(1)(vii). BrucePac was unable to produce startup procedures following a turnaround, or after an emergency shutdown during the inspection.
5. The BrucePac facility's written operating procedures do not address the consequences of deviation, as required in 40 CFR 68.69(a)(2)(i). The consequences of deviation are filed in Process Safety Information (PSI) at time of inspection, but is not referenced in the Standard Operating Procedures (SOPs) for the operator. On March 29, 2018, BrucePac provided a revised EOP-4, Emergency Shutdown for Rooms, dated March 28, 2018 referencing Section 2 PSM File for consequences of deviation.
6. The BrucePac facility's written operating procedures do not address steps required to correct or avoid deviation for the operating limits, as required in 40 CFR 68.69(a)(2)(ii). The steps required to correct or avoid deviation is filed in Process Safety Information (PSI) at time of inspection, but are not referenced in the Standard Operating Procedures (SOPs) for the operator. On March 29, 2018, BrucePac provided a revised EOP-4, Emergency Shutdown for Rooms, dated March 28, 2018 referencing Section 2 PSM File for consequences of deviation.
7. The BrucePac facility's written operating procedure did not include precautions necessary to prevent exposure, including engineering controls, administrative controls and personal protective equipment, as required in 40 CFR 68.69(a)(3)(ii). No information found in operating procedures during the RMP inspection regarding authorized access only to refrigeration equipment to prevent exposure as an administrative control.
8. The BrucePac facility's written operating procedures did not address safety systems and their functions, as required in 40 CFR 68.69(a)(4). The safety systems and their functions is filed in Process Safety Information (PSI) at time of inspection, but is not referenced in the Standard Operating Procedures (SOPs) for the operator.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?

YES

NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1

PROGRAM LEVEL 2

PROGRAM LEVEL 3

OTHER ATTACHMENTS:

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Jdb, Inc. (BrucePac), Docket No.: CAA-10-2018-0356**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

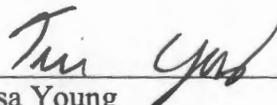
The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, OCE-201
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:

Jeff Grohs, President
Jdb, Inc. (BrucePac)
P.O. Box 588
380 South Pacific Highway
Woodburn, Oregon 97071

DATED this 17 day of September, 2018



Teresa Young
Regional Hearing Clerk
EPA Region 10