



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, I
REGION 7
11201 RENNER
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2016 SEP -6 AM 9:41

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2016-0030

This ESA is issued to: Air Products Manufacturing Corporation

At: 6601 South Ridge Road, Haysville, Kansas 67060

for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA) and Air Products Manufacturing Corporation (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(B)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air, and Waste Management Division. The Respondent is Air Products Manufacturing Corporation, 6601 South Ridge Road, Haysville, Kansas 67060.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On March 15, 2016, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 6601 South Ridge Road, Haysville, Kansas 67060, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings (RMP Findings), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the

entire record, the parties enter into the ESA in order to settle the violations, described in the enclosed RMP Findings, for the total penalty amount of **\$1,800**.

This settlement is subject to the following terms and conditions:

The 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 RMP Findings, and consents to the assessment of the penalty as stated above. Respondent waives its rights 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 the Respondent has corrected the violations listed in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$1,800** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The Docket Number of this ESA is CAA-07-2016-0030, and must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Laura I Brewer
Chemical & Oil Release Prevention Branch
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

A copy of the check must also be sent to:

Kathy M. Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the RMP Findings.

The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the 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 RMP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

R-M III

Date: 8/23/16

Name (print): Ross M. Hufford III

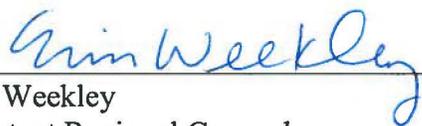
Title (print): Plant Manager
Air Products Manufacturing Corporation

FOR COMPLAINANT:



Becky Weber
Director
Air and Waste Management Division
EPA Region 7

Date: 8/26/16



Erin Weekley
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

Date: 8/31/16

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

Karina Borromeo

Karina Borromeo
Regional Judicial Officer

Date: Sept. 6, 2016

Risk Management Program Inspection Findings
CAA § 112(r) Violations

Air Products Manufacturing Corporation
6601 South Ridge Road
Hayesville, Kansas 67060
Docket No. CAA-07-2016-0030

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Process Safety Information [40 C.F.R. 68.65(c)(1)(iii)] \$300
Air Products Manufacturing Corporation failed to include quantities containing regulated substances purchased for its facility located in disconnected railcars as part of its maximum intended inventory.

Facility addressed this post inspection.

Process Safety Information [40 C.F.R. 68.65(d)(2)] *No penalty assessed*
The owner or operator is required to ensure that equipment complies with recognized and generally accepted good engineering practices. The owner or operator failed to ensure emergency signage is provided to meet industry standards for toxic chemicals, for example as described in ANSI/CGA G-2.1-2014.

Facility addressed this post inspection.

Incident Investigation [40 C.F.R. 68.81(b)] \$600
Air Products failed to investigate incidents within 48 hours following the incident.

How was this addressed: Implemented practice of entering the start date of investigations in our incident tracking system and ensuring that investigation starts within 48 hours of the incident occurrence.

Emergency Response [40 C.F.R. 68.180] \$900
Air Products Manufacturing Corporation failed to correctly report its emergency response procedures in Section 9 of the RMP.

Facility addressed this post inspection.

Executive Summary [40 C.F.R. 68.155(b)] *No penalty assessed*
Air Products Manufacturing Corporation failed to list the names of each of the ten regulated substances processed at its facility in the executive summary of the RMP.

Facility addressed this post inspection.

Total Unadjusted Penalty \$1,800

Calculation of Adjusted Penalty

1st Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for 10 - 100 employees and the row for >10 times the threshold quantity of 10,000 pounds of trimethylamine as listed in 40 C.F.R. Part 68.130 for the amount in a process gives a multiplier factor of 1.0. Therefore, the multiplier for Air Products Manufacturing Corporation = 1.0.

2nd Adjusted Penalty = \$1,800 (Unadjusted Penalty) X 1.0 (Size-Threshold Multiplier)
Adjusted Penalty = \$1,800.

3rd An Adjusted Penalty of \$1,800 would be assessed to Air Products Manufacturing Corporation violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA)

Total Adjusted Penalty

\$1,800

This section must be also be completed and signed by Air Products Manufacturing Corporation:

The approximate cost to correct the above items: \$ ϕ

Compliance staff name: Ross M. Hufford III

Signed: R-M III Date: 8/23/16

IN THE MATTER Of Air Products Manufacturing Corporation, Respondent
Docket No. CAA-07-2016-0030

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

rosado-chaparro.wilfredo@epa.gov

Copy by First Class Mail to Respondent:

Ross Hufford III
Plant Manager
Air Products Manufacturing Corporation
6601 South Ridge Road
Haysville, Kansas 67060

Dated: 9/16/16


Kathy Robinson
Hearing Clerk, Region 7