



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

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**EXPEDITED SETTLEMENT AGREEMENT**

HEARINGS CLERK  
EPA -- REGION 10

SEP 14 2017

U.S. EPA REGION 10  
Office of Compliance and Enforcement

**DOCKET NO:** CAA-10-2017-0161  
**This ESA is issued to:** Leader Creek Fisheries, Inc.  
Mile Marker 3, Alaska Peninsula Highway  
Naknek, Alaska 99663

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 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 Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

**ALLEGED VIOLATIONS**

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary, 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 Summary for the total penalty amount of **\$11,940**.

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 a hearing afforded by Section 113(d)(2)(A) of the Act, 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 Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$11,940 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 the ESA must be included on the check. (The docket number is located at the top of this ESA.)

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

David Magdangal, 112r Program Enforcement Specialist  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900, Mail Stop: OCE-101  
Seattle, Washington 98101

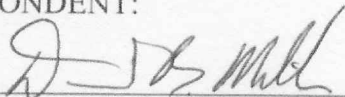
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA 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.

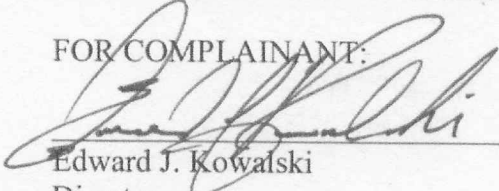
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature:   
Name (print): David B. Miller  
Title (print): General Manager  
Cost to correct violation(s): \$175,000.

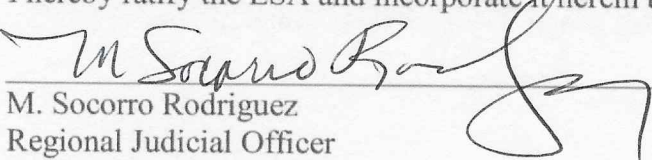
Date: 9-7-17

FOR COMPLAINANT:

  
Edward J. Kowalski  
Director  
Office of Compliance and Enforcement

Date: 9/19/2017

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

  
M. Socorro Rodriguez  
Regional Judicial Officer

Date: 9/21/17





# 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 Leader Creek Fisheries, Inc.		<input checked="" type="checkbox"/> PRIVATE # EMPLOYEES <u>90</u>	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL POPULATION SERVED: _____
FACILITY LOCATION Mile Marker 3, Alaska Peninsula Highway, Naknek, Alaska		INSPECTION START DATE AND TIME: August 13, 2014, 8:30 am	
MAILING ADDRESS 4601 Shilshole Avenue NW, Seattle, WA 98017		INSPECTION END DATE AND TIME: August 13, 2014, 1:00 pm	
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Marty Jacques, General Manager, (907) 469-0670		EPA FACILITY ID# 1000 0021 7712	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) Marty Jacques, General Manager (907) 469-0670		INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Terry Garcia, SEE Grantee RMP Inspector, 206-553-1761 Peter Phillips, SEE Grantee RMP Inspector, 206-553-1757 Bob Hales, SEE Grantee RMP Inspector, 206-553-4090	
		INSPECTOR SIGNATURE <i>Terry Garcia</i>	DATE 8/18/17

### 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? DATE RMP FILED WITH EPA: <u>06/02/2012</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DATE OF LATEST RMP UPDATE: <u>05/01/2015</u>
1) PROCESS/NAICS CODE: <u>311712</u> REGULATED SUBSTANCE: <u>Anhydrous Ammonia</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> MAX. QUANTITY IN PROCESS: <u>17,000 lbs</u>

### 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 inspected the Leader Creek Fisheries, Inc. ("Leader Creek") facility on August 13, 2014. Based upon this inspection the Leader Creek facility is in violation of the following risk management program elements:

- Hazard Assessment (40 C.F.R. § 68.39): Leader Creek failed to provide documentation for the worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate as required by 40 C.F.R. § 68.39(a). During the inspection, Leader Creek was unable to produce documentation.
- Hazard Assessment (40 C.F.R. § 68.39): Leader Creek failed to provide documentation for alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate as required by 40 C.F.R. § 68.39(b). During the inspection, Leader Creek was unable to produce documentation.
- Hazard Assessment (40 C.F.R. § 68.39): Leader Creek failed to provide documentation of the following: estimated quantity released, release rate, and duration of release as required by 40 C.F.R. § 68.39(c); methodology used to determine distance to endpoints as required by 40 C.F.R. § 68.39(d); and data used to estimate population and environmental receptors potentially affected by a release as required by 40 C.F.R. § 68.39(e). During the inspection, Leader Creek was unable to produce documentation.
- Process Safety Information (40 C.F.R. § 68.65): Leader Creek has not documented information pertaining to technology of the process, including safe upper and lower limits for such items as temperatures, pressures, flows, or compositions as required in 40 C.F.R. § 68.65(c)(1)(iv). During the inspection, Leader Creek was unable to produce documentation for safe upper and lower limits.
- Process Safety Information (40 C.F.R. § 68.65): Leader Creek's process safety information for the equipment in the process does not contain the materials of construction as required by 40 C.F.R. § 68.65(d)(1)(i); the electrical classification as required by 40 C.F.R. § 68.65(d)(1)(iii); the relief system design and design basis as required by 40 C.F.R. § 68.65(d)(1)(iv); the ventilation system design as required by 40 C.F.R. § 68.65(d)(1)(v); and the safety systems as required by 40 C.F.R. § 68.65(d)(1)(viii). During the inspection, Leader Creek was unable to produce documentation for the materials of construction, the electrical classification, the relief system design, the ventilation system design, and the safety systems.

**DESCRIPTION OF ALLEGED VIOLATIONS (Cont'd)**

6. Process Hazard Analysis (40 C.F.R. § 68.67): Leader Creek's February 2013 process hazard analysis (PHA) failed to address the following: the identification of any incident that had a likely potential for catastrophic consequences as required by 40 C.F.R. § 68.67(c)(2); the engineering and administrative controls applicable to hazards and interrelationships as required by 40 C.F.R. § 68.67(c)(3); the consequences of failure of engineering and administrative controls as required by 40 C.F.R. § 68.67(c)(4); the stationary source siting as required by 40 C.F.R. § 68.67(c)(5); the human factors as required by 40 C.F.R. § 68.67(c)(6); and an evaluation of a range of the possible safety and health effects of failure of controls as required by 40 C.F.R. § 68.67(c)(7). During the inspection, Leader Creek was unable to produce documentation regarding their February 2013 PHA.
7. Operating Procedures (40 C.F.R. § 68.69): Leader Creek's operating procedures failed to address emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner as required by 40 C.F.R. § 68.69(a)(1)(iv). During the inspection, Leader Creek was unable to produce documentation on their operating procedures.
8. Operating Procedures (40 C.F.R. § 68.69): Leader Creek's operating procedures failed to address the steps required to correct or avoid deviation as required in 40 C.F.R. § 68.69(a)(2)(ii). During the inspection, Leader Creek was unable to produce documentation regarding their operating procedures.
9. Operating Procedures (40 C.F.R. § 68.69): Leader Creek's operating procedures failed to address the safety systems and their functions as required in 40 C.F.R. § 68.69(a)(4). During the inspection, Leader Creek was unable to produce documentation regarding their operating procedures.
10. Operating Procedures (40 C.F.R. § 68.69): Leader Creek failed to certify annually that their operating procedures are current and accurate and that procedures have been reviewed as often as necessary as required in 40 C.F.R. § 68.69(c). During the inspection, Leader Creek was unable to produce documentation regarding the annual certification of their operating procedures.
11. Training (40 C.F.R. § 68.71): Leader Creek failed to produce documentation that each employee involved in operating a process, and each employee before being involved in operating a newly assigned process shall be initially trained in an overview of the process and in the operating procedures as required by 40 C.F.R. § 68.71(a)(1). During the inspection, Leader Creek was unable to produce documentation regarding initial training.
12. Training (40 C.F.R. § 68.71): Leader Creek failed to produce documentation that the initial training included emphasis on safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks as required by 40 C.F.R. § 68.71(a)(1). During the inspection, Leader Creek was unable to produce documentation regarding initial training.
13. Training (40 C.F.R. § 68.71): Leader Creek failed to produce documentation that the owner or operator has ascertained and documented in record that each employee involved in operating a process has received and understood the training required as required by 40 C.F.R. § 68.71(c). During the inspection, Leader Creek was unable to produce documentation to show that each employee involved in operating a process has received and understood the training. Following the inspection, Leader Creek provided training documents for Chief Operator, Mike Williams, and Assistant Operators, Will Jacques, Eric Klokowski, and Brian Huddleston. The documents show training was conducted during the months of April, May, and June of 2014. This does not qualify as initial training because Leader Creek's initial RMP submission was provided to EPA in June of 2012. This also does not qualify as refresher training because a complete training for Chief Operator, Mike Williams was conducted after the inspection, in the month of November of 2014. Therefore, Leader Creek was not compliant during the time of inspection.
14. Mechanical Integrity (40 C.F.R. § 68.73): Leader Creek failed to train each employee involved in maintaining the on-going integrity of the process equipment as required by 40 C.F.R. § 68.73(c). During the inspection, Leader Creek was unable to produce training records for their maintenance personnel.
15. Mechanical Integrity (40 C.F.R. § 68.73): Leader Creek has not assured that maintenance materials, spare parts, and equipment were suitable for the process application for which they would be used as required by 40 C.F.R. § 68.73(f)(3). During the inspection, Leader Creek's mechanical integrity policy dated February 2013 did not address the assurance of the suitability of materials, spare parts, and equipment for the process.
16. Risk Management Plan (40 C.F.R. § 68.195): Leader Creek failed to submit corrected emergency contact information within 30 days of the change as required by 40 C.F.R. § 68.195(b). During the inspection, General Manager, Marty Jacques stated that he joined Leader Creek in 2013. The initial RMP submitted in June 2012 identified Norman Van Vactor as the emergency contact. Therefore, the RMP should have been corrected identifying Marty Jacques as the emergency contact.

In addition, the following was identified as an area of concern:

1. Contractors (40 C.F.R. § 68.87): During the inspection, Leader Creek did not document that each contract employee has received and understood the training required and prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training as required by 40 C.F.R. § 68.87(c)(3). However, following the inspection, Leader Creek provided a memo written by Hagen Industrial Refrigeration, acknowledging the safe work practices required to perform the contract work they completed in June 2014. The memo is an incomplete record because of no date as to when this was written. EPA is concerned that records of contracted work are not maintained as required by 40 C.F.R. § 68.87(c)(3). Proper records should contain specific training provided for contract work, dates and signatures acknowledging an understanding of the training, and identification that contractor qualifications were evaluated.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?

YES     NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1 PROCESS CHECKLIST     PROGRAM LEVEL 2 PROCESS CHECKLIST     PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER ATTACHMENTS: \_\_\_\_\_



**Risk Management Program Inspection Findings,  
Alleged Violations and Proposed Penalty Sheet**

<b>RMP Program Level 3 Process Penalty Schedule</b>	
<b>Facility Name: Leader Creek Fisheries, Inc. (EPA ID# 1000 0021 7712)</b>	
<b>Section A – Management [68.15]</b>	
Management system developed and implemented as provided in 40 CFR 68.15?	
Comments:	
Has the owner or operator:	
1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]	0
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]	0
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)]	0
<b>Section B: Hazard Assessment [68.20-68.42]</b>	
Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42?	
Comments:	
<b>Hazard Assessment: Offsite consequence analysis parameters [68.22]</b>	
1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)]	0
___ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]	
___ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]; or	
___ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m <sup>2</sup> for 40 seconds? [68.22(a)(2)(ii)]	
___ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	
2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)]	0
___ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]	
___ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]	
___ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m <sup>2</sup> for 40 seconds? [68.22(a)(2)(ii)]	
___ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	
3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)]	0
4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]	0
5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]	0
6. Used appropriate surface roughness values for the release analysis? [68.22(e)]	0
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]	0
8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Hazard Assessment: Worst-case release scenario analysis [68.25]</b>	
9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	0
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	0
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	0
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)]	0
__ If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity? [68.25(b)(1)]	
__ If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	
13.a Has the owner or operator for <u>toxic substances</u> that are <u>normally gases at ambient temperature and handled as a gas or liquid under pressure</u> :	
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	0
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	0
13.b. Has the owner or operator for <u>toxic gases</u> handled as <u>refrigerated liquids at ambient pressure</u> :	
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	0
13.b.(2) [ Optional for owner / operator ] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	0
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	0
13.c. Has the owner or operator for <u>toxic substances</u> that are <u>normally liquids at ambient temperature</u> :	
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	0
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, was the surface area of the contained liquid used to calculate the volatilization rate? [68.25(d)(1)(i)]	0
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	0
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	0
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	0
13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)]	0
What modeling technique did the owner or operator use? [68.25(g)] _____	
13.d. Has the owner or operator for <u>flammables</u> :	
13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]	0



## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]	0
13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]	0
14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	0
15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)]	0
What modeling technique did the owner or operator use? [68.25(g)] _____	
16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]	0
17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)]	0
___ Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)]	
___ Proximity to the boundary of the stationary source? [68.25(i)(2)]	
<b>Hazard Assessment: Alternative release scenario analysis [68.28]</b>	
18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]	0
19. Selected a scenario: [68.28(b)]	0
That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)]	
That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]	
20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)]	0
___ Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)]	
___ Process piping releases from failures at flanges, joints, welds, valves and valve seats, and drains or bleeds? [68.28(b)(2)(ii)]	
___ Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)]	
___ Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)]	
___ Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]	
21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	0
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)]	0
What modeling technique did the owner or operator use? [68.25(g)] _____	
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	0
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)]	0
___ The five-year accident history provided in 68.42? [68.28(e)(1)]	
___ Failure scenarios identified under 68.67? [68.28(e)(2)]	
<b>Hazard Assessment: Defining off-site impacts—Population [68.30]</b>	
25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	0
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	0
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	0
28. Estimated the population to two significant digits? [68.30(d)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Hazard Assessment: Defining off-site impacts–Environment [68.33]</b>	
29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	0
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [Source may have used LandView to obtain information] [68.33(b)]	0
<b>Hazard Assessment: Review and update [68.36]</b>	
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)]	0
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	0
<b>Hazard Assessment: Documentation [68.39]</b>	
33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	600
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	600
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	300
36. Methodology used to determine distance to endpoints? [68.39(d)]	300
37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	300
<b>Hazard Assessment: Five-year accident history [68.42]</b>	
38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]	0
39. Has the owner or operator reported the following information for each accidental release: [68.42(b)]	
___ Date, time, and approximate duration of the release? [68.42(b)(1)]	0
___ Chemical(s) released? [68.42(b)(2)]	0
___ Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)]	0
___ NAICS code for the process? [68.42(b)(4)]	0
___ The type of release event and its source? [68.42(b)(5)]	0
___ Weather conditions (if known)? [68.42(b)(6)]	0
___ On-site impacts? [68.42(b)(7)]	0
___ Known offsite impacts? [68.42(b)(8)]	0
___ Initiating event and contributing factors (if known)? [68.42(b)(9)]	0
___ Whether offsite responders were notified (if known)? [68.42(b)(10)]	0
___ Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]	0



**Risk Management Program Inspection Findings,  
Alleged Violations and Proposed Penalty Sheet**

<b>Section C: Prevention Program</b>	
Implemented the Program 3 prevention requirements as provided in 40 CFR 68.65 - 68.87?	
Comments:	
<b>Prevention Program- Safety information [68.65]</b>	
1. Has the owner or operator compiled written process safety information, which includes information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process, before conducting any process hazard analysis required by the rule? [68.65(a)]	
Does the process safety information contain the following for hazards of the substances: [68.65(b)]	
<input type="checkbox"/> Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)]	0
<input type="checkbox"/> Toxicity information? [68.65(b)(1)]	0
<input type="checkbox"/> Permissible exposure limits? [68.65(b)(2)]	0
<input type="checkbox"/> Physical data? [68.65(b)(3)]	0
<input type="checkbox"/> Reactivity data? [68.65(b)(4)]	0
<input type="checkbox"/> Corrosivity data? [68.65(b)(5)]	0
<input type="checkbox"/> Thermal and chemical stability data? [68.65(b)(6)]	0
<input type="checkbox"/> Hazardous effects of inadvertent mixing of materials that could foreseeably occur? [68.65(b)(7)]	0
2. Has the owner documented information pertaining to technology of the process?	
<input type="checkbox"/> A block flow diagram or simplified process flow diagram? [68.65(c)(1)(i)]	0
<input type="checkbox"/> Process chemistry? [68.65(c)(1)(ii)]	0
<input type="checkbox"/> Maximum intended inventory? [68.65(c)(1)(iii)]	0
<input type="checkbox"/> Safe upper and lower limits for such items as temperatures, pressures, flows, or compositions? [68.65(c)(1)(iv)]	600
<input type="checkbox"/> An evaluation of the consequences of deviation? [68.65(c)(1)(v)]	0
3. Does the process safety information contain the following for the equipment in the process: [68.65(d)(1)]	
<input type="checkbox"/> Materials of construction? 68.65(d)(1)(i)]	600
<input type="checkbox"/> Piping and instrumentation diagrams [68.65(d)(1)(ii)]	0
<input type="checkbox"/> Electrical classification? [68.65(d)(1)(iii)]	600
<input type="checkbox"/> Relief system design and design basis? [68.65(d)(1)(iv)]	600
<input type="checkbox"/> Ventilation system design? [68.65(d)(1)(v)]	600
<input type="checkbox"/> Design codes and standards employed? [68.65(d)(1)(vi)]	0
<input type="checkbox"/> Material and energy balances for processes built after June 21, 1999? [68.65(d)(1)(vii)]	0
<input type="checkbox"/> Safety systems? [68.65(d)(1)(viii)]	600
4. Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices? [68.65(d)(2)]	0
5. Has the owner or operator determined and documented that existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Prevention Program- Process Hazard Analysis [68.67]</b>	
6. Has the owner or operator performed an initial process hazard analysis (PHA), and has this analysis identified, evaluated, and controlled the hazards involved in the process? [68.67(a)]	0
7. Has the owner or operator determined and documented the priority order for conducting PHAs, and was it based on an appropriate rationale? [68.67(a)]	0
8. Has the owner used one or more of the following technologies to conduct process PHA: [68.67(b)]	0
<input type="checkbox"/> What-if? [68.67(b)(1)]	
<input type="checkbox"/> Checklist? [68.67(b)(2)]	
<input type="checkbox"/> What-if/Checklist? [68.67(b)(3)]	
<input type="checkbox"/> Hazard and Operability Study (HAZOP) [68.67(b)(4)]	
<input type="checkbox"/> Failure Mode and Effects Analysis (FMEA) [68.67(b)(5)]	
<input type="checkbox"/> Fault Tree Analysis? [68.67(b)(6)]	
<input type="checkbox"/> An appropriate equivalent methodology? [68.67(b)(7)]	
9. Did the PHA address:	
<input type="checkbox"/> The hazards of the process? [68.67(c)(1)]	0
<input type="checkbox"/> Identification of any incident that had a likely potential for catastrophic consequences? [68.67(c)(2)]	600
<input type="checkbox"/> Engineering and administrative controls applicable to hazards and interrelationships? [68.67(c)(3)]	600
<input type="checkbox"/> Consequences of failure of engineering and administrative controls? [68.67(c)(4)]	600
<input type="checkbox"/> Stationary source siting? [68.67(c)(5)]	600
<input type="checkbox"/> Human factors? [68.67(c)(6)]	600
<input type="checkbox"/> An evaluation of a range of the possible safety and health effects of failure of controls? [68.67(c)(7)]	600
10. Was the PHA performed by a team with expertise in engineering and process operations and did the team include appropriate personnel? [68.67(d)]	0
11. Has the owner or operator established a system to promptly address the team's findings and recommendations; assured that the recommendations are resolved in a timely manner and documented; documented what actions are to be taken; completed actions as soon as possible; developed a written schedule of when these actions are to be completed; and communicated the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations? [68.67(e)]	0
12. Has the PHA been updated and 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? [68.67(f)]	0
13. Has the owner or operator retained PHAs and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process? [68.67(g)]	0
<b>Prevention Program- Operating procedures [68.69]</b>	
14. Has the owner or operator developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information? [68.69(a)]	0
15. Do the procedures address the following: [68.69(a)]	
<b>Steps for each operating phase: [68.69(a)(1)]</b>	
<input type="checkbox"/> Initial Startup? [68.69(a)(1)(i)]	0
<input type="checkbox"/> Normal operations? [68.69(a)(1)(ii)]	0
<input type="checkbox"/> Temporary operations? [68.69(a)(1)(iii)]	0
<input type="checkbox"/> Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner? [68.69(a)(1)(iv)]	1200
<input type="checkbox"/> Emergency operations? [68.69(a)(1)(v)]	0
<input type="checkbox"/> Normal shutdown? [68.69(a)(1)(vi)]	
<input type="checkbox"/> Startup following a turnaround, or after emergency shutdown? [68.69(a)(1)(vii)]	



## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Operating limits: [68.69(a)(2)]</b>	
Consequences of deviations [68.69(a)(2)(i)]	0
Steps required to correct or avoid deviation? [68.69(a)(2)(ii)]	1200
<b>Safety and health considerations: [68.69(a)(3)]</b>	
Properties of, and physical hazards presented by, the chemicals used in the process [68.69(a)(3)(i)]	0
Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment? [68.69(a)(3)(ii)]	0
Control measures to be taken if physical contact or airborne exposure occurs? [68.69(a)(3)(iii)]	0
Quality control for raw materials and control of hazardous chemical inventory levels? [68.69(a)(3)(iv)]	0
Any special or unique hazards? [68.69(a)(3)(v)]	0
Safety systems and their functions? [68.69(a)(4)]	1200
16. Are operating procedures readily accessible to employees who are involved in a process? [68.69(b)]	0
17. Has the owner or operator certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary? [68.69(c)]	1200
18. Has the owner or operator developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout? [68.69(d)]	0
<b>Prevention Program - Training [68.71]</b>	
19. Has each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, been initially trained in an overview of the process and in the operating procedures? [68.71(a)(1)]	1500
20. Did initial training include emphasis on safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks? [68.71(a)(1)]	600
21. In lieu of initial training for those employees already involved in operating a process on June 21, 1999, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures [68.71(a)(2)]	0
22. Has refresher training been provided at least every three years, or more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process? [68.71(b)]	0
23. Has owner or operator ascertained and documented in record that each employee involved in operating a process has received and understood the training required? [68.71(c)]	600
24. Does the prepared record contain the identity of the employee, the date of the training, and the means used to verify that the employee understood the training? [68.71(c)]	600
<b>Prevention Program - Mechanical Integrity [68.73]</b>	
25. Has the owner or operator established and implemented written procedures to maintain the on-going integrity of the process equipment listed in 68.73(a)? [68.73(b)]	0
26. Has the owner or operator trained each employee involved in maintaining the on-going integrity of process equipment? [68.73(c)]	900
27. Performed inspections and tests on process equipment? [68.73(d)(1)]	0
28. Followed recognized and generally accepted good engineering practices for inspections and testing procedures? [68.73(d)(2)]	0
29. Ensured the frequency of inspections and tests of process equipment is consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience? [68.73(d)(3)]	0
30. Documented each inspection and test that had been performed on process equipment, which identifies the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test? [68.73(d)(4)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

31. Corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner when necessary means were taken to assure safe operation? [68.73(c)]	0
32. Assured that equipment as it was fabricated is suitable for the process application for which it will be used in the construction of new plants and equipment? [68.73(f)(1)]	0
33. Performed appropriate checks and inspections to assure that equipment was installed properly and consistent with design specifications and the manufacturer's instructions? [68.73(f)(2)]	0
34. Assured that maintenance materials, spare parts and equipment were suitable for the process application for which they would be used? [68.73(f)(3)]	600
<b>Prevention Program - Management Of Change [68.75]</b>	
35. Has the owner or operator established and implemented written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process? [68.75(a)]	0
36. Do procedures assure that the following considerations are addressed prior to any change: [68.75(b)]	
__ The technical basis for the proposed change? [68.75(b)(1)]	0
__ Impact of change on safety and health? [68.75(b)(2)]	0
__ Modifications to operating procedures? [68.75(b)(3)]	0
__ Necessary time period for the change? [68.75(b)(4)]	0
__ Authorization requirements for the proposed change? [68.75(b)(5)]	0
37. Were employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, informed of, and trained in, the change prior to start-up of the process or affected parts of the process? [68.75(c)]	0
38. If a change resulted in a change in the process safety information, was such information updated accordingly? [68.75(d)]	0
39. If a change resulted in a change in the operating procedures or practices, had such procedures or practices been updated accordingly? [68.75(e)]	0
<b>Prevention Program - Pre-startup Safety Review [68.77]</b>	
40. If the facility installed a new stationary source, or significantly modified an existing source, (as discussed at 68.77(a)) did it perform a pre-startup safety review prior to the introduction of a regulated substance to a process to confirm: [68.77(b)]	
__ Construction and equipment was in accordance with design specifications? [68.77(b)(1)]	0
__ Safety, operating, maintenance, and emergency procedures were in place and were adequate? [68.77(b)(2)]	0
__ For new stationary sources, a process hazard analysis had been performed and recommendations had been resolved or implemented before startup? [68.77(b)(3)]	0
__ Modified stationary sources meet the requirements contained in management of change? [68.77(b)(3)]	0
__ Training of each employee involved in operating a process had been completed? [68.77(b)(4)]	0
<b>Prevention Program - Compliance audits [68.79]</b>	
41. Has the owner or operator certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed? [68.79(a)]	0
42. Has the audit been conducted by at least one person knowledgeable in the process? [68.79(b)]	0
43. Are the audit findings documented in a report? [68.79(c)]	0
44. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.79(d)]	0
45. Has the owner or operator retained the two most recent compliance reports? [68.79(e)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Prevention Program - Incident Investigation [68.81]</b>	
46. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance? [68.81(a)]	0
47. Were all incident investigations initiated not later than 48 hours following the incident? [68.81(b)]	0
48. Was an accident investigation team established and did it consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of a contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident? [68.81(c)]	0
49. Was a report prepared at the conclusion of every investigation? [68.81(d)]	0
50. Does every report include: [68.81(d)]	
Date of incident? [68.81(d)(1)]	0
Date investigation began? [68.81(d)(2)]	0
A description of the incident? [68.81(d)(3)]	0
The factors that contributed to the incident? [68.81(d)(4)]	0
Any recommendations resulting from the investigation? [68.81(d)(5)]	0
51. Has the owner or operator established a system to address and resolve the report findings and recommendations, and are the resolutions and corrective actions documented? [68.81(e)]	0
52. Was the report reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable? [68.81(f)]	0
53. Has the owner or operator retained incident investigation reports for at least five years? [68.81(g)]	0
<b>Section D - Employee Participation [68.83]</b>	
1. Has the owner or operator developed a written plan of action regarding the implementation of the employee participation required by this section? [68.83(a)]	0
2. Has the owner or operator consulted with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in chemical accident prevention provisions? [68.83(b)]	0
3. Has the owner or operator provided to employees and their representatives access to process hazards analyses and to all other information required to be developed under the chemical accident prevention rule? [68.83(c)]	0
<b>Section E - Hot Work Permit [68.85]</b>	
1. Has the owner or operator issued a hot work permit for each hot work operation conducted on or near a covered process? [68.85(a)]	0
2. Does the permit document that the fire prevention and protection requirements in 29CFR 1910.252(a) have been implemented prior to beginning the hot work operations? [68.85(b)]	0
3. Does the permit indicate the date(s) authorized for hot work and the object(s) upon which hot work is to be performed? [68.85(b)]	0
4. Are the permits being kept on file until completion of the hot work operations? [68.85(b)]	0



**Risk Management Program Inspection Findings,  
Alleged Violations and Proposed Penalty Sheet**

<b>Section F - Contractors [68.87]</b>	
1. Has the owner or operator obtained and evaluated information regarding the contract owner or operator's safety performance and programs when selecting a contractor? [68.87(b)(1)]	0
2. Informed contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process? [68.87(b)(2)]	0
3. Explained to the contract owner or operator the applicable provisions of the emergency response or the emergency action program? [68.87(b)(3)]	0
4. Developed and implemented safe work practices consistent with §68.69(d), to control the entrance, presence, and exit of the contract owner or operator and contract employees in the covered process areas? [68.87(b)(4)]	0
5. Periodically evaluated the performance of the contract owner or operator in fulfilling their obligations (as described at 68.87(c)(1) - (c)(5))? [68.87(b)(5)]	0
<b>Section G - Emergency Response [68.90 - 68.95]</b>	
Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95?	
Comments:	
1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances"	
1.a. If the facility is not a first responder:	
1.a.(1) For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)]	0
1.a.(2) For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)]	0
1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]	0
2. An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)]	
___ Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)]	0
___ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)]	0
___ Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]	0
3. The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]	0
4. The emergency response plan requires, and there is documentation of, training for all employees in relevant procedures? [68.95(a)(3)]	0
5. The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]	0
6. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan")? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]	0
7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]	0

## Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet

<b>Section H – Risk Management Plan [40 CFR 68.160 – 68.195]</b>	
1. Does the single registration form include, for each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit NAICS code that most closely corresponds to the process and the Program level of the process? [68.160(b)(7)]	0
2. Did the facility assign the correct program level(s) to its covered process(es)? [68.160(b)(7)]	0
3. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]?	
Reason for update:	
Five-year update. [68.190(b)(1)]	0
Within three years of a newly regulated substance listing. [68.190(b)(2)]	0
At the time a new regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)]	0
At the time a regulated substance is first present in a new process above threshold quantities. [68.190(b)(4)]	0
Within six months of a change requiring revised PHA or hazard review. [68.190(b)(5)]	0
Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)]	0
Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]	0
4. If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]	0
5. If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]	1000
<b>TOTAL ASSESSED PENALTY</b>	<b>\$19,900</b>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

**PENALTY WORKSHEET**  
**Leader Creek Fisheries, Inc.**  
**Naknek, Alaska**

**Adjusted Penalty = Unadjusted Penalty x Size-Threshold Quantity Multiplier**

The Unadjusted Penalty is calculated by adding up all the penalties listed on the Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet.

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

The Adjusted Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Unadjusted Penalty and the Size-Threshold Quantity multiplier.

**Calculation:**

The Leader Creek Fisheries, Inc. facility, located in Naknek, Alaska has 90 employees. Leader Creek Fisheries, Inc. uses/stores 1.7 times the threshold amount of anhydrous ammonia regulated under the Clean Air Act - Section 112(r) Risk Management Program. After adding the penalty numbers in the Risk Management Program Inspection Findings, Alleged Violations, and Proposed Penalty Sheet, an unadjusted penalty of \$11,940 is derived.

**Calculation of Adjusted Penalty**

1<sup>st</sup> Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the row for less than 100 employees and the column for one to five times the threshold quantity amount gives a multiplier of 0.6. Therefore, the multiplier for Leader Creek Fisheries, Inc. is 0.6.

2<sup>nd</sup> Use the Adjusted Penalty formula

Adjusted Penalty = \$19,900 (Unadjusted Penalty) x 0.6 (Size-Threshold Multiplier)  
Adjusted Penalty = \$11,940

3<sup>rd</sup> An Adjusted Penalty of \$11,940 would be assessed to Leader Creek Fisheries, Inc. for violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA).



## EXPEDITED SETTLEMENT PENALTY MATRIX

MULTIPLIER FACTORS FOR CALCULATING PROPOSED PENALTIES FOR VIOLATIONS  
FOUND DURING RMP INSPECTIONSPrivate Industries

# of Employees	1 - 5*	>5 - 10*	> 10*
0 - 9	0.4	0.6	0.8
10 - 100	0.6	0.8	1.0
> 100	1.0	1.0	1.0

Governmental Entities

(Primarily public drinking water and waste water systems)

Total Population Served	1 - 5*	> 5 - 10*	>10*
1 - 10,000	0.2	0.4	0.6
10,001 - 100,000	0.4	0.6	0.8
> 100,000	0.6	0.8	1.0

\* Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site.

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Office of Small and Disadvantaged Business Utilization (OSDBU)

[www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu](http://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu)

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman (ASBO)

[www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman](http://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman) or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance](http://www.epa.gov/compliance)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### Compliance Assistance Centers

[www.complianceassistance.net](http://www.complianceassistance.net)

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org)

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Surface Finishing

<http://www.sterc.org>

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines and Clearinghouses

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/catc](http://www.epa.gov/catc) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 1-734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu](http://www.npic.orst.edu) or 1-800-858-7378

**National Response Center Hotline** to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/p2/pollution-prevention-resources#ppic](http://www.epa.gov/p2/pollution-prevention-resources#ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

[www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline](http://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline) or 1-800-426-4791

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

**Region 10 Resolves Clean Air Act § 112(r) Violations at Leader Creek Fisheries, Inc. Facility (Naknek, AK)**

On September 7, 2017, Region 10 filed an expedited settlement agreement which both initiated and concluded an administrative action against the Leader Creek Fisheries, Inc. facility in Naknek, Alaska for violations of CAA § 112(r) Risk Management Program requirements. Respondent failed to comply with several risk management program requirements that apply to its use of anhydrous ammonia. The company agreed to pay a penalty of \$11,940. Contact: David Magdangal, 206-553-4044.



**Certificate of Service**

The undersigned certifies that the original of the attached **Expedited Settlement Agreement and Final Order, In the Matter of Leader Creek Fisheries, Inc., Docket No. CAA-10-2017-0161**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

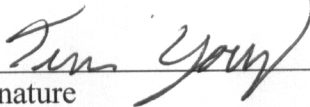
The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, OCE-101  
Suite 900  
Seattle, WA 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:

Marty Jacques  
Leader Creek Fisheries, Inc.  
4601 Shilshole Avenue NW  
PO Box 17013  
Seattle, Washington 98107

DATED this 25 day of September, 2017

  
\_\_\_\_\_  
Signature  
Teresa Young  
Regional Hearing Clerk  
EPA Region 10