



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

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2015 NOV 16 PM 12:02

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2015-0043

This ESA is issued to: Schwan's Global Supply Chain, Inc.

At: 3019 Scanlan Avenue, Salina, Kansas 67401

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

The United States Environmental Protection Agency, Region 7 (EPA) and Schwan's Global Supply Chain, Inc. (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, Issuance of Compliance or Corrective Action Orders, 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 the EPA, is the Director of the Air and Waste Management Division. The Respondent is Schwan's Global Supply Chain, Inc., 3019 Scanlan Avenue, Salina, Kansas 67401.

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 24-25, 2015, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 3019 Scanlan Avenue, Salina, Kansas, 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 **\$5,800**.

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 **\$5,800** 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-07-2015-0043, 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:

Christine Hoard
Chemical Risk Information Branch
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
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 Boulevard
Lenexa, Kansas 66219.

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

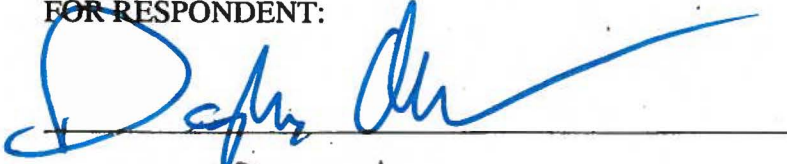
Findings. The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

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:




Date: 11/2/15

Name (print): Doug Olsem

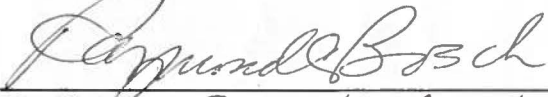
Title (print): President
Schwan's Global Supply Chain, Inc.

FOR COMPLAINANT:



Becky Weber
Director
Air and Waste Management Division
EPA Region 7

Date: 11-10-15



~~Kent Johnson~~ RAYMOND C. BOSCH
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

Date: 11-13-15

In the Matter of Schwan's Global Supply Chain, Inc.
Docket No. CAA-07-2015-0043
Page 6 of 6

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

Karina Borromeo

Karina Borromeo
Regional Judicial Officer

Date: 11-16-15

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

Schwan's Global Supply Chain, Inc.
3019 Scanlan Avenue
Salina, Kansas 67401
Docket No. CAA-07-2015-0043

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Risk Management Plan

Updates [68.195(b)]

\$1,000

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?

Facility addressed this post inspection.

Hazard Assessment

Review and Update [68.36(a)]

\$1,200

The owner or operator failed to review and update the off-site consequence analyses at least once every five years.

Facility addressed this post inspection.

Hazard Assessment

Document [68.39(a), (b) & (e)]

\$1,200

The owner or operator failed to provide documentation for worst-case scenarios and alternative release scenarios on its distance to endpoint and population estimate calculations.

Facility addressed this post inspection.

Prevention Program

Safety Information [68.65(d)(1)(iii)]

\$600

The owner or operator failed to accurately describe its electrical classification for the equipment in the process for the process safety information.

How was this addressed:

A project is being undertaken which will upgrade the ventilation in the area which will provide automated ventilation if there is an ammonia release in that room, including the addition of 2 new exhaust fans, an alarm that will send an alert if one of the fans goes off, detectors that will turn on the fans if there is an ammonia release in the room, and an emergency shutdown outside the room for compressors, pumps and valves.

Prevention Program

Safety Information [68.65(d)(1)(viii)]

\$600

The owner or operator failed to provide written information on the safety systems.

How was this addressed:

The locations of ammonia sensors have been added to a map of the facility and a legend lists the location of each sensor. A copy of the map is being added to each copy of the Emergency Action Plan.

Prevention Program

Process Hazard Analysis [68.67(g)]

No penalty assessed

The owner or operator failed to retain PHAs (2007) and update or revalidations for each process covered, as well as the resolution of recommendations for the life of the process.

Facility addressed this post inspection.

Prevention Program

Compliance Audits [68.79(a)]

\$1,200

The owner or operator failed to *certify* 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.

Facility addressed this post inspection.

Prevention Program

Compliance Audits [68.79(d)]

No penalty assessed

The owner or operator failed to promptly determine and document an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected.

Facility addressed this post inspection.

TOTAL

\$5,800

Calculation of Adjusted Penalty

1st Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for >100 employees and the row for >10 times the threshold quantity of 10,000 pounds of anhydrous ammonia 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 Schwan's Global Supply Chain, Inc. = 1.0

***No adjusted penalty since multiplier is 1 .*

Total Penalty

\$5,800

This section must be also completed and signed by **Schwan's Global Supply Chain, Inc.:**

The approximate cost to correct the above items: \$ Estimate is \$274,000

Compliance staff name: Randy A. SHARBOND,

Signed: *Randy A Sharbond* Date: 11/2/15

IN THE MATTER OF Schwan's Global Supply Chain, Inc., Respondent
Docket No. CAA-07-2015-0043

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 by email to Complainant:

hoard.christine@epa.gov

Copy by email to:

Doug Olsem, President
Schwan's Global Supply Chain, Inc
3019 Scanlan Avenue
Salina, Kansas 67401

Dated: 11/16/15



Kathy Robinson
Hearing Clerk, Region 7