



# UNITED STATED ENVIRONMENTAL PROT**ECTATON-AS**GENCY: 4.5 REGION 7 11201 RENNER BOULEVARD LENEXA, KANSAS 66219

#### **EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.**: CAA-07-2014-0015

This ESA is issued to: Aurora Elevator, Inc. At: 417 Buffalo Street, Aurora, Iowa 50607

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

The United States Environmental Protection Agency, Region 7 (EPA) and Aurora Elevator, 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 Aurora Elevator, Inc., 417 Buffalo Street, Aurora, Iowa, 50607.

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 November 20, 2013, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 417 Buffalo Street, Aurora, Iowa, 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

In the Matter of Aurora Elevator, Inc. Docket No. CAA-07-2014-0015 Page 2 of 6

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 \$5,600.

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 \$5,600 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-07-2014-0015, 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

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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.

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#### FOR RESPONDENT:

Name (print): David Young

Date: 7-24-14

Title (print): President Aurora Elevator, Inc.

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#### FOR COMPLAINANT:

Becky Weber

Director

Air and Waste Management Division

EPA Region 7

Kent Johnson

**Assistant Regional Counsel** Office of Regional Counsel

EPA Region 7

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

Date: 8-6-14

Karina Borromeo

Regional Judicial Officer

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

Aurora Elevator, Inc. 417 Buffalo Street Aurora, Iowa 50607 Docket No. CAA-07-2014-0015

#### COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

<u>VIOLATIONS</u>	PENALTY AMOUNT
Risk Management Plan	
Updates [68.190(b)(1)]	\$2,000
The owner or operator failed to revise and update the RMP at	
the date of its initial submission or most recent update.	reads offer every five years from
RMP updated and submitted November 14, 2013	
Emergency Response Program [68.180]	No penalty assessed
The owner or operator failed to submit an RMP that correctly	included the information required
regarding the emergency response program.	
How was this addressed: We at the Ceurora El	evator Inc have
repolated information on or RMP	and will
Submit copies to the local of	телаенец.
response team.	- V
Hazard Assessment	
Documentation [68.39(c) & (e)]	\$600
The owner or operator failed to maintain records on the offsit	
included documentation of estimated quantity released, release	
the data used to estimate population and environmental recept	7
How was this addressed: No documentation for the most rece	-
late have upplated RMP and we to	
oppoito, consequences of a relu	
nate and detration and we call	culated population
and taken into account environ	neutal suceptous
	-

Prevention Program				
Safety Information [68.48(a)(3)]	\$300			
The owner or operator failed to compile and maintain up-				
the safe upper and lower temperatures and flows of the re				
How was this addressed: Safe upper and lower limits are				
covered process. We are submitting a co	py of the safety			
information you asked for to	hat was in our			
KMP manuel at the time, a	of the inspection.			
Safety Information [68.48(b)]	\$1,500			
The owner or operator failed to ensure that the process is	-			
recognized and generally accepted good engineering prac				
Post inspection out of date PRVs were replaced. How we	11 0			
vessels (less than 1/3 the circumference of the vessels) ad	- P			
testing, inspecting or replacement of underground piping				
We had failed to update the				
tanks. They have all been update	of now The saddles			
supporting the bulk vessel have been				
circumpulace of vessel like have installe	/ / /			
under ground piping so we can monet	or the pressure in the line.			
D	(pictures)			
Prevention Program	61.000			
Compliance Audit [68.58(a)]	\$1,200			
The owner or operator failed to certify that they have eva				
of this subpart at least every three years to verify that the procedures and practices developed				
under the rule are adequate and are being followed.	1			
How was this addressed: Missing elements Operating Pr				
We are sending a copy of our				
with our aperating procedureship				
a copy of our compliances and				
0 0	mapactor deal Hot			
WOD.				

Total Penalty

\$5,600

#### Calculation of Adjusted Penalty

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 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 Aurora Elevator, Inc. = 1.0

\*\*No adjusted penalty since multiplier is 1

**Total Penalty** 

\$5,600

This section must be also completed and signed by Aurora Elevator, Inc.:

The approximate cost to correct the abo	ove items: $\$ \partial S \cos \frac{\omega}{2}$
Compliance staff name:	¿ Young
Signed:	Date: 7-24-14

### RISK MANAGEMENT PLAN COMPLIANCE AUDIT

Fa	cility Name Aurural Elevator Inc Facility oduct Ammura Anhylrus	Location Aura	ra IA
Pro	oduct Ammuria Antrolous	•	
		Correctiv	DATE /e Measures Completed
<u>RN</u> 1.	IP SEGMENT: Is current copy of Plan available? Location of Plan is	Ves / No	
	If No, explain problem & corrective measures		
		-	
2.	Does Community Emergency Coordinator and/or LEPC have a copy of current RMP?	Yes LNo	
	If No, explain problem & corrective measures		
3.	Is information in Section I Facility Information, and		
	information in the Executive Summary correct?  If No, explain problem & corrective measures	Yes/ No	
4.	Is Section II Prevention Program Implementation, & Section III Safety Information correct?	Yes No	
	If No, explain problem & corrective measures		
		P	
5.	Has the Facility's Emergency Action Plan been reviewed within the last 12 months?	reg / No	
	If No, explain problem & corrective measures		

### <u>DATE</u> Corrective Measures were <u>Completed</u>

1.	Has there been an Accidental Release of product within the last 5 years?	Yes (Ng)
2.	If YES, has the Accidental Release information been completed in Section 6 of the RMP?	Yes / No
	If No, explain problem & corrective measures	
SAF 1.	ETY INFORMATION SEGMENT:  Is there a current copy of product's MSDS available	
	for emergency use?	Yes / No
	If No, explain problem & corrective measures	
2.	Is product listed in Facility's Hazard Communication Program?	(Yes)/No
	If No, explain problem & corrective measures	
3.	Are main tank valves lockable?  If No, explain problem & corrective measures	Yes // No
FOLI	IPMENT SEGMENT:	,
<u>- Q U</u> I .	Is all threaded piping schedule 80 or welded piping schedule 40?	Yes / No

If No, explain problem & corre	ctive measures	
Are all Pop-off valves protected from the second se	ed with rain caps?	Yes) No
Is piping, pumping equipment, free of leaks?  If No, explain problem & corre		Yes/I No
	ks' protective paint in	Yes No
If No, explain problem & corre		

### <u>DATE</u> Corrective Measures were <u>Completed</u>

•	Do the employees that are involved in the maintenance of product's equipment have proper training and/or experience to perform maintenance?	Yes No	
	If No, explain problem & corrective measures		
	Are all employee trainings current?	Yes /No	
	If No, explain problem & corrective measures		
	Have employees been consulted about training needs?	(Yes) No	
• vi	If No, explain problem & corrective measures		
•	Is current format for employee training adequate (classroom, observations, etc.)?	Yes/I No	
	If No, explain problem & corrective measures		
	Is current format for employee testing adequate (written, oral test, demonstration, etc)?	Yes / No	
	If No, explain problem & corrective measures		
All	NTENANCE SEGMENT:		
	Are inspection/maintenance records available?	Yes / No	
	If No, explain problem & corrective measures		

### <u>DATE</u> Corrective Méasures were <u>Completed</u>

3. Based on maintenance records, no equipment is past due for maintenance and/or replacement?  If No, explain problem & corrective measures  HAZARD REVIEW SEGMENT:  1. Is the last Hazard Review less than 5 years old?  Yes No	measures	2.	
HAZARD REVIEW SEGMENT:	ement? (Yes) No measures	3.	3
If No, explain problem & corrective measures	n 5 years old?	<u>HAZA</u> 1.	
Are current Operating Procedures available and provided to affected employees?  If No, explain problem & corrective measures	Yes 7 No	2.	(
3. Have there been any major changes in operating procedures, or equipment since last Hazard Review?  Yes	st Hazard Review? Yes (Nd)		
4. If YES to question 3, was there a new Hazard Review completed?  Yes / No If No, explain problem & corrective measures	Yes / No		*
5. Is previous RMP Compliance Audit available?  If No, explain problem & corrective measures			
•			

### RISK MANAGEMENT PROGRAM COMPLIANCE AUDIT CERTIFICATION

I certify that this compliance audit evaluated compliance with the prevention program provisions of the U.S. Environmental Protection Agency's Chemical Accident Prevention Provisions (40 CFR Part 68) and verify that the procedures and practices developed under the rule are adequate and are being followed.

Any items found to be deficient during the audit were corrected at time of discovery.

Person Conducting Audit	Dane Signature	·	4- 4- 11 Date
4-4-12 Date	David Joung Print Name of RMP Officer	Dave	ature

## RISK MANAGEMENT PLAN COMPLIANCE AUDIT

	Facilit	y Name <u>Hurova Flevator, Inc</u> Facility Location <u>Aur</u>	ora, IA
je:		ct <u>Ammonia (Anhydrous)</u> NH3 Correct	_ <u>DATE</u> ive Measures <u>Completed</u>
	1.	Is current copy of RMPlan available?  Location of Plan is	
	2.	Does Community Emergency Coordinator and/or LEPC have a copy of current RMPlan?  If No, explain problem & corrective measures  Will Send When New C-Submit  is completed	
	3.	Is information in Section I, Facility Information, and information in the Executive Summary correct?  If No, explain problem & corrective measures	
	4.	Is Section II Prevention Program Implementation, & Section IV, Safety Information correct?  If No, explain problem & corrective measures	,
	5.	Has the Facility's Emergency Action Plan been reviewed within the last 12 months?  If No, explain problem & corrective measures	2
6			

1.	Is there a current copy of product's SDS available for emergency use?	
	If No, explain problem & corrective measures	
2.	Is product listed in Facility's OSHA Hazard Communication Program? {Refer to Company's Policy & Procedures for "Hazardous Material List."}	
	If No, explain problem & corrective measures	
3.	Is the intended inventories of product listed in the Safety Information Section current?	
	If No, explain problem & corrective measures	
4.	Is the Safety Information Summary defining safe upper and lower temperatures, etc. available in the Safety Information Section?  Yes / No	*** *** *** *** *** *** *** *** *** **
ſ	If No, explain problem & corrective measures  Chapter II, Tab D in additial Sasety  In Sormation; including Safe uppert  hower	,
5.	Are main tank valves kept closed when the installation is unattended?	
	Are main tank valves protected by suitable means against tampering and theft of product?  (In addition to locking main tank valves, additional means of protection may be needed, depending on the site. Examples: lighting, motion detectors, alarms, remote surveillance, security systems, fencing, etc.)  If No, explain problem & corrective measures	
		-

**SAFETY INFORMATION SEGMENT:** 

### <u>DATE</u> Corrective Measures were <u>Completed</u>

### **EQUIPMENT SEGMENT:**

·	Is piping and related equipment the type approved for the product?	(Yes)/No	
	If No, explain problem & corrective measures		
2.	For Anhydrous Ammonia, is all threaded piping schedule 80 or welded piping schedule 40?	Yes / No	
	If No, explain problem & corrective measures		
	Are relief valves of the type approved for the product?  If No, explain problem & corrective measures	Yes// No	
	Are all Pop-off valves protected with rain caps?	Yes / No	
	If No, explain problem & corrective measures		
	Is piping, pumping equipment, and storage tank/tanks		
	free of leaks?  If No, explain problem & corrective measures	Yes// No	
	Is piping and storage tank/tanks' protective paint in good condition?	Yes No	
	If No, explain problem & corrective measures		



•	Is the last Hazard Review less than 5 years old? (Yes) No
	If No, explain problem & corrective measures
2.	Has there been a major change in the regulated product's use, or major change in equipment used to transfer product or other change that would have required a change in the operating procedures?  Yes /No
	If YES to question 2, was a new Hazard Review completed? Yes / No
	If No, explain problem & corrective measures
	Does the completed Hazard Review contain the date with the signature of the RMP Officer?
PE	RATING PROCEDURES SEGMENT:
	Have there been any major changes in Operating Procedures or equipment since last Operating Procedures?
	If YES to question 1, was there a new Operating Procedure completed and put into place? Yes / No
	If No, explain problem & corrective measures
	Do Operating Procedures address:  (1) Initial startup; (2) Normal operations; (3) Temporary operations; (4) Emergency shutdown and operations; (5) Normal shutdown; (6) Startup following a normal or emergency shutdown; (7) Consequences of deviations; (8) Are equipment inspections addressed in Maintenance Section? Yes No
	Are current Operating Procedures available and provided to affected employees?  Yes / No
	If No, explain problem & corrective measures
	Do the Operating Procedures contain the date

		were	Completed
<b>TRA</b> 1.	INING SEGMENT:  Have all employees that are working with the product been trained on proper handling techniques?  If No, explain problem & corrective measures	Yes / No	
2.	Have all employees that are working with the product been trained on proper actions to take in the event of a release?	Yes// No	
	If No, explain problem & corrective measures		
3.	Do the employees that are involved in the maintenance of product's equipment have proper training and/or experience to perform maintenance?	Yes / No	
	If No, explain problem & corrective measures		
		<u> </u>	
4.	Are all employee trainings current?	Yes / No	
	If No, explain problem & corrective measures		
5.	Have employees been consulted about training needs?	(Yes) No	
	If No, explain problem & corrective measures		
6.	Is current format for employee training adequate		
	(classroom, observations, etc.)?	Yes No	
	If No, explain problem & corrective measures		
7.	Is current format for employee testing adequate		
	(written, oral test, demonstration, etc)?	(Yes)/ No	
	If No, explain problem & corrective measures		

the same of the same of the same of	TENANCE SEGMENT:	7	
1.	Are inspection/maintenance records available?  If No, explain problem & corrective measures	Yes// No	
2.	Are current inspection/maintenance intervals adequate based on maintenance records?  If No, explain problem & corrective measures	Yes/ No	
3.	Based on maintenance records, no equipment is past due for maintenance and/or replacement?  If No, explain problem & corrective measures	Yes No	
4.	The maintenance inspection records contain the date when equipment was inspected?	(Yes) No	-
5.	The maintenance records contain the information of replacement component/equipment along with the date the replacement took place?	(Yes)/ No	
6.	The maintenance inspection records are reviewed at least annually by a competent person or RMP Officer?	Yes/ No	
Came	Nienes Audite CECMENT.		
1.	Are previous RMP Compliance Audit(s) available?  NOTE: For Program 2; the two (2) most recent compliance audit reports are available. However, this requirement does not apply to any compliance audit report that is more than five years old.  For Program 3; the two (2) most recent compliance audit reports are available.	Yes// No	
	If No, explain problem & corrective measures		
2.	The Compliance Audit is certified with a signature of RMP Officer?	Yes/ No	
ACCI	DENT HISTORY SEGMENT:		
1.	Has there been an Accidental Release of product within the last 5 years?	Yes /(No)	
2.	If YES, has the Accidental Release information been completed in Section 6 of the RMP?	Yes / No	
	If No, explain problem & corrective measures		

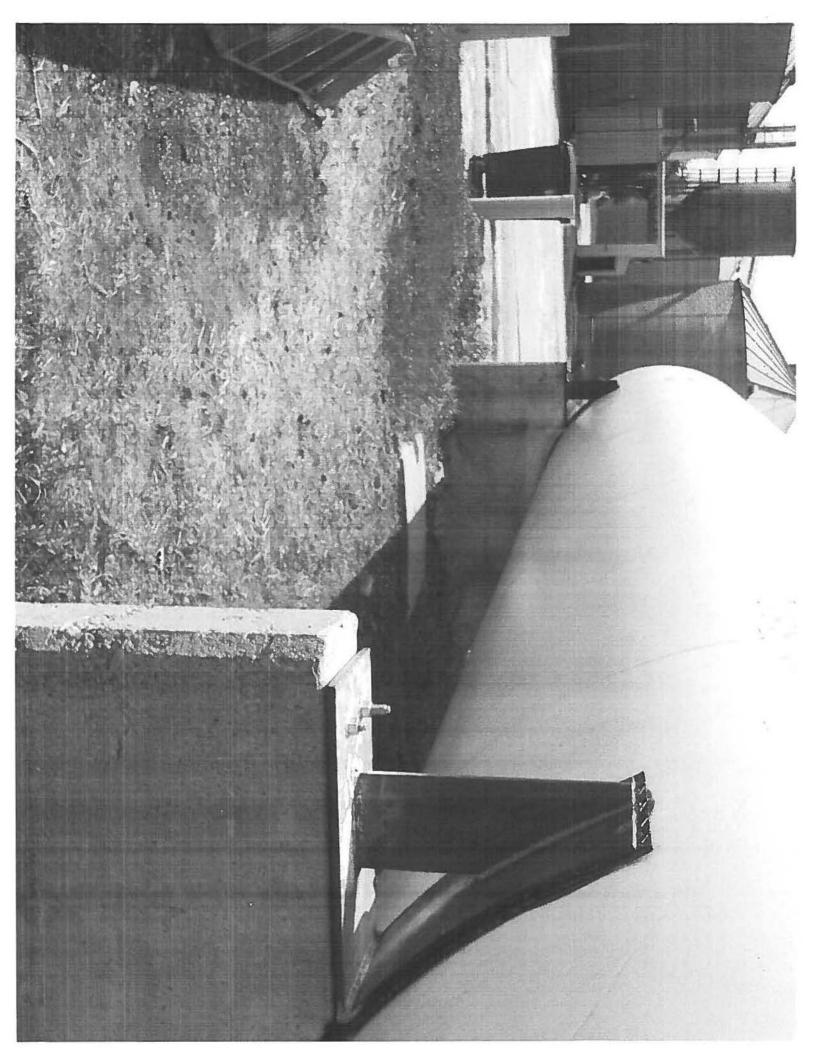
### RISK MANAGEMENT PROGRAM COMPLIANCE AUDIT CERTIFICATION

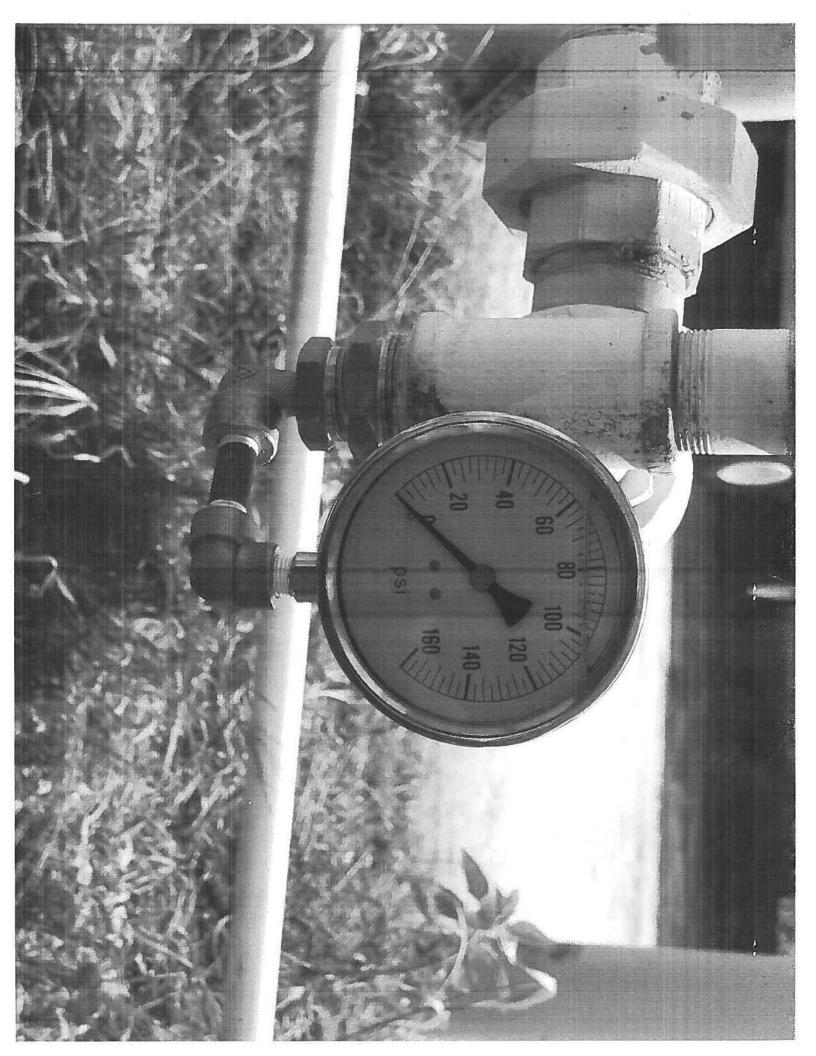
I certify that this compliance audit has evaluated compliance with the prevention program provisions of the U.S. Environmental Protection Agency's Chemical Accident Prevention Provisions (40 CFR Part 68) and verify that the procedures and practices developed are adequate and are being followed.

Any items found to be deficient during the audit were corrected at time of discovery.

Person Conducting Audit Signature	6-Y-/Y Date
Oavid Young Print Name of RMP Officer Signature Signature	6-4-14 Date

Y = ar X





#### D. SAFETY INFORMATION SUMMARY

Process of transferring Anhydrous Ammonia

Safe operating temperatures of product: <-28.1°F to < 271.4°F

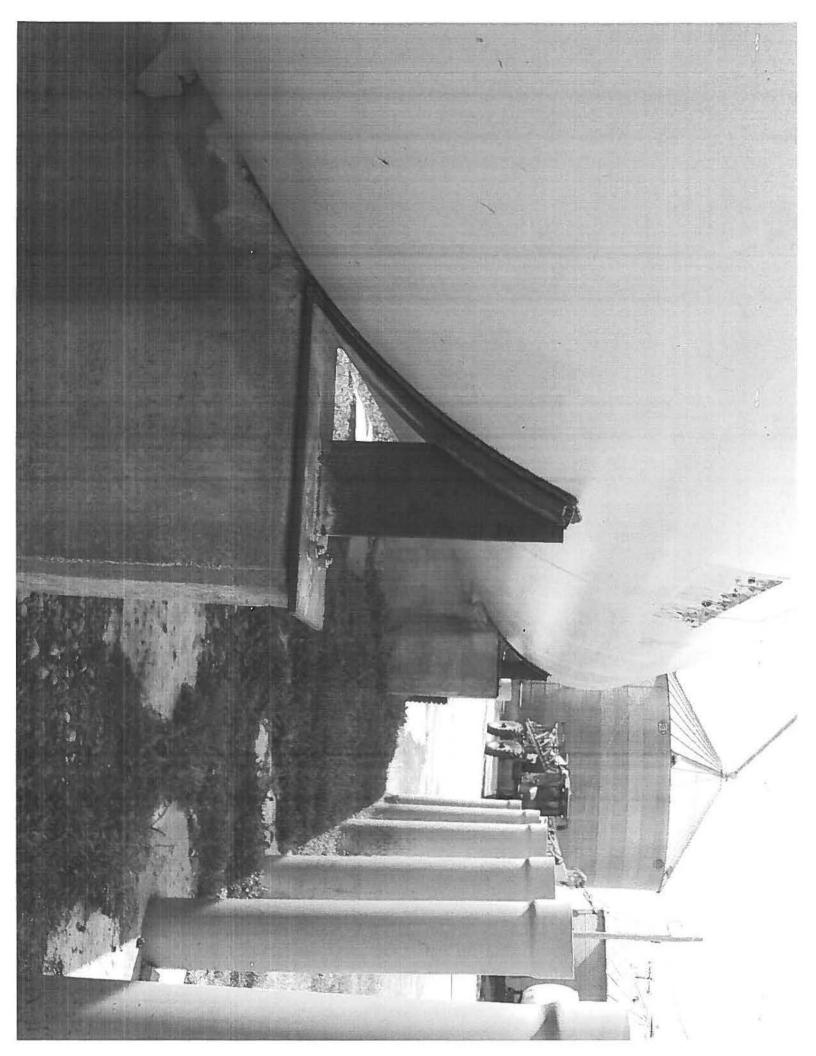
Safe operating atmospheric temperatures: <-28.1°F to < 271.4°F

Safe operating product pressures: 0 psig to <250 psig

Safe operating product flows: 0 GPM to 200 GMP

Product Composition: Colorless liquid or gas, pungent odor considered suffocating, pH range of 10.6 – 11.6, boiling point = -28.1°F, critical temperature = 271.4°F

For more detailed safety information of the process of handling Anhydrous Ammonia, review information in this chapter and the entire Risk Management Program.



### IN THE MATTER OF Aurora Elevator, Inc., Respondent Docket No. CAA-07-2014-0015

#### 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 Attorney for Complainant:

johnson.kent@epa.gov

Copy by First Class Mail to:

David Young President Aurora Elevator, Inc 417 Buffalo Street Aurora, Iowa 50607

Dated:

Kathy Robinson

Hearing Clerk, Region 7