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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

2012 SEP 28 AM 11:01

U.S. EPA, REGION IX  
REGIONAL HEARING CLERK

DOCKET NO: CAA (112r)-09-2012-0021

This ESA is issued to: The Tremont Group, Inc.  
1000 N. East St  
Woodland, CA 95776

For: Violation of Section 112(r)(7) of the Clean Air Act.  
At: Agriform - Woodland, 1000 N. East St., Woodland, CA 95776

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and The Tremont Group, Inc. ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has 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

1) *Failure to compile and maintain safety information related to codes and standards used to design, build, and operate regulated processes as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.48(a)(5).*

Codes and standards at the facility were inadequately stated or nonexistent in the information provided for the equipment, including pumps, hoses, and valves.

2) *Failure to provide in the RMP the information required in 40 C.F.R. §68.160. The owner or operator shall complete a single registration form and include it in the RMP. The form shall cover all regulated substances handled in covered processes. Specifically, the form shall 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 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, as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.160(a) and (b)(7).*

The anhydrous ammonia railcar storage and unloading system should have been listed as a separate process; however it was not. The railcar storage and unloading system was separate from the anhydrous ammonia storage process which was reported in the RMP.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of \$1,040.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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 attorney's fees and costs, 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 above and has sent an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (by entering SFO 1.1 in the search field, opening the form and completing required fields) or **alternatively has sent a cashier's or certified check** (payable to the Treasurer, United States of America) in the amount of **\$1,040** in payment of the full penalty to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center.

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

Angie Proboszcz (SFD-9-3)  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

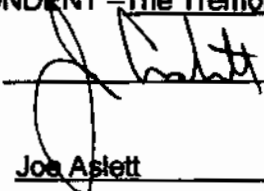
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 21 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT The Tremont Group, Inc.

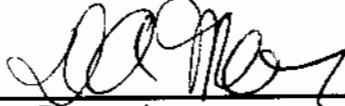
Signature: 

Date: 9/25/12

Name (print): Joe Aslett

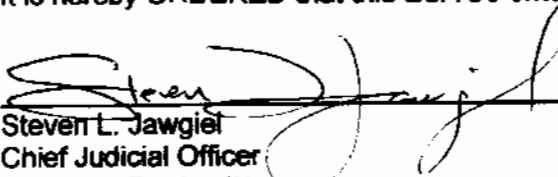
Title (print): Facility Manager

FOR COMPLAINANT:

  
\_\_\_\_\_  
For Jane Diamond  
Superfund Director  
U.S. EPA Region IX

Date: 27 September 2012

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

  
\_\_\_\_\_  
Steven L. Jawgiel  
Chief Judicial Officer  
U.S. EPA Region IX

Date: 09/28/12

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of THE TREMONT GROUP (**Docket #: CAA(112r)-09-2012-0021**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

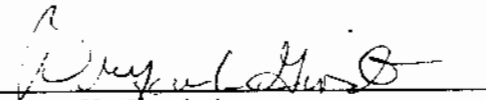
A copy was mailed via CERTIFIED MAIL to:

Joe Aslett  
Facility Manager  
The Tremont Group, Inc.  
1000 N. East Street  
Woodland, CA 95776

**CERTIFIED MAIL NUMBER:** 7001 0360 0000 3640 5753

And additional copy was hand-delivered to the following U.S. EPA case attorney:

Thanne Cox, Esq.  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
\_\_\_\_\_  
Bryan K. Goodwin  
Regional Hearing Clerk  
U.S. EPA, Region IX

9/28/12  
\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 9  
75 Hawthorne Street, San Francisco, CA 94105

CERTIFIED MAIL NO: 7001 0360 0000 3640 5753  
Return Receipt Requested

SEP 20 2012

Mr. Joe Aslett  
Facility Manager  
The Tremont Group, Inc.  
1000 N. East St.  
Woodland, CA 95776

Re: The Tremont Group, Inc., 1000 N. East St., Woodland, CA 95776  
EPA Facility ID # 1000 0002 8846, Agriform -Woodland

Dear Mr. Aslett,

This letter transmits a copy of the fully executed Expedited Settlement Agreement that resolves the alleged violations of Clean Air Act (CAA) Section 112(r)(7) at Agriform – Woodland, 1000 N. East St., Woodland, CA 95776. The violations were for failure to:

1) *Compile and maintain safety information related to codes and standards used to design, build, and operate regulated processes as required by Section 112(r)(7) of the Clean Air Act (the "Act"), and 40 C.F.R. §68.48(a)(5).*

Codes and standards at the facility were inadequately stated or nonexistent in the information provided for the equipment, including pumps, hoses, and valves.

2) *Provide in the RMP the information required in 40 C.F.R. §68.160. The owner or operator shall complete a single registration form and include it in the RMP. The form shall cover all regulated substances handled in covered processes. Specifically, the form shall 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 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, as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.160(a) and (b)(7).*

The anhydrous ammonia railcar storage system should have been listed as a separate process; however, it was not. The railcar storage and unloading system was separate from the anhydrous ammonia storage process which was reported in the RMP.

3) *Ensure that the process is designed in compliance with recognized and generally accepted good engineering practices (RAGAGEP).*

Process valves and equipment were not labeled. Although no penalty has been assessed, EPA recommends that process valves and equipment be labeled in accordance with recognized and generally accepted good engineering practices.

Thank you for your prompt attention to this matter. If you have any questions or need additional

information about the CAA Section 112(r)(7) requirements, please feel free to contact Angie Proboszcz of my staff at (415) 972-3077.

Sincerely,



Jane Diamond  
Director, Superfund Division

Enclosures