



U.S. ENVIRONMENTAL PROTECTION AGENCY

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. sec. 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. 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 chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME: Sealed Air Corporation
PRIVATE [checked] GOVERNMENTAL/MUNICIPAL []
of EMPLOYEES: Approximately 70

FACILITY ADDRESS: 2030 Homestead Avenue, Holyoke, MA 01040
INSPECTION START DATE AND TIME: August 28, 2019
INSPECTION END DATE AND TIME: August 28, 2019

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Jody Emanuel, Plant Manager
EPA FACILITY ID#: 10000219523

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Jody Emanuel, Plant Manager
INSPECTOR NAME(S), TITLE(S): Tyler Diercks, EPA Region 1; Drew Meyer, EPA Region 1; Leonard B. Wallace IV, EPA Region 1; Amy Federoff, Eastern Research Group, Inc. (ERG)

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)? YES [checked] NO []

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195? YES [] NO [checked]
DATE RMP INITIALLY FILED WITH EPA: 10/03/2012 DATE OF RMP UPDATE: 05/23/2019

1) PROCESS/NAICS CODE: 326199 PROGRAM LEVEL: 1 [] 2 [] 3 [checked]
REGULATED SUBSTANCE: odorless propane MAX. QUANTITY IN PROCESS: 59,184 pounds

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? YES [checked] NO []

ATTACHED CHECKLIST(S):
[] PROGRAM LEVEL 1 PROCESS CHECKLIST [] PROGRAM LEVEL 2 PROCESS CHECKLIST [checked] PROGRAM LEVEL 3 PROCESS CHECKLIST
OTHER
ATTACHMENTS:

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE
BOSTON, MA 02109-3912**

Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form:

1. Program Level 3 Alleged Violations and Unadjusted Penalties

| Section C – Prevention Program – Safety information [68.65] | |
|--|------------|
| <p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p style="margin-left: 40px;">– At the time of the inspection, entrances to the facility and entrances to the facility’s extrusion room did not have proper NFPA diamond labelling. The NFPA diamond on the propane storage tank was not an adequate size. <i>See, e.g.,</i> NFPA 704-2012 § 4.3; NFPA 704-2012 Chapter 9</p> | \$ 1500.00 |
| Section C – Prevention Program – Safety information [68.65] | |
| <p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p style="margin-left: 40px;">– At the time of the inspection, pipes containing propane were not properly labelled. <i>See, e.g.,</i> ASME A13.1-2015</p> | \$ 1500.00 |
| Section C – Prevention Program – Safety information [68.65] | |
| <p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p style="margin-left: 40px;">– At the time of the inspection, there was debris and vegetation within ten feet of the facility’s outdoor incinerator. <i>See, e.g.,</i> NFPA 58-2011 § 6.4.5.2; NFPA 1-2012 § 10.14.10</p> | \$ 1500.00 |
| Section C – Prevention Program – Process Hazard Analysis [68.67] | |
| <p>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)]</p> <p style="margin-left: 40px;">– At the time of the inspection, and after review of documents submitted by the facility to EPA, the facility’s process hazard analysis (PHA) contained a table of recommendations that was not maintained. The table did not include any information regarding who was responsible for implementing recommended actions and when they have been completed.</p> | \$ 1500.00 |

Section C – Prevention Program – Process Hazard Analysis [68.67]

| | |
|--|------------|
| 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)] – The facility provided the EPA with a PHA that was not dated. The PHA that was provided to the EPA appears to be the initial PHA for the Holyoke, MA Facility. | \$ 2500.00 |
|--|------------|

Section C – Prevention Program – Operating Procedures [68.69]

| | |
|---|------------|
| Do the procedures address the following: [68.69(a)]; Temporary operations? [68.69((a)(1)(iii)] – The facility did not provide the EPA with operating procedures for the unloading of propane at the Facility’s propane fill station. | \$ 1200.00 |
|---|------------|

Section C – Prevention Program – Compliance Audits [68.79]

| | |
|--|-----------|
| 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)] – The Facility documented in its most recent compliance audit, dated May 21, 2019, that there had been inadequate documentation of training records. This finding was also documented in the Facility’s compliance audit dated May 26, 2016. During this time period the facility did not develop an appropriate response to the compliance audit findings. Nor did the facility document that the deficiency had been corrected. | \$ 300.00 |
|--|-----------|

Section H – Risk Management Plan [40 CFR 68.190 – 68.195]

| | |
|---|------------|
| Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Five-year update [68.190(b)(1)]. – The Facility re-submitted its RMP on May 23, 2019 which was approximately seven years after its initial submission date of October 2, 2012. | \$ 2000.00 |
|---|------------|

Total unadjusted penalty: \$12,000

2. Size-Threshold Quantity Multiplier

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

Expedited Settlement Penalty Matrix: Private Industries

| # of Employees | Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site | | |
|----------------|---|------------|------|
| | 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 |

Size/Threshold Quantity multiplier from Expedited Settlement Penalty Matrix: **0.8**

3. Proposed Penalty

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

$$\begin{array}{rcl} \text{Proposed Penalty} & = & \mathbf{\$12,000} \text{ (Unadjusted Penalty)} \\ & \times & \mathbf{0.8} \text{ (Size/Threshold Quantity Multiplier)} \\ & = & \mathbf{\underline{\$9,600}} \end{array}$$