



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 31 2007

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Schick
Brenntag Great Lakes, LLC
4420 N. Harley Davidson Ave.
Wauwatosa, WI 53255

RE: Complaint and Expedited Settlement Agreement
ESA Docket No: RMP-07-ESA-003
Docket No. **CAA-05-2007-0014**

Dear Mr. Schick:

Enclosed please find a copy of the fully executed Expedited RMP Settlement Agreement (ESA). The ESA is binding on U.S. EPA and Respondent. U.S. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Monika Chrzaszcz at (312) 886-0181 if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure(s)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: RMP-07-ESA-003

This ESA is issued to: Brenntag Great Lakes, LLC

At: 2529 Ferguson Road, Ft. Wayne, IN 46809

for violating Section 112(r)(7) of the Clean Air Act. CAA-05-2007-0014

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Division, 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 November 30, 2006, 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

On June 26, 2006 an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), 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 attached FORM for the total penalty amount of **\$940.00**

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 in herein and in the FORM, 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 the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$940.00** in payment of the full penalty amount to the following address:

U.S. EPA Region 5
P.O. Box 371531
Pittsburg, PA 15251-7531

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is located at the top left corner of this ESA.)

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

Monika Chrzaszcz
Chemical Emergency
Preparedness and Prevention Section (SC-6J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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 FORM. EPA does not waive 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 Region 5 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 FORM.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Mike Schick Date: 6-13-07
Name (print): mike Schick
Title (print): Regional H, S & Q Manager

Brenntag Great Lakes, LLC

FOR COMPLAINANT:

[Signature] Date: 7/20/07
Richard C. Karl, Director
Superfund Division

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

Walter W. Kovalich for Date: 7/24/07
Mary A. Gade,
Regional Administrator



U.S. ENVIRONMENTAL PROTECTION AGENCY

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SUMMARY **CAA-05-2007-0014**

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. § 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 Brenntag Great Lakes, LLC	<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> GOVERNMENTAL/MUNICIPAL 7 EMPLOYEES POPULATION SERVED
FACILITY ADDRESS 2529 Ferguson Road Ft. Wayne, IN 46809	INSPECTION START DATE AND TIME: 06/36/2006, 9:00am INSPECTION END DATE AND TIME: 06/26/2006, 3:00pm
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Monika Chrzaszcz, Environmental Engineer, (312) 886-0181	EPA FACILITY ID# 100000044123
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) Michael R. Schick, Regional Manager HS&Q, (262) 252-6246 William J. Banaszak, HS&Q, (260) 478-9333 Ron Gaze, Traffic/Warehouse Supervisor, (260) 478-9333	INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Monika Chrzaszcz, Environmental Engineer, (312) 886-0181
FACILITY REPRESENTATIVE, SIGNATURE DATE	INSPECTOR SIGNATURE DATE

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?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DATE RMP FILED WITH EPA: 05/1999	DATE OF LATEST RMP UPDATE: 05/31/2004
1) PROCESS/NAICS CODE: 42469 Other Chemical and Allied Products Merchant Wholesalers	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>
REGULATED SUBSTANCE: Chlorine	MAX. QUANTITY IN PROCESS: 30,000 (lbs)
2) PROCESS/NAICS CODE: 42469 Other Chemical and Allied Products Merchant Wholesalers	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>
REGULATED SUBSTANCE: Sulfur Dioxide (anhydrous)	MAX. QUANTITY IN PROCESS: 10,000 (lbs)
3) PROCESS/NAICS CODE: _____	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
REGULATED SUBSTANCE: _____	MAX. QUANTITY IN PROCESS: _____ (lbs)
4) PROCESS/NAICS CODE: _____	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
REGULATED SUBSTANCE: _____	MAX. QUANTITY IN PROCESS: _____ (lbs)
5) PROCESS/NAICS CODE: _____	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
REGULATED SUBSTANCE: _____	MAX. QUANTITY IN PROCESS: _____ (lbs)
DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> 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, Program Level 2 Process Checklist

INSPECTION SYMBOL KEY: Y - YES, N - NO, N/A - NOT APPLICABLE, S - SATISFACTORY, M - MARGINAL, U - UNSATISFACTORY

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

Program Level 2 Process Checklist

Facility Name: Brenntag Great Lakes, LLC, 2529 Ferguson Road, Ft. Wayne, IN 46809

Date RMP submitted: Initial: Update: 05/31/2004

Date process(es) came online: 1999 as Brentag

All comments and suggestions are in bold and italicized.

Section A-Management [68.15]

Management system developed and implemented as provided in 40 CFR 68.15?

S M U N/A

Comments:

Has the owner or operator:

1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]

Y N N/A

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)]

Y N N/A

Mike Schick has been assigned overall responsibility for the development, implementation, and integration of the risk management program elements.

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)]

Y N N/A

William Banaszak and Ron Gaze are also instrumental in implementing the individual requirements of the risk management program at the facility, but they were not identified and documented at the time of the inspection. Their lines of authority through an organization chart or similar document were not available at the time of the inspection. US EPA received a letter dated August 29, 2006 that included information on Facility Job Responsibilities and indicated that this information is available in the facilities plan.

Section B: Hazard Assessment [68.20-68.42]

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42?

S M U N/A

Comments:

Hazard Assessment: Offsite consequence analysis parameters [68.22]

1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)]

Y N N/A

- a. For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
- b. For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]

or

- c. For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m² for 40 seconds? [68.22(a)(2)(ii)] or
- d. 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)]

Y N N/A

- a. For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
- b. For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]
- c. For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m² for 40 seconds? [68.22(a)(2)(ii)]
- d. 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)]

Y N N/A

4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]

Y N N/A

5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]

Y N N/A

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

Program Level 2 Process Checklist

Facility Name: Brenntag Great Lakes, LLC, 2529 Ferguson Road, Ft. Wayne, IN 46809

6. Used appropriate surface roughness values for the release analysis? [68.22(e)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Hazard Assessment: Worst-case release scenario analysis [68.25]	
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)] <i>The worst-case release scenario analyzed the release of a ton cylinder (2,000 lbs.) over 10 minutes.</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the a 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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] <input checked="" type="checkbox"/> a. 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)] <input type="checkbox"/> b. 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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13a. Has the owner or operator for <u>toxic substances</u> that are <u>normally gases</u> at <u>ambient temperature</u> and handled as a gas or liquid under pressure :	
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.b. Has the owner or operator for <u>toxic gases</u> handled as <u>refrigerated liquids</u> at <u>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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)(iii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c. Has the owner or operator for <u>toxic substances</u> that are <u>normally liquids</u> at <u>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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

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

Program Level 2 Process Checklist

Facility Name: Brenntag Great Lakes, LLC, 2529 Ferguson Road, Ft. Wayne, IN 46809

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, the surface area of the contained liquid shall be used to calculate the volatilization rate? [68.25(d)(1)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)] a. What modeling technique did the owner or operator use? [68.25(g)] RMP COMP 1.06 was used for analysis.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)] <input type="checkbox"/> a. Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)] <input type="checkbox"/> b. Proximity to the boundary of the stationary source? [68.25(i)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Hazard Assessment: Alternative release scenario analysis [68.28]	
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

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

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<p>The alternative release scenario analyzed a vessel leak of 150 lbs of chlorine over 10 minutes. Another alternative release scenario analyzed a vessel leak of 150 pounds of sulfur dioxide over 10 minutes.</p>	
<p>19. Selected a scenario: [68.28(b)] <input checked="" type="checkbox"/> a. That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)] <input type="checkbox"/> b. That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)] <input type="checkbox"/> a. Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)] <input type="checkbox"/> b. Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)] <input checked="" type="checkbox"/> c. Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)] <input type="checkbox"/> d. Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)] <input type="checkbox"/> e. Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>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)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>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)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] <input type="checkbox"/> a. The five-year accident history provided in 68.42? [68.28(e)(1)] <input type="checkbox"/> b. Failure scenarios identified under 68.50? [68.28(e)(2)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>
<p>Hazard Assessment: Defining off-site impacts–Population [68.30]</p>	
<p>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)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)] At the time of the inspection, the Census data that was reviewed and available was not dated, so it is unclear as to what Census data was actually used. The owner or operator should use the most recent Census data, or other updated information to estimate the population. US EPA received a letter dated August 29, 2005 that stated "the population estimate from 2005 of 2626 is based on the true Census data from the year 2000. The data is collected from Allen county government.</p>	<p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>28. Estimated the population to two significant digits? [68.30(d)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>Hazard Assessment: Defining off-site impacts–Environment [68.33]</p>	
<p>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)] At the time of the inspection, documents specifying environmental receptors were reviewed. In addition, the submitted RMP reflects appropriately the environmental receptors within the circle</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>

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

Program Level 2 Process Checklist

Facility Name: Brenntag Great Lakes, LLC, 2529 Ferguson Road, Ft. Wayne, IN 46809

of release.	
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Hazard Assessment: Review and update [68.36]	
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)] <i>At the time of the inspection, the off-site consequence analysis was not reviewed and updated at least once every five years. The off-site consequence analysis documentation the facility had at the time of the inspection, reflected the originally submitted consequence data. US EPA received an email dated May 2, 2007, which showed that the facility performed an internal audit/ review of the facilities Risk Management Plan, that began on June 18, 2002. This internal audit demonstrated that the facility reviewed its consequence analysis at the time of this audit.</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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 on increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Hazard Assessment: Documentation [68.39] Has the owner/operator maintained the following records:	
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)] <i>At the time of the inspection the owner or operator maintained a description of the scenario identified, which was included in the submitted RMP and assumptions and parameters used. The owner or operator should make sure and clearly identify rationale for the selection of the specific scenarios. US EPA received a letter dated August 29, 2006 that better explained the Alternative Release Scenario. This explanation should be included in the documentation the facility has on the alternative release scenario on site.</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
36. Methodology used to determine distance to endpoints? [68.39(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Hazard Assessment: Five-year accident history [68.42]	
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)] <i>At the time of the inspection, the owner or operator stated that the facility has not had an accidental release from a covered process within the past five years.</i>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
39. Has the owner or operator reported the following information for each accidental release: [68.42(b)] <input type="checkbox"/> a. Date, time, and approximate duration of the release? [68.42(b)(1)] <input type="checkbox"/> b. Chemical(s) released? [68.42(b)(2)] <input type="checkbox"/> c. Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)] <input type="checkbox"/> d. NAICS code for the process? [68.42(b)(4)] <input type="checkbox"/> e. The type of release event and its source? [68.42(b)(5)] <input type="checkbox"/> f. Weather conditions (if known)? [68.42(b)(6)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

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<input type="checkbox"/> g. On-site impacts? [68.42(b)(7)] <input type="checkbox"/> h.. Known offsite impacts? [68.42(b)(8)] <input type="checkbox"/> i. Initiating event and contributing factors (if known)? [68.42(b)(9)] <input type="checkbox"/> j. Whether offsite responders were notified (if known)? [68.42(b)(10)] <input type="checkbox"/> k. Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]	
Section C: Prevention Program	
Implemented the Program 2 prevention requirements as provided in 40 CFR 68.48 - 68.60? Comments:	<input type="checkbox"/> S <input checked="" type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A
Prevention Program- Safety information [68.48]	
1. Compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment: [68.48(a)] <input checked="" type="checkbox"/> a. Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)] Brenntag Chlorine copy on site, also available in BUS system, RMP book, and master copy kept in WI office. <input type="checkbox"/> b. Maximum intended inventory of equipment in which the regulated substances are stored or processed? [68.48(a)(2)] - NA <input type="checkbox"/> c. Safe upper and lower temperatures, pressures, flows, and compositions? [68.48(a)(3)]- NA <input checked="" type="checkbox"/> d. Equipment specifications? [68.48(a)(4)]- Forklift <input checked="" type="checkbox"/> e. Codes and standards used to design, build, and operate the process? [68.48(a)(5)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
2. Ensured the process is designed in compliance with recognized and generally accepted good engineering practices? [68.48(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
3. Updated information if a major change has occurred that made the information inaccurate? [68.48(c)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Prevention Program- Hazard review [68.50]	
4. Has the owner or operator conducted a review of the hazards associated with the regulated substances, processes, and procedures? [68.50(a)] At the time of the inspection, the owner or operator stated that there have been no major changes, except for personnel at this facility. 6/27-28/2006 conducted last review of RMP, Security Plan, and Emergency response will all employees at facility, excluding sales force. Conducted a review in 2000 and 2006.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
5. Did the review identify: <input checked="" type="checkbox"/> a. The hazards associated with the process and regulated substances? [68.50(a)(1)] <input checked="" type="checkbox"/> b. Opportunities for equipment malfunctions or human errors that could cause an accidental release? [68.50(a)(2)] <input checked="" type="checkbox"/> c. The safeguards used or needed to control the hazards or prevent equipment malfunctions or human error? [68.50(a)(3)] <input checked="" type="checkbox"/> d. Any steps used or needed to detect or monitor releases? [68.50(a)(4)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
6. Determined by inspecting all equipment that the processes are designed, fabricated, and operated in accordance with applicable standards or rules, if designed to meet industry standards or Federal or state design rules? [68.50(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
7. Documented the results of the review? [68.50(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
8. Ensured that problems identified were resolved in a timely manner? [68.50(c)] Both the 2000 and 2006 reviews did not address and resolve problems identified. Both reviews did identify problems that needed to be addressed, but there was no documentation at the time of the inspection that showed these identified problems were actually resolved.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A

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<p>9. Updated the review at least once every five years or whenever a major change in the processes occurred? [68.50(d)] Reviews were conducted in 2000 and 2006.</p>	<p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>10. Resolved all issues identified in the review before startup of the changed process? [68.50(d)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>
<p>Prevention Program- Operating procedures [68.52]</p>	
<p>11. Has the owner or operator prepared written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process? (Operating procedures or instructions provided by equipment manufacturers or developed by persons or organizations knowledgeable about the process and equipment may be used as a basis for a stationary source's operating procedures.) [68.52(a)] At the time of the inspection, the following operating procedures were reviewed: Receiving, Handling, Storage, Shipping & Transportation, Guidelines for the Safe Motor Vehicular Transport of Chlorine Cylinders and Ton Containers, Emergency Contingency Plan, Loading & Unloading, and Safety Tips. These procedures were all last reviewed on 6/2006.</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>12. Do the procedures address the following: [68.52(b)] a. Initial startup? [68.52(b)(1)] b. Normal operations? [68.52(b)(2)] c. Temporary operations? [68.52(b)(3)]-NA d. Emergency shutdown and operations? [68.52(b)(4)]- Use Emergency Contingency Plan e. Normal shutdown? [68.52(b)(5)]-NA f. Startup following a normal or emergency shutdown or a major change that requires a hazard review? [68.52(b)(6)]-NA g. Consequences of deviations and steps required to correct or avoid deviations? [68.52(b)(7)] h. Equipment inspections? [68.52(b)(8)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>13. Has the owner or operator ensured that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process? [68.52(c)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>Prevention Program - Training [68.54]</p>	
<p>14. Certified that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties? (For those employees already operating a process on June 21, 1999, the 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 provided in the operating procedures.) [68.54(a)] At the time of the inspection, the following documents were reviewed: RMP Security Plan, Emergency Response Review. This document must be dated appropriately to reflect the 6/27-6/28-2006 previously stated review. DOT Training records, every three years, Alexander Chemical Training dated 2005, with tests reflecting employee knowledge dated 3/24/2005. In addition, the following training has been conducted at the facility: Introduction to the facility, Chemical and Physical Property Review, Hands on and Video review, A Kits, and review of cylinders and equipment. Todd Johnson's record dated 4/2006, Regulatory Training, was also reviewed. Brentag uses Costal, Clarity Net to hold website for Brentag employees to continuously be able to take modules of training. This is an interactive program available to employees. The owner or operator must make sure that they retain all training records.</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>15. Provided refresher training at least every three years, or more often if necessary, to each employee operating a process, to ensure that the employee understands and adheres to the current operating procedures of the process? [68.54(b)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>16. Determined, in consultation with the employees operating the process, the appropriate frequency of refresher training? [68.54(b)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>

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17. Certified that each employee was trained in any updated or new procedures prior to startup of a process after a major change? [68.54(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Prevention Program - Maintenance [68.56]	
18. Prepared and implemented procedures to maintain the on-going mechanical integrity of the process equipment? [68.56(a)] <i>At the time of the inspection, the following documents were reviewed: Forklift maintenance documents date 5/12/2006, inspected every 90 days. Also visual inspections are conducted every morning, reviewed documents from 6/29, 6/28, 6/27/2006. The owner or operator must make sure that all checklists and visual inspection forms used are fully completed.</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
19. Trained or caused to be trained each employee, involved in maintaining the on-going mechanical integrity of the process, in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks? [68.56(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
20. Has every maintenance contractor ensured that each contract maintenance employee is trained to perform the maintenance procedures developed? [68.56(c)] <i>At the time of the inspection, the owner or operator stated that there have been no large projects that utilize contractors, at this facility since at least 1999. Some contractors are used for maintenance of forklift trucks, and chlorine detectors.</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
21. Has the owner or operator performed or caused to be performed inspections and tests on process equipment that follow recognized and generally accepted engineering practices? [68.56(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Prevention Program -Compliance audits [68.58]	
22. Has the owner or operator certified that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed? [68.58(a)] <i>At the time of the inspection, Audits dated 6/2004 and 6/28/2006 were reviewed. These audits used the Chlorine Institute Pamphlet 76 as a guideline. An initial audit should have been completed by 2002. US EPA received an email dated May 2, 2007, which stated that the facility performed a review of its Risk Management Plan, which the facility stated was their audit dated June 18, 2002. The audit included dated from 2003. Compliance audits need to be completed at least every three years to verify that the procedures and practices are adequate and are being followed. The compliance audits should review mainly the prevention program elements of the facilities Risk Management Program.</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
23. Has compliance audit been conducted by at least one person knowledgeable in the process? [68.58(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
24. Has the owner operator developed a report of the audits findings? [68.58(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
25. 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? [68.58(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
26. Has the owner or operator retained the two most recent compliance audit reports, unless more than five years old? [68.58(e)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Prevention Program - Incident investigation [68.60]	
27. Has the owner or operator investigated each incident which resulted in, or could reasonably have resulted in a catastrophic release? [68.60(a)] <i>At the time of the inspection, the owner or operator stated that the facility has not had any incidents.</i>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
28. Were all incident investigations initiated not later than 48 hours following the incident? [68.60(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

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29. Was a summary prepared at the conclusion of every investigation, which included: [68.60(c)] a. Date of incident? [68.60(c)(1)] b. Date investigation began? [68.60(c)(2)] c. A description of incident? [68.60(c)(3)] d. The factors that contributed to the incident? [68.60(c)(4)] e. Any recommendations resulting from the investigation? [68.60(c)(5)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
30. Has the owner or operator promptly addressed and resolved the investigation findings and recommendations, and are the resolutions and corrective actions documented? [68.60(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
31. Has the owner or operator reviewed the finding with all affected personnel whose job tasks are affected by the findings? [68.60(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
32. Has the owner or operator retained investigation summaries for five years? [68.60(f)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Section D - Emergency Response [68.90 - 68.95]	
Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? <input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A Comments: <i>The HAZMAT response team and Cura are relied upon for help in the case of an emergency response. Three employees are Fit tested, OSHA trained, and do have SCBA's. Each employee also has their own bag of gloves, hats, internal gloves, boots, respirators, chem tape to help aid the HAZMAT team. Because there are only 3 employees trained, the facility does not to respond by themselves and must call for assistance. Ron maintains the equipment for the three employees and conducts tests on them. At the time of the inspection, the SCBA records were reviewed from 8/2005 and 4/2006. Central Security maintains a chlorine detector which is set at 5ppm and 1ppm and inspected yearly.</i>	
1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
2. An emergency response plan which is maintained at the stationary source and contains the following? [68.95(a)(1)] a. Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)] b. Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)] c. Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
3. Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
4. Training for all employees in relevant procedures? [68.95(a)(3)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
5. 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)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

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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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Section G - Risk Management Plan [68.190 - 68.195]

1. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update. <input checked="" type="checkbox"/> Five-year update. [68.190(b)(1)] <input type="checkbox"/> Within three years of a newly regulated substance listing. [68.190(b)(2)] <input type="checkbox"/> At the time a new regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)] <input type="checkbox"/> At the time a regulated substance is first present in a new process above threshold quantities. [68.190(b)(4)] <input type="checkbox"/> Within six months of a change requiring revised PHA or hazard review. [68.190(b)(5)] <input type="checkbox"/> Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)] <input type="checkbox"/> Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
2. 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)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
3. 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)] <i>Emergency contact information was not updated within thirty days of the change. Dennis Traxter no longer works with the company, but was identified as the contact person on the submitted RMP. Ron Gaze is now assigned the emergency contact title.</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A