

**ENCLOSURE 2**  
**EXPEDITED SETTLEMENT ALLEGED VIOLATIONS AND FINAL ADJUSTED PENALTY SUMMARY**  
**Clean Air Act – Risk Management Program**

Respondent: Wilbur-Ellis Company LLC  
P.O. Box 29  
Fairfield, Washington 99012

Facility: Wilbur-Ellis Company (Fairfield WA)  
404 North 1st Street  
Fairfield, Washington 99012

Responsible Official: Junior Thies, Branch Manager  
(509) 283-2411

Case Officer: Javier Morales, RMP Program Coordinator  
(206) 553-1255

**Inspection Findings and Alleged Violations**

**RMP Submission Date**

Initial Submission Date: 6/21/1999  
Date of Latest Update: 5/6/2019  
RMP Facility ID: 1000078712  
Program Level: 2  
Chemical Name: Anhydrous Ammonia  
Chemical Amount: 210,000 lbs.  
NACIS Code: 42491  
Facility Type: Private Industry  
Employees: 12

**Description of Alleged Violations**

CAA Section 112(r) and its implementing regulations in 40 C.F.R. Part 68 require an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance (listed in Section 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

1. The owner or operator must review and update the RMP as specified in 40 C.F.R. § 68.190(b) as required by § 68.190(a). Wilbur-Ellis Company failed to submit an updated RMP to EPA at least once every five years as required by § 68.190(a) and (b)(1). The five-year update was due on 5/6/2024. The most recent RMP submission that EPA has on file is dated 5/6/2019.

## **Final Adjusted Penalty Calculation**

The Final Adjusted Penalty for an RMP ESA is a non-negotiable penalty offer.

First the Unadjusted Penalty is calculated using the Risk Management Program Expedited Settlement Penalty Sheet, Enclosure 3. Each Alleged Violation listed above is assigned a penalty amount in the spreadsheet and the Unadjusted Penalty is determined by adding all the penalty amounts.

The Unadjusted Penalty is multiplied by the Size-Threshold Quantity Multiplier to determine the Adjusted Penalty. The Size-Threshold Quantity Multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility. See the Multiplier Factor tables below.

$$\text{Adjusted Penalty} = \text{Unadjusted Penalty} \times \text{Size-Threshold Quantity Multiplier}$$

### **Unadjusted Penalty Calculation**

Adding the penalty numbers in the Risk Management Program Expedited Settlement Penalty Sheet, an unadjusted penalty of \$2,000 is derived.

### **Size-Threshold Quantity Multiplier**

According to the RMP, the facility employs between 10 to 100 people and uses and/or stores greater than 10 times the threshold amount of Anhydrous Ammonia, which is regulated under the Clean Air Act Section 112(r) Risk Management Program. Using the tables below, the multiplier is determined to be 1.0.

### **Adjusted Penalty Calculation**

Adjusted Penalty = \$2,000 (Unadjusted Penalty) x 1.0 (Size-Threshold Multiplier)

Final Adjusted Penalty = \$2,000.00

**EXPEDITED SETTLEMENT PENALTY MATRIX**  
**Multiplier Factor for Calculating Proposed Penalties for RMP Violations**

**Private Industries**

<b># of Employees</b>	<b>1 – 5*</b>	<b>5 – 10*</b>	<b>10*</b>
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	1.0
100	1.0	1.0	1.0

**Governmental Entities**

(Primarily public drinking water and wastewater systems)

<b>Total Population Served</b>	<b>1 – 5*</b>	<b>5 – 10*</b>	<b>10*</b>
1 – 10,000	0.2	0.4	0.6
10,001 – 100,000	0.4	0.6	0.8
100,000	0.6	0.8	1.0

\* Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site.