

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

Respondent: Airgas USA LLC  
3737 Worsham Avenue  
Longbeach, California 90808

Facility: Airgas Tualatin  
20001 Teton Avenue  
Tualatin, Oregon 97062

Responsible Official: Shane Clark, Facility Manager  
(503) 692-2760

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



**Inspection Findings and Alleged Violations**

**RMP Submission Date**

Initial Submission Date: 5/20/2019  
Date of Latest Update: 6/6/2024  
RMP Facility ID: 1000114996  
Program Level: 3  
Chemical Name: Acetylene  
Chemical Amount: 34,439 lbs.  
NACIS Code: 32512  
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). Airgas USA LLC 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 5/20/2024. The most recent RMP submission that EPA has on file is dated 6/6/2024.

## **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 1 to 5 times the threshold amount of Acetylene, which is regulated under the Clean Air Act Section 112(r) Risk Management Program. Using the tables below, the multiplier is determined to be 0.6.

### **Adjusted Penalty Calculation**

$$\text{Adjusted Penalty} = \$2,000 \text{ (Unadjusted Penalty)} \times 0.6 \text{ (Size-Threshold Multiplier)}$$

$$\text{Final Adjusted Penalty} = \$1,200.00$$

**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.