



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

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**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA-10-2012-0078  
**This ESA is issued to:** Rite Stuff Foods, Inc.  
2155 South Lincoln Avenue  
Jerome, Idaho 83338

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), 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 June 21, 2011, 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**

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary, 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 enclosed Summary for the total penalty amount of **\$5,700**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, and consents to the assessment of the penalty as stated above.

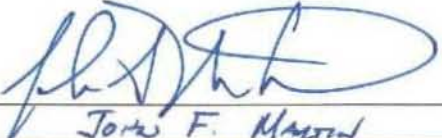
Respondent waives its rights to a hearing afforded by Section 113(d) (2)(A) of the Act, 42 U.S.C. § 7413(d) (2) (A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any.

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EPA -- REGION 10

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature:   
Name (print): John F. Martin  
Title (print): Permit Administrator  
Cost to correct violation(s): \$ 5,700.00

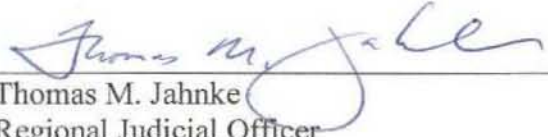
Date: 3/8/12

FOR COMPLAINANT:

  
Edward J. Kowalski  
Director  
Office of Compliance and Enforcement

Date: 3/15/2012

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

  
Thomas M. Jahnke  
Regional Judicial Officer  
EPA Region 10

Date: 3/16/12



# U.S. ENVIRONMENTAL PROTECTION AGENCY

## Risk Management Program Inspection Findings and Alleged Violations Summary Region 10

**REASON FOR INSPECTION:** This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. 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 of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME: Rite Stuff Foods, Inc.  PRIVATE  GOVERNMENTAL/MUNICIPAL  
# EMPLOYEES: 175 POPULATION SERVED: \_\_\_\_\_

FACILITY LOCATION: 2155 South Lincoln Avenue, Jerome, Idaho 83338  
INSPECTION START DATE AND TIME: May 17, 2011; 1:00 PM

MAILING ADDRESS: 2155 South Lincoln Avenue, Jerome, Idaho 83338  
INSPECTION END DATE AND TIME: May 17, 2011; 5-25 PM

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Ralph West, Refrigerator Supervisor, (208) 421-2399  
EPA FACILITY ID#: 1000 0019 8118

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): John Marten, Plant Manager, (208) 421-2399; Rich Howard, Maintenance Manager, (208) 421-2399  
INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S): Robert Hales, US EPA Region 10, RMP Lead Inspector; Javier Morales, US EPA Region 10, RMP Coordinator; Stephanie Allen, US EPA Region 10, RMP Inspector; Charles Wilson, US EPA Region 10, RMP Inspector; Bryan Berna, TechLaw, Inc., START-3 Contractor

INSPECTOR SIGNATURE: *[Signature]* DATE: 2/8/12

### INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?  YES  NO

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?  YES  NO

DATE RMP FILED WITH EPA: 02/05/07 DATE OF LATEST RMP UPDATE: 05/22/07

1) PROCESS/NAICS CODE: 68911/70535 PROGRAM LEVEL: 1  2  3   
REGULATED SUBSTANCE: anhydrous ammonia MAX. QUANTITY IN PROCESS: 18,000 lbs (lbs)

### 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 § 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

Four EPA representatives and an EPA contractor inspected the Rite Stuff Foods, Inc., Jerome, Idaho facility on May 17, 2011. Based upon this inspection the Rite Stuff Foods facility is in violation of the following risk management program elements:

1. The process safety information does not contain the following for the equipment in the process: [68.65(d)(1)]
  - a. Electrical classification [68.65(d)(1)(iii)]
  - b. Ventilation system design [68.65(d)(1)(v)]
  - c. Safety systems [68.65(d)(1)(viii)]
2. The owner or operator has not 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)]
3. The owner or operator has not developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information in the following areas:
  - a. Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner. [68.69(a)(1)(iv)]
  - b. Startup following a turnaround, or after emergency shutdown. [68.69(a)(1)(vii)]

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?  YES  NO

ATTACHED CHECKLIST(S):  PROGRAM LEVEL 1 PROCESS CHECKLIST  PROGRAM LEVEL 2 PROCESS CHECKLIST  PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER ATTACHMENTS: \_\_\_\_\_