



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 26 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Scott Kington
Plant Manager
Rich Products Corporation
5701 Commerce Boulevard
Morristown, Tennessee 37814

Re: Expedited Settlement Agreement
CAA-04-2019-8019(b)

Dear Mr. Kington:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter, Docket No. CAA-04-2019-8019(b), involving Rich Products Corporation. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. **The penalty payment should be made within 15 days after the receipt of the signed, approved and filed ESA.**

If you need additional information in this matter, please contact Mr. Om P. Devkota at (404) 562-8963.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Russo", with a large flourish extending to the left.

Todd Russo
Chief
Air Enforcement Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2019-8019(b)

This ESA is issued to: Rich Products Corporation
5701 Commerce Boulevard
Morristown, Tennessee 37814

for violating 40 C.F.R. § 68.39(a), 40 C.F.R. § 68.39(b), 40 C.F.R. § 68.65(d)(2), 40 C.F.R. § 68.69(c), 40 C.F.R. § 68.73(f)(2), 40 C.F.R. § 68.79(a), and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Rich Products Corporation (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 5701 Commerce Boulevard, Morristown, Tennessee, on April 3, 2019, the EPA alleges that the Respondent violated the Act's Section 112(r)(7) Chemical Accident Prevention Provisions, 42 U.S.C. § 7412(r)(7), when at the time of inspection, Respondent did not provide evidence that:

It maintained records on the worst-case scenario portion of the offsite consequence analyses, including assumptions and parameters used, and the rationale for the selection of the specific worst-case scenario, as required by 40 C.F.R. § 68.39(a);

It maintained records on the alternative release scenario portion of the offsite consequence analyses, including assumptions and parameters used, and the rationale for the selection of the specific alternative release scenario, as required by 40 C.F.R. § 68.39(b);

It demonstrated that equipment complies with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2), when ammonia piping and valves located on the roof did not have labels and tags indicating the contents or direction of flow, pressure relief valves were not replaced or tested or recertified every five years from the date of installation, and corrosion was observed in numerous areas including equipment in the Ammonia Machinery Room, piping leading into the high pressure

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receiver, piping on an oil pot below the low temperature accumulator, on the oil pot below the low temperature receiver, and on piping in the mezzanine area;

The operating procedures were reviewed as often as necessary and certified annually that they were current and accurate as required by 40 C.F.R. § 68.69(c), when the facility did not produce documentation that they reviewed and certified their operating procedures prior to 2018;

It performed appropriate checks and inspections to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions as required by 40 C.F.R. § 68.73(f)(2); when during the inspection the inspector observed the nameplate in the intercooler was missing, and

It certified that they have evaluated compliance with the provisions of the prevention program at least every three years as required by 40 C.F.R. § 68.79(a), when the dates between the last two compliance audits were more than three years.

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts 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 cited above, for the total penalty amount of **\$6,000**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$6,000**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$6,000** in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:
ABA: 021030004

Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Beneficiary: "U.S. Environmental Protection Agency";

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery
U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)
U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Delivery Location Phone Number: 314- 425-1819

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303, and

Om P. Devkota
U.S. EPA Région 4
Air Enforcement Branch
61 Forsyth Street S.W.
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Scott W Kingston
Name (print): Scott W Kingston
Title (print): General Plant Manager
Rich Products Corporation

Date: 11/10/2020

FOR COMPLAINANT:

Carol L. Kemker for
Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Date: 02/21/2020

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

Tanya Floyd
Tanya Floyd
Regional Judicial Officer

Date: February 26, 2020

CERTIFICATE OF SERVICE

I certify that the foregoing "Expedited Settlement Agreement," in the Matter of Rich Products Corporation, Docket No. CAA-04-2019-8019(b), were filed and copies of the same were mailed to the parties as indicated below.

Via United Parcel Service Return Receipt Requested :


Mr. Scott Kington
Plant Manager
Rich Products Corporation
5701 Commerce Boulevard
Morristown, Tennessee 37814

Via EPA's internal email:

Om Devkota
U.S. EPA, Region 4
Air Enforcement Section 1
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Devkota.om@epa.gov

Michi Kono
Associate Regional Counsel
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Kono.michi@epa.gov

2-26-2020
DATE



Patricia A. Bullock, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960