



REGION 5
CHICAGO, IL 60604

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Ken Hunt, Environmental, Health and Safety Director
The Andersons – Union City
Kenneth_hunt@andersonsinc.com

Re: Finding of Violation
The Andersons – Union City
Union City, Indiana

Dear Ken Hunt:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to The Andersons – Union City (you) under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). We find that you have violated the Section 112r(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), and certain regulatory provisions set forth in the Chemical Accident Prevention Provisions (CAPP) at 40 C.F.R. Part 68, at your Union City, Indiana facility.

Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference. The EPA contact in this matter is Manojkumar P. Patel. You may call him at (312) 353-3565 or email him at patel.manojkumar@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

SARAH
MARSHALL

Digitally signed by
SARAH MARSHALL
Date: 2024.09.18
14:35:36 -0500

Sarah M. Marshall
Supervisor,
Air Enforcement and Compliance Assurance Section
(MI/WI)

cc: Janusz Johnson, Chief
Air Compliance Branch
Office of Air Quality
Indiana Department of Environmental Management
JOHNSON@idem.IN.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
The Andersons – Union Qty) FINDING OF VIOLATION
Union Qty, Indiana)
) EPA-5-24-IN-16
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that The Andersons – Union Qty (The Andersons) is violating Section 112(r)(7)(E) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r)(7)(E), and certain regulatory provisions set forth in the Chemical Accident Prevention Provisions (the CAPP), codified at 40 C.F.R. Part 68. The statutory and regulatory authority, as well as a description of the specific violations, are set forth below:

I. Statutory and Regulatory Authority

A. Clean Air Act, Section 112(r)

1. In accordance with Section 112(r) of the CAA, 42 U.S.C. § 7412, on June 20, 1996, U.S. EPA promulgated regulations to prevent accidental releases of regulated substances and minimize the consequences of those releases that do occur. These regulations, known as the Risk Management Program regulations, are codified at 40 C.F.R. Part 68. The Risk Management Program regulations apply to all stationary sources that have more than a threshold quantity of a regulated substance in a process.

2. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

3. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

4. Section 112(r)(7)(A) of the CAA, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

5. Section 112(r)(7)(B)(i) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

6. Section 112(r)(7)(B)(ii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

7. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

8. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the CAA, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

B. Chemical Accident Prevention Provisions

(a) Applicability

9. 40 C.F.R. § 68.10(a) provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of the CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.

10. 40 C.F.R. § 68.3 defines "stationary source" as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under the common control), and from which an accidental release may occur.

11. 40 C.F.R. § 68.3 provides that "regulated substance" means any substance listed pursuant to Section 112(r)(3) of the CAA at 40 C.F.R. § 68.130.

12. Table 1 at 40 C.F.R. § 68.130 lists Ammonia (anhydrous) (CAS#7664-41-7) as a regulated toxic substance with a threshold quantity of 10,000 pounds.

13. 40 C.F.R. § 68.3 provides that "process" means "any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process."

14. 40 C.F.R. § 68.3 provides that a "covered process" means "a process that has a regulated substance present in more than a threshold quantity as determined under [40 C.F.R.] § 68.115."

15. 40 C.F.R. § 68.3 provides that a "regulated substance" is "any substance listed pursuant to Section 112(r)(3) of the Clean Air Act as amended, in [40 C.F.R.] § 68.130."

16. 40 C.F.R. §§ 68.10(a) and 68.150 provide that an owner or operator of a stationary source subject to the Risk Management Program shall comply with the requirements of 40 C.F.R. Part 68 by no later than the latest of the following dates: June 21, 1999; three years after the date on which the regulated substance is first listed under 40 C.F.R. § 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process.

17. 40 C.F.R. § 68.10(k) provides that a covered process is subject to Program 2 requirements if it does not meet the eligibility requirements of either paragraph Section 68.10(g) or Section 68.10(i).

18. 40 C.F.R. § 68.12(a) and (c) identify the CAPP requirements that the owner or operator of a stationary source with a process subject to Program 2 shall meet, which include, among other provisions, requirements regarding the development and implementation of a management system, conducting a hazard assessment, implementation of the prevention requirements, development and implementation of an emergency response program, and the submittal of a single RMP.

(b) Management

19. 40 C.F.R. § 68.15(a) provides that the owner or operator of a stationary source with processes subject to Program 2 or Program 3 shall develop a management system to oversee the implementation of the risk management program elements.

20. 40 C.F.R. § 68.15(b) provides that the owner or operator shall assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements.

21. 40 C.F.R. § 68.15(c) provides that when responsibility for implementing individual requirements of this part is assigned to persons other than the person identified under 40 C.F.R. § 68.15(b), the names or positions of these people shall be documented, and the lines of authority defined through an organization chart or similar document.

(c) Safety Information

22. 40 C.F.R. § 68.48(a)(3) provides that the owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment: safe upper and lower temperatures, pressure, flow, and compositions.

23. 40 C.F.R. § 68.48(a)(4) provides that the owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment: equipment specifications.

24. 40 C.F.R. § 68.48(a)(5) provides that the owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment: codes and standards used to design, build, and operate the process.

25. 40 C.F.R. § 68.48(b) provides that the owner or operator shall ensure and document that the process is designed in compliance with recognized and generally accepted good engineering practices.

26. 40 C.F.R. § 68.48(c) provides that the owner or operator shall update the safety information if a major change occurs that makes the information inaccurate.

(d) Hazard Review

27. 40 C.F.R. § 68.50(b) provides that the owner or operator may use checklists developed by persons or organizations knowledgeable about the process and equipment as a guide to conducting the review. For processes designed to meet industry standards or Federal or state design rules, the hazard review shall, by inspecting all equipment, determine whether the process is designed, fabricated, and operated in accordance with the applicable standards or rules.

28. 40 C.F.R. § 68.50(c) provides that the owner or operator shall document the results of the review and ensure that problems identified are resolved in a timely manner.

29. 40 C.F.R. § 68.50(d) provides that the review shall be updated at least once every five years. The owner or operator shall also conduct reviews whenever a major change in the process occurs; all issues identified in the review shall be resolved before startup of the changed process.

(e) Operating Procedures

30. 40 C.F.R. § 68.52(a) provides that the owner or operator shall prepare 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.

31. 40 C.F.R. § 68.52(b) provides that the procedures shall address the following: (1) Initial startup; (2) Normal operations; (3) Temporary operations; (4) Emergency shut down and operations; (5) Normal shutdown; (6) Startup following a normal or emergency shutdown or a major change that requires a hazard review; (7) Consequences of deviations and steps required to correct or avoid deviations; (8) Equipment inspections; and (9) Documentation when monitoring equipment associated with prevention and detection of accidental releases from covered processes is removed due to safety concerns from imminent natural hazards.

32. 40 C.F.R. § 68.52(c) provides that the owner or operator shall ensure that the operating procedures are updated, if necessary, whenever a major change occurs and prior to startup of the changed process.

(f) Training

33. 40 C.F.R. § 68.54(a) provides that the owner or operator shall ensure 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 40 C.F.R. § 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.

34. 40 C.F.R. § 68.54(b) provides that the refresher training shall be provided at least every three years, and 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. The owner or operator, in consultation with the employees operating the process, shall determine the appropriate frequency of refresher training.

35. 40 C.F.R. § 68.54(c) provides that the owner or operator may use training conducted under Federal or state regulations or under industry-specific standards or codes or training conducted by covered process equipment vendors to demonstrate compliance with this section to the extent that the training meets the requirements.

36. 40 C.F.R. § 68.54(d) provides that the owner or operator shall ensure that operators are trained in any updated or new procedures prior to start up of a process after a major change.

(g) Maintenance

37. 40 C.F.R. § 68.56(a) provides that the owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in Federal or state regulations or industry codes as the basis for stationary source maintenance procedures.

38. 40 C.F.R. § 68.56(b) provides that the owner or operator shall train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process. To ensure that the employee can perform the job tasks in a safe manner, each such employee shall be trained 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.

39. 40 C.F.R. § 68.56(c) provides that any maintenance contractor shall ensure that each contract maintenance employee is trained to perform the maintenance procedures developed under 40 C.F.R. § 68.56(a).

40. 40 C.F.R. § 68.56(d) provides that the owner or operator shall perform or cause to be performed inspections and tests on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, and prior operating experience.

(h) Compliance Audits

41. 40 C.F.R. § 68.58(a) provides that the owner or operator shall certify that they have evaluated compliance with the provisions of this subpart, at least every three years to verify that the procedures and practices developed under this subpart are adequate and are being followed.

42. 40 C.F.R. § 68.58(d) provides that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected.

43. 40 C.F.R. § 68.58(e) provides that the owner or operator shall retain the two (2) most recent compliance audit reports. This requirement does not apply to any compliance audit report that is more than five years old.

(i) Emergency Response

44. 40 C.F.R. § 68.95(a) provides that the owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements: (1) An emergency response plan, which shall be maintained at the stationary source and contain at least the following elements: (i) Procedures for informing the public and the appropriate Federal, State, and local emergency response agencies about accidental releases, including partnering with these response agencies to ensure that a community notification system is in place to warn the public within the area potentially threatened by the accidental release; (ii) Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures; and (iii) Procedures and measures for emergency response after an accidental release of a regulated substance; (2) Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance; (3) Training for all employees in relevant procedures; and (4) 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. The owner or operator shall review and update the plan as appropriate based on changes at the stationary source or new information obtained from coordination activities, emergency response exercises, incident investigations, or other available information, and ensure that employees are informed of the changes.

45. 40 C.F.R. § 68.95(c) provides that the emergency response plan developed under 40 C.F.R. § 68.95(a)(1) shall include providing timely data and information detailing the current understanding and best estimates of the nature of the release when an accidental release occurs and be coordinated with the community emergency response plan developed under 42 U.S.C. 11003.

II. Statement of Facts

46. The Andersons Inc. – Union City receives anhydrous ammonia and engages in the handling, storage, and distributions of wholesale supplies to local area farmers.

47. The Andersons, Inc. – Union City is a corporation and therefore a “person,” as that term is defined at Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

48. The Facility is located at 8531 East County Road 100 South, Union City, Indiana (the Facility), and it began operations prior to 1999 under Motes Farm Services, Inc.

49. On or about November 2, 2022, The Andersons, Inc. – Union City purchased the Facility from Motes Farm Services, Inc.

50. The Facility receives the anhydrous ammonia (CAS#7664-41-7) by truck and stores it into one of the three (3) 12,000-gallon bulk storage tanks. All three bulk storage tanks are kept at 85% fill capacity resulting in 30,600 gallons or approximately 157,590 pounds of anhydrous ammonia.

51. The Facility has 11 nurse tanks (with 1,465 gallons capacity/ each) and 37 nurse tanks (with 1,000 gallons capacity/ each), resulting in approximately 45,147 gallons (@85% fill capacity) or approximately 232,510 pounds of anhydrous ammonia.

52. The Facility's ammonia system includes three anhydrous ammonia tanks, forty-eight (48) nurse tanks, a delivery system to the nursing tanks, transfer pumps, associated liquid and gas service valves, pressure relief valves, safety devices, and a monitoring system.

53. The Facility's use, storage, and handling of the anhydrous ammonia at the Facility are activities involving a regulated substance and so constitute a "process," as that term is defined at 40 C.F.R. § 68.3.

54. The Facility is made up of buildings, structures, equipment, installations, and substance emitting stationary activities which belong to the same industrial group and are on one contiguous property and so is a "stationary source," as that term is defined at 40 C.F.R. § 68.3.

55. The Facility's processes contain greater than the threshold quantity of 10,000 pounds of anhydrous ammonia which is listed at 40 C.F.R. § 68.130, and therefore is subject to the requirements of the CAPP, in accordance with 40 C.F.R. § 68.10(a), but the covered process does not meet the eligibility requirement of Programs 1 and 3, in accordance with 40 C.F.R. § 68.10(i), and therefore covered process meet the Program 2 requirements in accordance with 40 C.F.R. § 68.10(h).

56. On September 25 and 26, 2023, an authorized representative of EPA conducted an unannounced compliance inspection at the Facility to determine compliance with the Risk Management Program regulations.

57. The Facility provided several documents during the September 25, and 26, 2023, inspection. These documents were related to various aspects of its RMP, including its management system, emergency response plan, hazard review, safety information, operating procedures, training, maintenance, compliance audits and contractors.

58. EPA requested several documents related to RMP after the September 2023 inspection. The Facility provided EPA the requested documents on September 25, October 12 and 13, 2023.

59. On January 1, 2024, the facility provided supplemental information regarding EPA's observations during the September 2023 Inspection.

(a) Management

60. The Facility has not assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements.

61. The Facility did not document persons responsible for implementing individual requirements of RMP or define the lines of authority through an organizational chart or a similar document.

(b) Safety Information

62. The Facility personnel were unable to provide the safe upper and lower limits for temperatures, pressures, and flows for the covered anhydrous ammonia processes associated with the bulk tanks, nurse tanks, delivery system, transfer system and safety devices.

63. The Facility did not provide equipment specifications for the bulk tanks, nurse tanks, and associated pumps, safety valves, and transfer system.

64. The Facility did not provide the information related to codes and standards used to design, build, and operate the covered process equipment.

65. The Facility was not able to document that its covered process equipment complies with the recognized and generally accepted good engineering practices (RAGAGEP).

66. The Facility reported in the latest compliance audit report that it did not update the safety information if a major change made it inaccurate.

(c) Hazard Review

67. The Facility was not able to document that its processes are designed to meet industry standards or Federal or state design rules, by inspecting all equipment and determining whether the processes are designed, fabricated, and operated in accordance with the applicable standards or rules.

68. The Facility did not document results in its hazard review analysis and identify problems in a timely manner. Specifically, the facility stated that "site looks to be engineered and designed to industry standard, but formal review will be scheduled and performed".

69. The Facility did not update hazard review once every five years as the Andersons, Inc. purchased the Motes farm Services in or around November 2, 2022. No prior hazard review documents were made available to EPA during the September 25 and 26, 2023 Inspection.

(d) Operating Procedures

70. The Facility uploaded the operating procedure for filling anhydrous ammonia bullets and nurse tanks which did not provide procedures for the initial startup, temporary operations, emergency operations, startup following a normal or emergency shutdown or a major change that require a hazard review, consequences or deviations and steps required to correct or avoid deviations, and documentation when monitoring equipment associated with prevention and detection of accidental releases from covered processes is removed due to safety concerns from imminent natural hazards.

71. The Facility did not ensure and update all operating procedures when a major change occurred and prior to the start up of the changed processes.

(e) Training

72. The Facility submitted training records did not demonstrate 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 that pertain to their duties.

73. The Facility did not 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 for those employees already operating a process on June 21, 1999.

74. The Facility did not provide a refresher training at least every three years, and 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.

75. The Facility did not use training conducted under Federal or state regulations or under industry-specific standards or codes or training conducted by covered process equipment vendors to demonstrate compliance with training requirements.

(f) Maintenance

76. The Facility did not prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The facility did not even use procedures or instructions provided by covered process equipment vendors or procedures in federal or state regulations or industry codes as the basis for stationary source maintenance procedures.

77. The Facility did not train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process. The facility did not train each employee 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.

78. The Facility's provided maintenance contractor training records did not ensure that each contract maintenance employee is trained to perform the facility's maintenance procedures.

79. The Facility did not perform or cause to be performed inspections and tests on process equipment. The facility's inspection and testing procedures did not follow recognized and generally accepted good engineering practices (RAGAGEP). The facility's frequency of inspections and tests of process equipment are not consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, and prior operating experience.

(g) Compliance Audits

80. The Facility did not certify that it evaluated compliance at least every three years to verify that the procedures and practices developed under the 40 CFR Part 68 are adequate and are being followed.

81. In or around January 17, 2023, the Facility conducted a compliance audit, but it did not develop a report of the audit findings.

82. The Facility's provided compliance audit check list did not demonstrate that the facility promptly determines and documents an appropriate response to each of the findings of the compliance audit and documents that deficiencies have been corrected.

83. The Facility did not retain the two (2) most recent compliance audit reports.

(h) Emergency Response

84. The Facility's emergency response program for the purpose of protecting public health and the environment did not include the following elements: (1) an emergency response plan, (2) procedures for the use of emergency response equipment and for its inspection, testing, and maintenance; (3) training for all employees in relevant procedures; and (4) 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.

85. The Facility's emergency response plan did not provide timely data and information detailing the current understanding and best estimates of the nature of the release when an accidental release occurs and be coordinated with the community emergency response plan developed under 42 U.S.C. 11003.

III. Violations

(a) Management

86. The Andersons Union City's failure to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements is a violation of 40 C.F.R. § 68.15(b).

87. The Andersons Union City's failure to define and document implementing individual requirements of RMP using lines of authority through an organizational chart or similar document is a violation of 40 C.F.R. § 68.15(c).

(b) Safety Information

88. The Andersons Union City's failure to provide the safe upper and lower limits for temperatures, pressures, and flows for the covered anhydrous ammonia processes associated with the bulk tanks, nurse tanks, delivery system, transfer system and safety devices is a violation of 40 C.F.R. § 68.48(a)(3).

89. The Andersons Union City's failure to compile and maintain the up-to-date safety information related to the equipment specifications for the bulk tanks, nurse tanks, and associated pumps, safety valves, transfer system is a violation of 40 C.F.R. § 68.48(a)(4).

90. The Andersons Union City's failure to provide the information related to codes and standards used to design, build, and operate the covered process equipment is a violation of 40 C.F.R. § 68.48(a)(5).

91. The Andersons Union City's failure to document its covered process equipment complies with RAGAGEP is a violation of 40 C.F.R. § 68.48(b).

92. The Andersons Union City's failure to update, through the latest compliance audit report, the safety information if major change made it inaccurate, is a violation of 40 C.F.R. § 68.48(c).

(c) Hazard Review

93. The Andersons Union City's failure to document that its processes are designed to meet industry standards or Federal or state design rules, by inspecting all equipment and determine whether the processes are designed, fabricated, and operated in accordance with the applicable standards or rules, is a violation of 40 C.F.R. § 68.50(b).

94. The Facility stated that "site looks to be engineered and designed to industry standard, but formal review will be scheduled and performed". The Andersons Union City's failure to document results in its hazard review analysis and identified problems in a timely manner is a violation of 40 C.F.R. § 68.50(c).

95. The Andersons Union City's failure to update hazard review once every five years as it purchased the facility from the Motes farm Services in or around November 2, 2022, is a violation of 40 C.F.R. § 68.50(d).

(d) Operating Procedures

96. The Andersons Union City's failure to include the initial startup, temporary operations, emergency operations, startup following a normal or emergency shutdown or a major change that require a hazard review, consequences or deviations and steps required to correct or avoid deviations, and documentation when monitoring equipment associated with prevention and detection of accidental releases from covered processes is removed due to safety concerns from imminent natural hazards from the anhydrous ammonia bullets, nurse tanks, safety systems, and transfer system is a violation of 40 C.F.R. § 68.52(b).

97. The Andersons Union City's failure to ensure and update all operating procedures when a major change occurred and prior to the startup of the changed processes is a violation of 40 C.F.R. § 68.52(c).

(e) Training

98. The Andersons Union City's failure to demonstrate 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 that pertain to their duties is a violation of 40 C.F.R. § 68.54(a).

99. The Andersons Union City's failure to provide a refresher training at least every three years, and 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 is a violation of 40 C.F.R. § 68.54(b).

100. The Andersons Union City's failure to use training conducted under Federal or state regulations or under industry-specific standards or codes or training conducted by covered process equipment vendors to demonstrate compliance with training requirements is a violation of 40 C.F.R. § 68.54(c).

(f) Maintenance

101. The Andersons Union City's failure to prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment; failure to use procedures or instructions provided by covered process equipment vendors or procedures in federal or state regulations or industry codes as the basis for stationary source maintenance procedures is a violation of 40 C.F.R. § 68.56(a).

102. The Andersons Union City's failure to train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process, and failure to train each employee 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 is a violation of 40 C.F.R. § 68.56(b).

103. The Andersons Union City's failure to ensure that each contract maintenance employee is trained to perform the facility's maintenance procedures is a violation of 40 C.F.R. § 68.56(c).

104. The Andersons Union City's failure to perform or cause to be performed inspections and tests on process equipment, inspection and testing procedures with the RAGAGEP, consistently following frequency of inspections and tests of process equipment with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, is a violation of 40 C.F.R. § 68.56(d).

(g) Compliance Audits

105. The Andersons Union City's failure to certify that it evaluated compliance at least every three years to verify that the procedures and practices developed under 40 CFR Part 68 are adequate and are being followed is a violation of 40 C.F.R. § 68.58(a).

106. The Andersons Union City's failure to demonstrate that the facility promptly determined and documented an appropriate response to each of the findings of the compliance audit and documented that deficiencies have been corrected is a violation of 40 C.F.R. § 68.58(d).

107. The Andersons Union City's failure to retain the two (2) most recent compliance audit reports is a violation of 40 C.F.R. § 68.58(e).

(h) Emergency Response

108. The Andersons Union City's failure to include, in its emergency response program, (1) an emergency response plan, (2) procedures for the use of emergency response equipment and for its inspection, testing, and maintenance; (3) training for all employees in relevant procedures; and (4) 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, is a violation of 40 C.F.R. § 68.95(a).

109. The Andersons Union City's failure to provide timely data and information detailing the current understanding and best estimates of the nature of the release when an accidental release occurs and be coordinated with the community emergency response plan developed under 42 U.S.C 11003 is a violation of 40 C.F.R. § 68.95(c).

**MICHAEL
HARRIS**

Digitally signed by
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Michael D. Harris
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