

## 112r/Air Enforcement: U.S. Environmental Protection Agency and Newport, Oregon Seafood Processing Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Pacific Surimi – Newport, LLC, (“Pacific”) entered into a January 16th Consent Agreement (“CA”) addressing alleged violations of Section 112(r) of the Clean Air Act and its implementing regulations. See Docket No. CAA-10-2020-0036.

The CA provides that Pacific operates a seafood processing facility in Newport, Oregon.

Section 112(r) of the Clean Air Act and the applicable regulations require that the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity in a process develop and implement a risk management plan. The purpose of such risk management plans are to detect and prevent or minimize accidental releases of such substances from the stationary source. They are also intended to provide a prompt emergency response to releases in order to protect human health and the environment.

Pacific is stated to own a stationary source where anhydrous ammonia was present in a process above the 10,000 pounds threshold quantity since at least February 18, 2009. As a result, the CA provides that Pacific was required to submit and have in place a risk management plan for this facility.

Violations alleged to have occurred at the Pacific facility include:

- failure to keep required information and a compilation of written process safety information up to date,
- failure to adequately address process hazard analysis recommendations,
- failure to on certain occasions conduct monthly inspections of its first responders’ personal protective equipment
- failure to update the risk management plan

Pacific neither admits nor denies the specific factual allegations and legal conclusions the CA contains.

The CA assesses a civil penalty of \$61,955.

A copy of the CA can be downloaded [here](#).