



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

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HEARINGS CLERK
EPA - REGION 10

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2018-0228
This ESA is issued to: CRF Frozen Foods Ltd.
1825 Commercial Avenue
Pasco, Washington

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 December 9, 2016, 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 \$5,040.

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.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$5,040 in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator
Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mail Stop: OCE-101
Seattle, Washington 98101

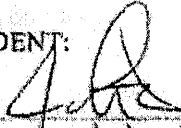
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA at the above address by Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the Summary.

This ESA is binding on the parties signing below.

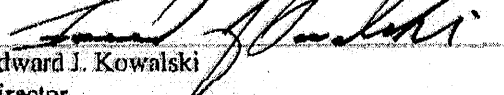
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): John Tams
Title (print): Plant Manager
Cost to correct violation(s): Minimum Cost


Date: 1/11/18

FOR COMPLAINANT:


Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 1/23/2018

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


~~M. Socorro Rodriguez~~ Richard Mednick
Regional Judicial Officer

Date: 2/1/18



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: CRF Frozen Foods Ltd.
Facility Location: 1825 Commercial Avenue, Pasco, Washington 99301
Mailing Address: 1825 Commercial Avenue, Pasco, Washington 99301
Responsible Official: John Toms, Plant Manager, (509) 542-0018
Facility Representative(s): John Toms, Plant Manager, (509) 542-0018
Inspector Name(s): Peter Phillips, Terry Garcia, Bob Hales, Jim Petersen
Inspection Date: 11-29-17

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 C.F.R. § 68)? [X] YES [] NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185? [X] YES [] NO
DATE RMP FILED WITH EPA: 04/10/2007
DATE OF LATEST RMP UPDATE: 03/27/2012
PROGRAM LEVEL: [] 1 [] 2 [X] 3
MAX QUANTITY IN PROCESS: 41,400 (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.
Three EPA representatives and an EPA contractor inspected the CRF Frozen Foods Ltd. facility on April 27, 2017. Based upon this inspection the CRF Frozen Foods Ltd. (CRF Frozen Foods) facility is in violation of the following risk management program elements:
1. Hazard Assessment: CRF Frozen Foods failed to use the most recent Census data, or other updated information to estimate the population as required by 40 C.F.R. § 68.30(c).
2. Process Safety Information: CRF Frozen Foods failed to document the safe upper and lower limits for such items as temperatures, pressures, flows, or compositions as required by 40 C.F.R. § 68.65(c)(1)(iv).
3. Process Safety Information: CRF Frozen Foods failed to perform an evaluation of the consequences of deviation as required by 40 C.F.R. § 68.65(c)(1)(v).
4. Process Safety Information: CRF Frozen Foods failed to document information pertaining to the safety systems of equipment as required by 40 C.F.R. § 68.65(d)(1)(viii).
5. Operating Procedures: CRF Frozen Foods' operating procedures failed to address the consequences of deviations as required by 40 C.F.R. § 68.69(a)(2)(i).

DESCRIPTION OF ALLEGED VIOLATIONS (Cont'd)

6. **Operating Procedures:** CRF Frozen Foods' operating procedures did not address the steps required to correct or avoid deviation as required by 40 C.F.R. § 68.69(a)(2)(ii). During the inspection, CRF Frozen Foods was unable to produce information addressing the steps required to correct or avoid deviation for their operating procedures of the ammonia refrigeration system.
7. **Operating Procedures:** CRF Frozen Foods's did not address safety systems and their functions as required by 40 C.F.R. § 68.69(a)(4). During the inspection, CRF Frozen Foods was unable to produce information addressing safety systems and their functions for their operating procedures for the ammonia refrigeration system.
8. **Operating Procedures:** CRF Frozen Foods failed to certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary as required by 40 C.F.R. § 68.69(c). During the inspection, CRF Frozen Foods was unable to produce documentation showing that their operating procedures for the ammonia refrigeration system are certified annually.
9. **Compliance Audits:** CRF Frozen Foods has not certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed as required by 40 C.F.R. § 68.79(a). During the inspection, CRF Frozen Foods was unable to produce documentation that a compliance audit was conducted in 2016. CRF Frozen Foods did not conduct a compliance audit that was due in 2016 after their last compliance audit completed in 2013. CRF Frozen Foods' RMP dated March 27, 2017, reports that a compliance audit was completed on February 2, 2017.

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: _____

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: CRF Frozen Foods Ltd., Docket No.: CAA-10-2018-0228**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

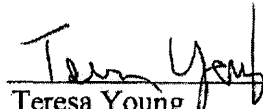
The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, OCE-101
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

John Toms, Plant Manager
CRF Frozen Foods Ltd.
1825 Commercial Avenue
Pasco, Washington 99301

DATED this 5 day of February, 2018



Teresa Young
Regional Hearing Clerk
EPA Region 10