



REGION 2

NEW YORK, N.Y. 10007

CLEAN AIR ACT SECTION 112(r) INSPECTION REPORT

***Sachs Chemical, Inc.
Caguas, Puerto Rico***

GENERAL INFORMATION

Stationary Source	Sachs Chemical, Inc.
Date of Inspection	January 30, 2025
USEPA Lead Inspector	Jonathan Orozco Lopez, USEPA – Region II, New York City, NY. (Lead Inspector)
Description of Activities	<ul style="list-style-type: none"> • Opening meeting with facility representatives • Program audit • Closing meeting with facility representatives <p>Program audit consisted of the following activities:</p> <ol style="list-style-type: none"> 1. Document review 2. Field verification 3. Personnel interviews
Reason for Inspection	Part 68 Sufficiency Inspection

STATIONARY SOURCE INFORMATION

EPA Facility ID #	100000202559
Current RMP (used for inspection)	Receipt Date: May 23, 2023 (Re-submission) 5-Year Anniversary Date: May 23, 2028.
Facility Location	P.R. Road 175, Km. 0.02, Lot 18 Río Cañas Industrial Ward Caguas, Puerto Rico, U.S. 00725 Latitude: 18.298333; Longitude: -066.055000 (as reported in RMP submission) Tel. (787) 745-2520
Number of Employees	<i>RMP*eSubmit</i> states 30 full time employees (per RMP registration); Facility states 39 employees onsite.
Person Responsible for RMP Implementation	<i>RMP*eSubmit</i> states: Nicole Ortega Health, Safety, Environmental, and Quality (HSEQ) Regional Manager Facility and Documentation: Michelle Ortega Managing Director
Emergency Contact Person	Nicole Ortega HSEQ Regional Manager

REGISTRATION INFORMATION

Process ID #	1000099422
Program Level (as reported in RMP)	Program 2
Process Chemicals	Hydrogen Chloride “HCl” Containers Storage Hydrochloric acid (conc 37% or greater)
NAICS Code	42469 (Other Chemical and Allied Products Merchant Wholesalers)

INSPECTION PARTICIPANTS

Participants	<p>Participants included:</p> <p><u>USEPA:</u> Jonathan Orozco Lopez, USEPA – Region II, New York City, NY. (Lead Inspector) Sarah Biscardi, Eastern Research Group, EPA Contractor.</p> <p><u>Sachs Chemical, Inc.:</u> Yamimael Diaz Flores, Warehouse Operator Zezette McCry, (HSEQ) Puerto Rico Manager Nicole Ortega, (HSEQ) Regional Manager*+ Elsie Ramirez, Warehouse Supervisor Gilbert Santiago, Warehouse Operator</p> <p>*Designated RMP Lead +Lead representative during plant tour</p>
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GENERAL COMMENTS

EPA conducted a Risk Management Plan (“RMP”) Program inspection at Sachs Chemical, Inc. (“Sachs”) on January 30, 2025. Sachs is currently known as IMCD (Internatio-Müller Chemical Distribution) Puerto Rico, INC. The facility is located at P.R. Road 175, Km. 0.02, Lot 18, in Río Cañas Industrial Ward, Caguas, Puerto Rico. The inspection focused on the facility’s conformance with regulatory requirements at 40 CFR Part 68. The inspection also included an evaluation of the facility’s annual Tier II chemical inventory (Emergency Planning & Community Right-to-Know Act Section 312) (“EPCRA”). EPA provided site-specific compliance assistance when appropriate.

Areas of Concern, if applicable, are included in *Italics*. These Areas of Concern are not considered compliance determinations. EPA reserves the right to continue its inspection effort, request further information, and take enforcement actions, as appropriate.

OPENING CONFERENCE

The Opening Conference included an introduction of personnel, an EPA-led and ERG (“EPA Team”) discussion regarding the purpose of the inspection, and an overview of facility operations. Sachs is an industrial facility receiving drums and closed packaging of various bulk chemicals and is engaged exclusively in the storage, distribution, and sale of chemical substances. Sachs discussed its emergency procedures with the EPA Team and provided an overview of facility hazards. The EPA Team and Sachs also discussed matters related to facility operations, process equipment, storage quantities, personnel working at or near the covered RMP process, hours of operation, detection and safety systems, and actions taken for emergency response. The EPA Team also inquired about any updates to the RMP process equipment and safety systems.

RMP Documentation

Sachs maintains both paper-based and electronic Risk Management Program documents. Prior to the inspection, Sachs submitted some Risk Management Program documents for review. Additional documents were requested and reviewed both on-site and off-site. Sachs electronically submitted additional documents following the onsite inspection.

Registration & Applicability [40 CFR 68.10]

The EPA Team reviewed Sachs’ most recent RMP submission. Among other content in the RMP, we reviewed the registration quantity, the emergency contact person information, and the five-year accident history. We also reviewed dates referenced in the RMP that correspond to certain regulatory requirements, such as the five-year Hazard Review. *EPA noticed that the date of completion of the most recent Hazard Review or update in the RMP was April 23, 2018.*

Management System [40 CFR 68.15]

The EPA Team reviewed Management System documentation. We observed a management system document and a Risk Management Program responsibility structure, including the lines of authority defined through an organization chart with the names and positions of people responsible for the development, implementation, and integration of the risk management program.

EPA reviewed Sachs' Safety Data Sheet ("SDS"), and documentation related to being subject to Program Level 2 requirements if the covered process Hydrochloric Acid ("HCl") does not meet the eligibility requirements of Program Level 3.

Sachs in its "Document of Basis ("DOB") – Risk Management Program" stated: "SACHS is exempt of the OSHA's Process Safety Management ("PSM") standard because aqueous solutions of hydrochloric acid are not listed as a Highly Hazardous Chemical ("HHC") on Appendix A of 29 CFR 1910.119. As a matter of clarification, Appendix A of 29 CFR 1910.119 lists hydrochloric acid anhydrous and hydrogen chloride as HHC."

As of the day of the inspection, EPA reviewed OSHA's PSM of Highly Hazardous Chemicals and covered concentrations of listed Appendix A chemicals and notices:

"OSHA notes that where an entry in Appendix A is listed as "anhydrous," it does not cover aqueous solutions or aqueous mixtures. Anhydrous means "containing no water" or "without water." Thus, by definition, Appendix A to PSM does not cover aqueous solutions or aqueous mixtures of chemicals specifically listed as "anhydrous." Therefore, Hydrochloric Acid, Anhydrous is not covered in aqueous solutions or aqueous mixtures.

EPA learned HCl, Anhydrous (CAS 7647-01-0) is not covered by OSHA PSM standard 29 CFR 1910.119 when it is in aqueous solutions or aqueous mixtures.

EPA confirmed as of the day of the inspection through the Tier II form under EPCRA and the SDS that HCl 5% - 38% (CAS 7647-01-0) is in aqueous solutions or aqueous mixtures. Therefore, the process does not meet the requirements of Program Level 3 since it is not subject to the OSHA PSM standard 29 CFR 1910.119; thus, the process qualifies for the RMP Program Level 2.

Hazard Assessment [40 CFR 68.20-68.39]

The EPA Team reviewed Sachs' Worst Case ("WC") and Alternative Case ("AC") release scenarios, as reported in the RMP, and as presented in the documentation. We verified the appropriateness of WC and AC release scenarios and whether the correct number of scenarios were reported in their RMP submission. The EPA Team also reviewed methodologies used to calculate WC and AC release scenarios, distance-to-endpoints, and public and environmental receptor information, including using the most recent Census data.

The EPA Team reviewed Sachs' DOB Risk Management Program dated in 2018. In this document, Sachs' Offsite Consequence Analysis ("OCA") report was last completed in April 2018.

During the on-site inspection, Facility representatives stated that the DOB Risk Management Program was updated in 2023; however, EPA was unable to review the 2023 DOB Risk Management Program, or a more recent review of the OCA conducted in the year 2023.

The EPA Team was unable to verify in the RMP submission whether the facility has used the most recent census data to estimate the offsite impacts—population.

EPA observed that Sachs provided an incomplete 2018 OCA results; the defining offsite impacts AC release scenario for population and environment determined by the distance to the endpoint is not available for review.

Five-Year Accident History [40 CFR 68.42]

The EPA Team reviewed the Five-Year Accident History and inquired about any applicable accidents and incidents. Sachs stated that they have not had any accidents, incidents, or HCl releases that require implementing regulatory requirements.

Safety Information [40 CFR 68.48]

The EPA Team reviewed and discussed Safety Information with Sachs personnel. We analyzed information pertaining to SDS, maximum intended inventory, Block Flow Diagrams, and the map of the warehouse and storage locations of the HCl.

Sachs submitted documentation summarizing the standard development organizations that are being followed (e.g., Puerto Rico Fire Code, Puerto Rico Occupational Safety and Health Administration, National Fire Protection Association, Puerto Rico Environmental Quality Board Guidelines), designed in compliance with the Recognized and Generally Accepted Good Engineering Practices (“RAGAGEP”).

EPA observed that the documentation did not list and/or include which are the current RAGAGEPs being followed, including but not limited to the Chlorine Institute pamphlets (e.g., Emergency Response Plans for Chlor-Alkali, Sodium Hypochlorite, and Hydrogen Chloride Facilities, Pamphlet 64. Personal Protective Equipment for Chlor-Alkali Chemicals, Pamphlet 65. Hydrochloric Acid Storage and Piping Systems, Pamphlet 163), and National Fire Protection Association (e.g., NFPA 704).

Hazard Review [40 CFR 68.50]

The EPA Team reviewed Sachs’s hazard review documentation. We reviewed the last hazard review conducted in 2018. We evaluated the hazard methodology selected, the hazards identified, and appropriate recommendations.

EPA reviewed a filled-out hazard review checklist developed by Sachs and conducted in 2018. EPA observed in the RMP report submitted in May 2023 that the date of completion of the most recent review or update of the Hazard Review is April 2018. *As of the date of the inspection, a 2023 hazard review update covering the HCl system had not been completed.*

EPA noticed the selected checklist methodology in the Hazard Review conducted in 2018 did not have any action items/recommendations identified by Sachs.

Operating Procedures [40 CFR 68.52]

The EPA Team reviewed Standard Operating Procedures (“SOP”) and their conformance with regulatory requirements. We reviewed HCl operating procedures addressing normal operations, temporary operations, and equipment inspections.

EPA reviewed five (5) SOPs related to procedures for receipt and storage of materials, dispatch of orders, quarantined materials, claims, and maintenance and prevention.

Sachs stated in the DOB Risk Management Program that consequences of deviations and steps required to correct or avoid deviations are provided in the operating procedure QMS-OP-111 Maintenance and Prevention. The EPA Team reviewed the operating procedure QMS-OP-111 and found a checklist with steps required to correct or avoid deviations. *However, EPA observed that the operating procedure QMS-OP-111 did not reference the consequences of deviation.*

The EPA Team reviewed the latest 2024 update of the operating procedure QMS-OP-111 Maintenance and Prevention. EPA learned every operating procedure needs to be reviewed, signed by two personnel with appropriate training and experience with the process, and approved by management. *EPA noticed that the signature of the directing manager is missing for the approval of the current operating procedure QMS-OP-111.*

During the on-site visit, the EPA Team observed that operating procedures are available to employees in binders in the management room, but several are not in the current operating place (e.g., the dispatch and receiving area and the storage HCl warehouse section 2 in Push Back Pallet Racks #10-12).

Training [40 CFR 68.54]

The EPA Team reviewed Sachs' training program. We reviewed an SOP matrix with relevant SOPs applicable to the different operational management areas of the facility to plan, track, and manage the employee training of each operational areas. EPA noticed the HCl SOPs for receipt and storage of materials, dispatch of orders, quarantined materials, claims, and maintenance and prevention are included in the training matrix. *However, it appears there are not initial and/or refresher training records for such SOPs related to HCl processes.*

EPA observed that HCl SOPs refresher trainings have not been provided at least every three years.

Maintenance [40 CFR 68.56]

The EPA Team reviewed Sachs' Maintenance Program and reviewed the templates of sheets/checklists for inspections and tests for specific pieces of equipment.

The EPA Team learned that the templates of the sheets/checklist set the inspections of all critical equipment, such as forklifts and storage racks in the warehouse, to be performed on a weekly and monthly basis. EPA reviewed the SOP QMS-OP-111 maintenance and prevention; *it appears it is not clear in the written SOP how frequently preventive maintenance on forklifts and storage racks in the warehouse is being done.*

Compliance Audits [40 CFR 68.58]

The EPA Team reviewed Sachs's Compliance Audits Program. *The EPA Team was unable to review any completed compliance audit report, any report of the audit findings, or any appropriate response to each of the findings.*

EPA observed that compliance audits have not been conducted at least every three years.

Incident Investigation [40 CFR 68.60]

The EPA Team reviewed Sachs's Incident Investigation Program. Sachs stated that they have not had any applicable HCl accidents, incidents, or releases at the facility.

Employee Participation [40 CFR 68.62]

The EPA Team observed that employees have access to and know the location of the Hazard Review document and the SOPs. *EPA noticed that the Employee Participation Plan is not included in the DOB Risk Management Program. EPA is unaware if there is a written Employee Participation plan. EPA believes 40 CFR 68.62 Employee participation is part of the elements of Subpart C—Program 2 Prevention Program.*

Emergency Response [40 CFR 68.90 – 68.96]

The EPA Team reviewed Sachs' Emergency Response Program in the Integrated Contingency Plan "ICP". We also confirmed that Sachs is a responding stationary source.

The EPA Team reviewed training records for HAZWOPER, Environmental Health and Safety ("EHS") HAZMAT, and OSHA 29 CFR 1910.157 related to portable fire extinguishers and evacuation drills.

EPA observed that Sachs has First Aid Kits in the warehouse, PPE in accordance with requirements, emergency eye wash and shower stations, fire and smoke alarms, fire extinguishers, and fire hoses. EPA reviewed records addressing the emergency response team with their responsibilities.

The EPA Team learned that Sachs conducts monthly and quarterly inspections and maintenance procedures for the emergency equipment, ensuring good condition in case of a real emergency.

EPA reviewed that Sachs conducted a tabletop and field exercise evacuation in 2024. *However, there is no documentation or records of the invitation to the local planning and response authorities for the 2024 most recent annual emergency coordination activity.*

Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312

The EPA Team evaluated Sachs' 2023 annual Tier II Chemical Inventory. EPA focused on Hydrochloric acid (conc 37% or greater) and other potential Part 68 listed substances. EPA observed that Sachs submitted the Tier II Chemical Inventory to the Local Emergency Planning Committee, Puerto Rico State Emergency Response Commission, and the Puerto Rico Fire Department. *EPA noticed that Hydrochloric acid is not listed as an Extremely Hazardous Substance ("EHS") in the 2023 Tier II report.*

FACILITY TOUR

During the Facility Tour, The EPA Team spot-checked items referenced in facility documentation

and evaluated conformance with RAGAGEP. Activities included, but were not limited to, verifying the signage of the warehouse and storage locations of the HCl, the condition of process equipment such as forklifts and storage racks, eyewash and safety showers in the warehouse, the use of structures, materials, or devices, regulations affecting or relating to structures, processes, premises, and safeguards, labels and supports, and evaluating emergency shutoff mechanisms.

CLOSING CONFERENCE

At the conclusion of the onsite inspection, the EPA Team stated that any potential Areas of Concern, and other matters discussed, are preliminary and subject to further Agency review. The EPA Team encouraged Sachs to take corrective action on any items they believe might be deficient. The EPA Team explained that it is our intention to promptly issue an inspection report, and that other inspection-related matters may be addressed after the report. The EPA Team provided the personnel an opportunity to ask any questions they might have concerned the inspection, follow-up activities, and other Part 68 matters.

Sachs provided some of the requested files in the RMP inspection documentation request. The EPA Team requested additional files for post-inspection review; Sachs promptly provided some of the requested files.

INSPECTOR SIGNATURE: JONATHAN OROZCO LOPEZ Digitally signed by JONATHAN OROZCO LOPEZ
Date: 2025.03.10 14:50:09 -04'00'
Jonathan Orozco Lopez, Physical Scientist Date

APPROVER SIGNATURE: HARISH PATEL Digitally signed by HARISH PATEL
Date: 2025.03.10 15:33:55 -04'00'
Harish Patel, Team Leader Date