

**CLEAN AIR ACT (CAA) § 112(r)(7)
&
EMERGENCY PLANNING, COMMUNITY RIGHT-TO-KNOW ACT
(EPCRA) § 312
INSPECTION REPORT**

Yuma Ethanol, LLC

Facility Name and Address: Yuma Ethanol, LLC 38480 County Road H Yuma, CO 80759 Contact/Telephone: (970) 848-0605 Mailing Address: Same as above	Date of Inspection: 5/22/2023 RMP EPA ID #: 1000 0019 9787 • Program Level: 3 • Covered Substances: ○ Anhydrous Ammonia ○ Flammable Mixtures TRIFID #: 80759YMTHN3848C NAICS: 325193 # Employees at this location: 29
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INTRODUCTION

This report presents the observations of the CAA section 112(r)(7) and EPCRA section 312 inspection conducted by EPA Region 8. The purpose of this inspection was to determine compliance with the Risk Management Plan (RMP) requirements of CAA section 112(r)(7) and the Tier II reporting requirements of EPCRA section 312.

Yuma Ethanol, LLC (YELLC) uses, handles, and/or stores more than a threshold quantity of both Anhydrous Ammonia and Flammable Mixtures. Both substances are regulated, as specified at 40 C.F.R. §§ 68.115 and 68.130.

CAA 112(r)(7) Program Elements Reviewed:

1. Applicability [68.10]
2. OCA/ACS [68.20 – 68.39]
3. Process Safety information [68.65]
4. Process Hazard Analysis [68.67]
5. Operating procedures [68.69]
6. Training [68.71]
7. Mechanical Integrity [68.73]
8. Management of Change [68.75]
9. Pre-startup Safety Review [68.77]
10. Compliance audits [68.79]

11. Incident investigation [68.81]
12. Employee Participation [68.83]
13. Hot work Permit [68.85]
14. Contractors [68.87]
15. Emergency Response [68.90 – 68.95]
16. Risk Management Plan [40 CFR 68.190 – 68.195]

Nature of Business:

YELLC manufactures ethanol. Wet cake, a by-product of ethanol production, is sold to local cattle markets as animal feed.

OBSERVATIONS

CAA § 112(r)(7) (RMP):

1. **Requirement found at Subpart D – Process Safety Information [40 CFR 68.65(d)(1)(vii)]:** The Process Safety information shall contain material and energy balances for processes built after June 21, 1999.
 - *YELLC was built in 2007*
 - *Material and energy balances had not been completed for the processes at the time of the EPA inspection of 5/22/2023*
 - *However, YELLC noted the above finding during their 2023 Compliance Audit*
 - *YELLC has received one consultant's bid to provide the balances and is currently seeking a second bid.*
2. **Requirement found at Subpart D – Mechanical Integrity [40 CFR 68.73(b)]:** The owner or operator shall establish and implement procedures to maintain the on-going integrity of the process equipment.
 - *YELLC conducted a Compliance Audit (CA) in 2023*
 - *The CA noted, at Line item #105, that, "Maintenance operating procedures have not been completed for routine maintenance tasks at the facility. Create maintenance procedures detailing each step necessary to complete regular maintenance in the covered process and document training on each task."*

Note: YELLC was in the process of creating the operating procedures at the time of the EPA inspection of 5/22/2023. Some of the operating procedures had been created before the inspection.
3. **Requirement found at Subpart D – Mechanical Integrity [40 CFR 68.73(d)(1)]:** Inspections and tests shall be performed on process equipment.
 - *YELLC conducted a Compliance Audit (CA) in 2023*
 - *The CA noted the following 3 findings re. 40 CFR 68.73(d)(1)*

- *The CA noted, at Line Item #103, that, “No functional testing of alarms and interlocks is currently being performed.*
 1. *Perform calibration and functional testing of all instrumentation and interlocks installed in the covered process and document the results*
 2. *Update MAPCON to include routine calibration and functional testing of instrumentation, interlocks, and control valves in the covered process.”*
- *The CA noted, at Line Item #123, that, “No preventative maintenance tasks are currently being performed on electrical equipment within the facility.*
 1. *Perform inspection on electrical equipment (motors, grounding systems, transformers, etc.) and document results of these inspections.*
 2. *Update MAPCON to include routine inspection of electrical equipment installed in the covered process.”*
- *The CA noted, at Line Item #124, that, “Periodic inspection of classified areas is not currently being documented. Implement a system to perform and document inspection of electrically classified areas within the facility.”*

Note: YELLC created an action list for their 2023 CA findings. The above 3 findings are on the list, and employees have been assigned to address/correct the findings.

4. Requirement found at Subpart D – Management of Change [40 CFR 68.75(c)]: Employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, shall be informed of, and shall be trained in, the change prior to start-up of the process or affected parts of the process.

- *YELLC conducted a Compliance Audit (CA) in 2023*
- *The CA noted, at Line Item #159, that, “Personnel are informed of changes made in the facility during training activities if new training is required as part of the change. Changes which do not require training are currently not communicated to all employees. Implement a system to inform all facility operations and maintenance employees of changes which occur at the facility (e.g. during a monthly safety meeting, posting in the control room, etc.).”*

Note: YELLC created an action list for their 2023 CA findings. The above finding is on the list, and an employee has been assigned to address/correct the finding.

5. Requirement found at Subpart D – Compliance Audits [40 CFR 68.79(b)]: The Compliance Audit shall be completed by at least one person knowledgeable in the process.

- *YELLC retained a consultant, PROtect, to lead/conduct their 2023 Compliance Audit (CA). PROtect assigned/provided one employee to lead/conduct the CA.*
- *However, the employee did not document the YELLC employees who participated in the CA. Instead, the PROtect employee merely documented that she led/conducted the CA.*
- *The PROtect employee recently left the employ of PROtect, but some recommendations from the 2023 CA have not been closed out*
- *The EPA therefore recommends that the CA be edited. The edited CA should document the YELLC employees who participated in the CA, thereby indicating that at least one of them is*

knowledgeable in the process.

Note: YELLC contacted PROtect about this finding. PROtect responded that they will document the employees.

EPCRA § 312:

Nothing of note from observations.

INSPECTION REPORT REVIEW RECORD		
		<i>Date:</i>
<i>Author:</i>	<i>Toxics and Pesticides Enforcement Section Inspector</i>	<i>7/5/2023</i>
<i>Final Reviewer:</i>	<i>Section Supervisor</i>	<i>7/10/2023</i>