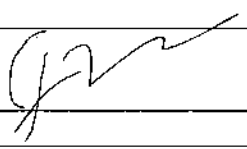


**Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT**

Inspection Date(s):	April 3-5, 2018		
Media:	Air		
Regulatory Program(s)	Clean Air Act Section 112(r) and 40 C.F.R. Part 68 Chemical Accident Prevention Provisions (Risk Management Program)		
Company Name:	TPC Group LLC		
Facility Name:	TPC Houston Plant		
Facility Physical Location:	8600 Park Place Boulevard		
(city, state, zip code)	Houston, Texas, 77017		
Mailing address:	8600 Park Place Boulevard		
(city, state, zip code)	Houston, Texas 77017		
County/Parish:	Harris		
Facility Contact:	Margarite Saldana	Director, EHSS	
	Margarite.Saldana@tpcgrp.com		
FRS Number:	110000461134		
Identification/Permit Number:	Air Operating Permit ID: O1598		
Media Number:	EPA Facility Identifier: 1000 0002 9532		
NAICS:	32511 (Petrochemical Manufacturing)		
Personnel participating in inspection:			
Justin McDowell	US EPA	Inspector	(214) 665-6557
Margarite Saldana	TPC GROUP	Director, EHSS	(713) 740-4219
Michael Bankston	TPC GROUP	Plant Manager	(713) 740-4219
Gary Endsley	TPC GROUP	Corporate & Site PSM Mgr.	(713) 740-4219
Michael Wright	TPC GROUP	Site HSS Manager	(713) 740-4219
Jason Sanders	TPC GROUP	Site Environmental Mgr.	(713) 740-4219
Rebecca Jaschek	TPC GROUP	Corp. Environmental Mgr.	(713) 740-4219
Glenn Smith	TPC GROUP	Operations Training Mgr.	(713) 740-4219
Troy Monk	TPC GROUP	Corp. Mgr., Safety, Security	(713) 740-4219
Houshang Bassiri	TPC GROUP	Fixed Equipment Engineer	(713) 740-4219
EPA Lead Inspector Signature/Date			
EPA Lead Inspector Signature/Date	Justin McDowell		Date 5/31/18
Supervisor Signature/Date			
Supervisor Signature/Date	Samuel Tates		Date 5/31/2018

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

The United States Environmental Protection Agency (EPA) Region 6 inspector, Justin McDowell, arrived at the TPC Group LLC, Houston Plant (TPC Houston) at 9:00 AM on Tuesday April 3, 2018, for an announced inspection. I met with Margarite Saldana (Director, EHSS), Michael Bankston (Plant Manager), Gary Endsley (Corporate and Site PSM Manager), Michael Wright (Site HSS Manager), Jason Sanders (Site Environmental Manager), Rebecca Jaschek (Corporate Environmental Manager), Glenn Smith (Operations Training Manager), Troy Monk (Corporate Manager, Safety, Security), and Houshang Bassiri (Fixed Equipment Engineer) for an opening meeting. I presented my credentials and informed TPC Houston personnel that this was an EPA inspection to determine compliance with the facility's Chemical Accident Prevention Program. The scope of the inspection was a partial compliance evaluation (PCE), which included an evaluation of the facility's compliance with the Clean Air Act (CAA) Section 112(r) and the Chemical Accident Prevention Provisions in 40 C.F.R. Part 68. This inspection was prompted by recent reportable releases that occurred at this facility. TPC Houston's Risk Management Plan (RMP) is listed as a Program Level three (3) process(es) facility. I inquired if an employee representative was available pursuant to section 112(r)(6)(L) of the Clean Air Act to participate in this inspection and was informed that TPC Houston is a non-union corporation.

Table 1: Opening Meeting Attendance, Tuesday April 3, 2018

NAME	POSITION
Justin McDowell	USEPA
Michael Bankston	Plant Manager
Gary Endsley	Corporate & Site PSM Manager
Michael Wright	Site HSS Manager
Jason Sanders	Site Environmental Manager
Rebecca Jaschek	Corporate Environmental Manager
Margarite Saldana	Director, EHSS

FACILITY DESCRIPTION

"The TPC Houston plant manufactures 1,3 butadiene, which involves processing millions of pounds of flammable substances, such as propanes, butanes, and pentanes. TPC Houston Plant also manufactures Methyl Tertiary Butyl Ether (MTBE), High Purity Isobutylene (HPIB), and Polyisobutylene (PIB). All of these processes are based upon the fractionation and utilization of the same feedstock (Crude C4). The site purchases isobutene via pipeline as a raw material that is utilized in MTBE production. In addition, TPC Houston uses chlorine in one ton cylinders to treat cooling water, aqua ammonia (29%) for neutralizing of the Polyisobutylene (PIB) reaction, and for control of nitrogen oxide emissions in SCRs associated with two boilers." TPC Houston operates 24 hours, 7 days a week with 309 full time employees.

Section II – OBSERVATIONS

I did not conduct a walk-through of the facility to observe the site processes. This was due to an ongoing turnaround.

Subpart A – General

40 C.F.R. § 68.10 Applicability – TPC Houston is the owner or operator of a stationary source that has more than a threshold quantity of regulated toxic and flammable substances, which are listed in 40 C.F.R. § 68.130, in a process and is subject to the Chemical Accident Prevention Provisions. TPC Houston has a CAA Title V permit and an Air Operating Permit ID: O1598 for their petrochemical manufacturing process (NAICS code 32511). TPC Houston is subject to the Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119, and has four (4) Program Level 3 processes.

40 C.F.R. § 68.12 General requirements - TPC Houston submitted a RMP five-year update on February 19, 2018. This submittal listed four (4) covered process containing two (2) regulated toxic chemicals (ammonia and chlorine) and four (4) regulated flammable chemicals (1-butene, isobutane, 1,3-butadiene, and a flammable mixture). This requires the facility to develop and implement a management system, conduct a hazard assessment, implement the prevention requirements of 40 C.F.R. § 68.65 - § 68.87, develop and implement an emergency response program, and submit the data element form 40 C.F.R. § 68.175 in their RMP.

40 C.F.R. § 68.15 Management - TPC Houston developed a management system to oversee the implementation of the RMP elements. TPC Houston's organizational chart highlighted the responsible parties of the RMP subsections.

Subpart B – Hazard Assessment-

40 C.F.R. § 68.20 Applicability - TPC Houston is a Program Level three (3) stationary source subject to this part. TPC Houston is required to prepare an offsite consequence analysis and complete the five-year accident history.

40 C.F.R. § 68.22 Offsite Consequence Analysis Parameters - I reviewed TPC Houston's offsite consequence analysis and supporting documentation. I discussed these documents with TPC personnel to assure the data was current and accurate. TPC uses parameters specified by EPA in this rule by using RMP*Comp™.

40 C.F.R. § 68.25 Worse-case Release Scenario Analysis - TPC Houston analyzed and reported in the RMP one worst-case scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance and one worst-case scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst- case conditions.

40 C.F.R. § 68.28 Alternative Release Scenario Analysis – TPC Houston identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substance held in covered processes.

40 C.F.R. § 68.30 Defining Offsite Impacts - Population – TPC Houston’s offsite consequence analysis documented the methodology for both worse-case and alternative release scenarios in regards to possible affected population by using RMP*Comp™. TPC uses a methodology called “Town Charts” to assist in defining offsite impacts. Town Charts data is pulled from the updated census bureau, as well as, US Geological Survey data. TPC Houston described and demonstrated Town Chart as using the zip code as the center point for the radius to determine potentially impacted population. The Town Chart data is then calculated and compared to the previous methodology (Landview) and the most conservative data is used.

40 C.F.R. § 68.33 Defining Offsite Impacts - Environment – TPC Houston’s offsite consequence analysis documented the methodology for both worse-case and alternative release scenarios in regards to possible affected receptors by using RMP*Comp™. TPC Houston uses a methodology called “Town Charts” to define assist in defining offsite impacts. TPC Houston described and demonstrated Town Chart, as using the zip code as the center point for the radius to determine potentially impacted receptors. The Town Chart data is then calculated and compared to the previous methodology (Landview) and the most conservative data is used.

40 C.F.R. § 68.36 Review and Update – I reviewed TPC Houston’s documentation of reviews and updates of the offsite consequences are occurring at least every five years.

40 C.F.R. § 68.39 Documentation – I reviewed all documentation for offsite consequence analyses while onsite and subsequent to the inspection. For the worst-case and alternative case scenarios, a description of the vessel or pipeline, the substance selected as worst-case, and the rationale for selection was included; likewise, any assumptions included use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released, estimated quantity released, release rate, and duration of release. The methodology used to determine distance to endpoint was documented by the facility. In addition to Landview for Hazard assessment data, TPC Houston also uses data from a source called Town Charts. This source used the zip code as the potential release point location in order to define offsite impacts.

40 C.F.R. § 68.42 Five-year accident history – TPC Houston did not report any accidental releases in their RMP that resulted in deaths, injuries, or property damage at the time of their last re-submission.

Subpart D – Program 3 Prevention Program

40 C.F.R. § 68.65 Process Safety Information – I reviewed TPC Houston’s procedure for process safety information (PSI). I reviewed a select group of the facility’s PSI related to their RMP units. I reviewed the piping and instrumentation diagrams (P&IDs) for regulated chemicals to verify the PSI contained in the hazard information for each substance. I was provided with process chemistry, flow diagrams, maximum intended inventory data, consequences of deviation, and safe upper and lower limits for temperatures, pressures, flows, and compositions. TPC Houston did not provide documentation that existing equipment is designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested and operating in a safe manner. TPC Houston alleged that their Process Hazard Analysis (PHA) is a representation that meets this requirement. In addition to the PHA, TPC’s Mechanical Integrity program inspects to current code, regardless of the age of the equipment. TPC states that this ensures that this addresses any deficiencies to current codes.

40 C.F.R. § 68.67 Process hazard analysis (PHA) – I reviewed TPC Houston’s PHA for the Dehydro II treater process dated November 2017. While reviewing TPC Houston’s PHA studies schedule, there were two studies (HPIB DIB and Docks) that were over the required five-year revalidation or update. The PHA’s were 15 days and 5 months late, respectively. Some PHA’s did not include relevant incidents and that a Management of Change had occurred prior to the PHA being conducted.

40 C.F.R. § 68.69 Operating Procedures – I reviewed operating procedures that were requested from TPC Houston. Operating procedures are accessible to operators and TPC Houston personnel via a “Mobile OPS” handheld device. I reviewed selected operating procedures that addressed each operating phase, operating limits, and provided safety and health considerations, in addition to, safety systems and their functions. While reviewing TPC Houston’s annual certifications for process operating procedures, their utilities operating procedure was 10 days past the annual (365 day) deadline (i.e. November 19, 2015; November 29, 2016; and November 29, 2017). TPC Houston stated that they do certify all operating procedures on an annual basis.

40 C.F.R. § 68.71 Training – I discussed with TPC Houston their training program and procedure. TPC Houston maintains their training records both using digital software, as well as, hard copies. I discussed the process for training of new employees and the process to ensure that the three-year refresher training requirements are met. I requested training files for selected operators at various experience levels for review. For one operator, the training titled “OPSWTPQUA Water Treatment Plant Qualification Test” was taken March 18, 2014 and March 26, 2017, approximately eight days beyond the three-year refresher requirement. In addition, another training record for an operator did not contain the date of the training given. TPC stated that the operator did maintained certification.

40 C.F.R. § 68.73 Mechanical Integrity (MI) – I discussed the MI Program with TPC Houston personnel. TPC Houston stated that they track their MI productivity on a weekly basis. On April 20, 2018, TPC Houston delivered documentation regarding their MI program. I requested the procedures for maintaining the on-going integrity of process equipment, inspection records for fixed and rotating equipment and underground piping, as well as, corrosion studies conducted onsite. While reviewing the documents, I observed that the frequency of inspection of process equipment had not been performed consistent with applicable manufacturers’ recommendations. Item ID: 1D-120 vessel was inspected on September 16, 2008, and most recently on December 23, 2014; which is outside of the five (5) year

recommended frequency for external inspections. Item 15F-0383 was inspected November 5, 2003 and May 25, 2014, approximately 5 months beyond the recommended 10-year frequency for internal vessel inspections.

40 C.F.R. § 68.75 Management of Change (MOC) – I reviewed TPC Houston’s written procedure for MOC. I reviewed selected MOC forms to ensure that all considerations were addressed prior to any change including: the technical basis for the proposed change, the impact of change on safety and health, modifications to operating procedures, necessary time period for changes, and the authorization requirements for the proposed change. A MOC was found to have deficiencies for the technical basis for the change. I reviewed MOC’s to verify if any resulted in a change in the process safety information and/or operating procedure and that such information was updated accordingly.

40 C.F.R. § 68.77 Pre-startup Safety Review – I reviewed TPC Houston’s Pre-Startup Safety Review (PSSR) procedure to determine if/when the facility installs a new stationary source, or significantly modifies an existing source that a review is implemented prior to the introduction of the newly regulated substance. A MOC/ PSSR was found that equipment and process startup occurred before the completion of a PSSR.

40 C.F.R. § 68.79 Compliance Audits – I reviewed TPC Houston’s two most recent compliance audits from February 1, 2013 and January 29, 2016. Many compliance audit findings were not closed in a timely manner set forth by TPC Houston. There was one compliance audit finding from 2013 still open. TPC reviewed this audit finding and changed it to a completed status.

40 C.F.R. § 68.81 Incident Investigation – This inspection was prompted by recent reportable releases that occurred at this facility. I requested a list of incident reports/ investigations to determine if each incident that resulted in, or could have reasonably have resulted in, a catastrophic release of a regulated substance was investigated. While reviewing TPC Houston’s incident investigations, it was determined that not all near miss events were consistently investigated. This was also found in the 2016 Compliance Audit. Also, at the conclusion of a prepared report, it did not include the date the investigation began or quantity of released substances. All incidents reports were compared to what was reported to state and federal databases.

40 C.F.R. § 68.83 Employee Participation – I reviewed TPC Houston’s developed, written plan of action, which described the implementation of employee participation required by this section, which met the requirements of this subpart.

40 C.F.R. § 68.85 Hot Work Permit – I reviewed TPC Houston’s procedure for conducting safe work/ hot work onsite. I discussed the types of hot work conducted at this facility. I requested and reviewed selected hot work permits that had occurred at the facility during the week of April 1-4, 2018. TPC retains hot work permits for one week and confined space permits for one year.

40 C.F.R. § 68.87 Contractors – I discussed TPC Houston’s selection process of contractors, which are granted authority to perform work onsite. The facility uses a 3rd party system as their primary source to vet and select contracts to work onsite. All contractors selected through this process have requirements that are to be met prior to gaining entry and are trained via the Houston Area Safety Council. Once selected and onsite, TPC Houston assigns TPC personnel to monitor contractors and administer any additional site specific safety information.

Subpart E – Emergency Response

40 C.F.R. § 68.90 Applicability – TPC Houston’s employees are first responders that respond to both structural and chemical fires and releases onsite. Each member receives fire, HAZMAT, and emergency rescue training from an accredited facility. Employee first responders are also required to maintain annual refresher trainings.

40 C.F.R. § 68.95 Emergency Response Program – I reviewed TPC Houston’s Emergency Response Plan. TPC annually reviews and updates the Emergency Response Plan. TPC Houston has a 3rd party contractor, who is responsible for the overall maintenance of documentation for inspections, testing and maintenance of emergency response equipment. TPC Houston conducts annual inspections of fire extinguishers, self-contained breathing apparatuses, and other emergency response equipment. TPC is a member of the Harris County/ Houston Local Emergency Planning Committee (LEPC), the Channel Industries Mutual Aid (CIMA), and the East Harris County Manufacturers Association (EHCMA).

Subpart G – Risk Management Plan

40 C.F.R. § 68.190 Updates - TPC Houston’s most recent RMP was re-submitted on February 19, 2018, as required by this subpart.

40 C.F.R. § 68.195 Required corrections – TPC Houston’s next RMP re-submission is due by February 19, 2023, unless an update or correction is required by 40 C.F.R. § 68.190 and 40 C.F.R. § 68.195. The emergency contact information (phone number) for TPC was incorrect. TPC made this on the spot correction, while I was on site.

Closing Meeting- A closing meeting was held on Thursday, April 5, 2018, to discuss the areas of concern, recommendations, additional documents requested, and the inspection report process.

Table 2: Closing Meeting Attendance, Thursday April 5, 2018

NAME	POSITION
Justin McDowell	USEPA
Michael Bankston	Plant Manager
Gary Endsley	Corporate & Site PSM Manager
Michael Wright	Site HSS Manager
Jason Sanders	Site Environmental Manager
Rebecca Jaschek	Corporate Environmental Manager
Margarite Saldana	Director, EHSS
Troy Monk	Corporate Manager, Safety, Security
Glenn Smith	Training Manager

Section III – AREAS OF CONCERN

AOC 1 - 40 C.F.R. § 68.65 (d)(3) Process safety information

“(d) Information pertaining to the equipment in the process. (3) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the owner or operator shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.”

TPC Houston did not provide documentation that existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested and operating in a safe manner. TPC Houston alleges that their “Process Hazard Analysis (PHA) is a representation that meets this requirement. This was mentioned in the 2013 Compliance Audit that the facility had not confirmed that the construction and equipment is in accordance with design specification during the Pre-Start Safety review.

AOC 2 - 40 C.F.R. § 68.67 (c)(2) Process hazard analysis (PHA)

“(c)The process hazard analysis shall address: (2) The identification of any previous incident which had a likely potential for catastrophic consequences.”

A PHA did not include relevant incidents and MOC’s had occurred prior to the PHA being conducted. TPC stated that this finding had been identified prior to the inspection and had already been corrected at the time of the inspection.

AOC 3 - 40 C.F.R. § 68.67 (f) Process hazard analysis (PHA)

“(f) At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (d) of this section, to assure that the process hazard analysis is consistent with the current process. Updated and revalidated process hazard analyses completed to comply with 29 CFR 1910.119(e) are acceptable to meet the requirements of this paragraph”

TPC Houston failed to revalidate or update their process hazard analysis for the JPIB DIB and Docs Process hazard analyses. The PHAs were 15 days and 5 months late, respectively. TPC stated that prior to the inspection, this finding had already been identified and the facility had already implemented metrics and review.

AOC 4 - 40 C.F.R. § 68.69 (c) Operating Procedures

“(c) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.”

TPC Houston failed to annually certify process operating procedures. Their Utilities operating procedure was 10 days past the annual (365 day) deadline i.e. (November 19, 2015; November 29, 2016; and November 29, 2017). TPC utilizes calendar year verses the 365 days.

AOC 5 - 40 C.F.R. § 68.71 (b) Training

“(b) Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.”

TPC Houston failed to ensure refresher training for operators was provided at least every three years. While reviewing training records for process operators, there was an employee who had not been provided with refresher training at least every three years. TPC provided documentation to ensure that the operator certification remained current.

AOC 6 - 40 C.F.R. § 68.71 (c) Training

“(c) Training documentation. The owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The owner or operator shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.”

While reviewing training records for process operators, there was an employee training record that did not contain the date of the training. TPC stated that the date was provided on the cover sheet of the training files.

AOC 7 - 40 C.F.R. § 68.73 (d)(3) Mechanical Integrity

“(d) Inspections and testing. (3) The frequency of inspections and tests of process equipment shall be consistent with applicable manufactures’ recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.”

TPC Houston failed to ensure that the frequency of inspection of process equipment had not been performed consistent with applicable manufacturers’ recommendations. Item ID: 1D-120 vessel was inspected September 16, 2008 and most recently December 23, 2014; which is outside of the 5 year recommended frequency for external inspections. Item 15F-0383 was inspected November 5, 2003 and May 25, 2014, approximately 5 months beyond the recommended 10-year frequency for internal vessel inspections. TPC Houston also documented late inspections for process equipment during their internal audit that found 17 PSV inspections, 49 external vessel inspections, 27 internal vessel inspections and 28 piping circuits were past the recommended frequency of inspections/ tests. TPC stated that this finding was identified prior to the inspection and changes were made to ensure compliance.

AOC 8 - 40 C.F.R. § 68.75 (b)(1) Management of Change

“(b) The procedures shall assure that the following considerations are addressed prior to any change: (1) The technical basis for the proposed change.”

TPC Houston failed to ensure that MOCs provided the technical basis for process changes. I reviewed TPC Houston’s written procedure for MOC. I reviewed selected MOC forms to ensure that all considerations were addressed prior to any change including: the technical basis for the proposed change, the impact of change on safety and health, modifications to operating procedures, necessary time period for changes, and the authorization requirements for the proposed change.

AOC 9 - 40 C.F.R. § 68.77 (b) – Pre-startup review

“(b) The pre-startup safety review shall confirm that prior to the introduction of regulated substances to a process”

A MOC/ PSSR was found that equipment and process startup occurred before the completion of a PSSR.

AOC 10 - 40 C.F.R. § 68.79 (d)- Compliance Audits

“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.”

TPC Houston failed to promptly determine and document an appropriate response to each of the findings of the compliance audit. I reviewed TPC Houston’s two most recent compliance audits from February 1, 2013 and January 29, 2016. Many compliance audit findings were not closed in a timely manner set forth by TPC Houston. There was one compliance audit finding from 2013 still open. Following the inspection, the 2013 action item that was still open was reviewed and it was determined that the action item has been completed and closed in the database.

AOC 11 - 40 C.F.R. § 68.81 (a) Incident investigation

“(a) The owner or operator shall investigate each incident which resulted in, or could have reasonably have resulted in a catastrophic release of a regulated substance.”

TPC Houston failed to investigate each incident which resulted in, or could have reasonably have resulted in a catastrophic release of a regulated substance. All incidents were compared to state and federal databases. This was also found in the 2016 Compliance Audit.

AOC 12 - 40 C.F.R. § 68.81 (d)(2) / § 68.81 (d)(3) Incident investigation

“(d) A report shall be prepared at the conclusion of the investigation which includes at a minimum: (2) Date investigation began; (3) A description of the incident”

On an incident investigation report, TPC Houston failed to include the date the investigation began, quantity of released substances. All incidents were compared to state and federal databases. TPC states that the date the event was entered into Dakota as the date the investigation began.

AOC 13 – 40 C.F.R. § 68.81(e) Incident Investigation

“(e) The owner or operator shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.”

The facility failed to establish an incident investigation system to promptly address and resolve incident findings and recommendations.)

AOC 14 - 40 C.F.R. § 68.195 (b) Risk Management Plan Required corrections

“(b) Emergency contact information— Beginning June 21, 2004, within one month of any change in the emergency contact information required under § 68.160(b)(6), the owner or operator shall submit a correction of that information.”

The emergency contact information for TPC Houston (24-h emergency contact telephone number) was incorrect following the facility’s most recent RMP submission. While on site, TPC did acknowledge this error and provide me with the RMP amendment while on site.

AOC 15 – 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1) General Duty Clause

“Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), otherwise known as the “General Duty Clause” states the following:

“(r) Prevention of Accidental Releases (1) Purpose and General Duty – 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 paragraph (3) or any other extremely hazardous substance. The owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty, in the same manner and to the same extent as section 654, title 29 of the United States Code, to identify hazards which may result from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental release which do occur.”

As mentioned on page 2, this inspection was prompted due to reportable incidents that have occurred at this facility. These incidents are still being reviewed and discussed with TPC Houston.

Section IV – FOLLOW UP

During the closing meeting on April 5, 2018, I requested Confidential Business Information (CBI) claimed by TPC Houston. They agreed to have the documentation provided to EPA by April 20, 2018. The documentation was received by EPA on April 20, 2018.

Section V – LIST OF APPENDICES

N/A