Clean Air Act - Section 112(r)
Risk Management Program
and EPCRA 312 – Tier II
Facility Desk Audit Report

FACILITY INFORMATION:
Name: Tessenderlo Kerley, Inc. Burley Facility
Physical Address: 480 South, 260 West
Burley, Idaho 83318
Phone Number: (602) 889-8300
Latitude/Longitude: 42.463800, -113.845573
EPA Facility ID# 1000 0001 6902

CONTACT INFORMATION (RMP Implementation):
Name: Rick Hieb, Plant Manager
Phone Number: (208) 650-0399
E-mail: rick.hieb@tkinet.com

EMERGENCY CONTACT INFORMATION:
Name: Rick Hieb
Phone (24-hr): (208) 650-0399
E-mail: rick.hieb@tkinet.com
Website: https://www.tkinet.com/en

AUDIT DETAILS:
Contact Date: August 24, 2022
Inspector: Edward Johannes, US EPA Region 10 SEE Grantee, Lead RMP Inspector

DATE AND PROGRAM LEVELS OF SUBMITTED RMP:
Initial Submission Date: May 28, 1999
Date of Latest Update: May 16, 2019

Process (Program 1, 2, 3) as reported in RMP:

Process ID	Description	Process Chemical ID	NAICS Code	Program Level	Chemical Name CAS Number	Quantity (lbs)
1000098349	Pesticide and other Agricultural Manufacturing	1000123368	32532	3	Carbon disulfide (75-15-0)	4,500,000
1000098349	Pesticide and other Agricultural Manufacturing	1000123369	32532	3	Methylamine [Methanamine] (74-89-5)	990,000

PURPOSE:
The purpose of this document review was to determine whether this facility is in compliance with Section 112(r) of the Clean Air Act and Title 40 Code of Federal Regulations (CFR) Part 68, Chemical Accident Prevention Provisions and compliance with Section 312 of the Emergency Planning and Community Right to Know Act (EPCRA) which requires the Tier II Chemical Inventory Reports to be submitted annually. EPA Region 10 RMP inspectors are conducting offsite compliance monitoring when warranted for the RMP facility.

- The facility has been previously inspected in the past 5 years: No ☒ Yes ☐
  If Yes, Date of Last Inspection:

- Is the emergency contact information current? No ☐ Yes ☒
- The facility is High Risk: No ☐ Yes ☒
- Joint EPCRA inspection: No ☐ Yes ☒

CAA Title V Air Permit:
Does the facility have a CAA Title V Permit? No ☒ Yes ☐
If Yes, Permit Number:

RELEASE/ACCIDENT HISTORY:
Did the facility have a reportable release in the past 5 years? No ☒ Yes ☐
If Yes, Date and Description of the Release:

EPCRA TIER II REPORTING:
Did the facility submit their 2021 Tier II report to the SERC? No ☐ Yes ☒
If Yes, Date the Tier II was submitted: February 17, 2022
If No, calendar year of the most recent Tier II:

Did the facility submit a Tier II to the LEPC and local fire department? No ☐ Yes ☒
If Yes, Date the Tier II was submitted: February 22, 2022, to LEPC and October 28, 2022, to FD.

GENERAL INFORMATION:
The facility is regulated under the Risk Management Program as a Program Level 3 process and is owned and operated by Tessenderlo Kerley, Inc. (TKI). The facility has been in operation since 1996. TKI purchased the plant from the Rainbow Chemical Company in 1999. This facility receives and stores monomethylamine and carbon disulfide (see table above), both RMP-regulated substances, which it uses to produce sodium methyldithiocarbamate (metam sodium) solution. This facility produces metam sodium only during the period from approximately July through October. This is used as a soil fumigant as well as used on a wide range of pests including fungi, plants, insects, and nematodes. Metam sodium is created from a chemical reaction between methylamine, carbon disulfide, and sodium hydroxide in an aqueous solution. There are eleven full-time employees on site including nine process operators (see table below).

INFORMATION REQUESTED FROM FACILITY:

1. **Process Hazard Analysis** – A copy of the last two PHAs with recommendations and tracking sheets.
2. **Compliance Audit** – A copy of the last two Compliance Audits with recommendations and tracking sheets.
3. **Training** – Training records for each process operator
   a. **Initial Training Records**: Training in the overview of the process and in the operating procedures, emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.
   b. **Refresher Training Records**: Training of each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process.

c. **Training Documentation:** Records which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

d. **Annual Certification**: Annual operating procedures certification and review.

e. Fill in **Facility Training Summary** sheet.

4. **Emergency Response** – A copy of emails, letters, or notes on meetings with LEPC and local responders including contact information (individual names, phone numbers, email addresses, organization name), dates, and coordination activities.
5. **Tier II Reporting** - Evidence of submission of a Tier II as described in 40 C.F.R. Part 370 to the State Emergency Response Commission (SERC), the Local Emergency Response Committee (LEPC), and the fire department (FD) with jurisdiction over the facility.

ANALYSIS OF DOCUMENTATION SUBMITTED:

1. **Process Hazard Analysis:** TKI facility provided their 2015 and 2020 Process Hazard Analysis (PHA) conducted for Program 3. Both the 2015 and 2020 PHA used the Hazard and Operability Analysis (HAZOP) methodology. The 2015 PHA was conducted from April 20 to May 19, 2015, and the 2020 PHA was conducted from April 6-8, 2020. The 2015 PHA had eighteen (18) findings and recommendations of which eight (8) were closed and ten (10) were found not requiring any action. The 2020 PHA had eighteen (18) findings and recommendations which did not include dates closed. The closure dates were provided by Rick Heib, the Assistant Plant Manager, of which sixteen (16) were closed and two (2) remain open. The team members involved with conducting the 2020 PHA were Steve Sailors, the Plant Manager, Rick Hieb, Todd Hale, Operator, Richard Hobbs, Operator, and Daryl Scott, Operator, all provided operations experience. Josh Raymond acted as Team Leader and provided engineering experience.
2. **Compliance Audit:** TKI facility provided their 2017 and 2020 Compliance Audit reports. Both audits are based on the checklists and methods utilized by OSHA (Instruction CPL-2-2.45A CH-1) to conduct field compliance audits. The 2017 Compliance Audit was performed on September 12-14, 2017, and the 2020 Compliance Audit was performed on July 21-23, 2020. Both audits were conducted by Dawn Kominski, Director of Regulatory Affairs. The 2017 audit identified five (5) deficiencies (action item list) and the 2020 audit identified six (6) deficiencies (action item list). Both reports stated that the action items will be put into the Regulatory Affairs database and updated at least quarterly, but the reports did not document a completion date and correction of the deficiencies.
3. **Training:** TKI facility provided a completed Training Summary filled out by Rick Hieb, Plant Manager for nine operators. The operator's names, the dates of initial and refresher training, and verification means for training are listed in the table below. Initial Training Records were provided for all the operators except for Mark Payne, Todd Hale, and Richard Hobbs. The files provided for them had filenames indicating they were initial training records but were actually refresher training records. The initial training records show a list of subjects covered, date completed, supervisor's, and operator's initials. Refresher training records were provided for all the operators and included an exam with the employee's name, date, test score, and test questions with employee answers. The 40-hour HAZWOPER and 4-hour General Hazard Awareness Program certificates were provided for Manuel Carulla, Randy Garcia, and Javier Martinez. The 4-hour Basic Safety Training certificate were provided for Manuel Carulla and Randy Garcia. The review analysis for the annual certification of the SOPs for the facility was provided in their Operating Procedures Periodic Review Sheet. Four (4) items were listed as needing revisions and all were certified complected by Rick Hieb's signature with a date of February 16, 2022.

Employee Name	Initial SOP Training Date	Last SOP Refresher Training Date	Verification Means
Mark Payne	9/8/2004**	12/6/2021	Test
Todd Hale	9/8/2004**	12/4/2021	Test
Richard Hobbs	8/20/2004**	12/10/2021	Test
Daryl Scott	11/28/2011	11/30/2021	Test
Juan Garza	7/6/2015	12/1/2021	Test
Manuel Carulla	3/7/2022*	-	Test
Randy Garcia	3/14/2022*	-	Test
Javier Martinez	5/9/2022*	-	Test
Donnie Harman	8/13/2018	12/6/2021	Test

* = hire and training date

** = refresher, not initial training

4. **Emergency Response Coordination (Annually after 9/21/18):** The Emergency Response/Contingency and Spill Reporting Plan (ERP) dated November 2021 indicates that copies were planned to be provided to the LEPC and local FD. No copies of emails, letters, or notes on meetings with LEPC and FD including contact information (individual names, phone numbers, email addresses, organization name), dates, and coordination activities were not provided.

5. **Tier II Reporting:** TKI submitted the Burley facility 2021 Tier II on February 17, 2022, to the SERC, Boise, Idaho. They submitted the 2021 Tier II to the appropriate LEPC on February 22, 2022. For this facility the LEPC is Cassia County Emergency Management and Sheriff, Burley, Idaho. TKI was unable to find the original sending of the 2021 Tier II to the local FD. They sent it again by email to them on October 28, 2022. For this facility the FD is Burley FD, Burley, Idaho. The table below is a list and amount of Hazardous or Extremely Hazardous Substances over threshold reporting quantity (except for one) reported on-site by the facility on their 2021 Tier II.

Chemical Name	CAS Number	Amount (in lbs)
Carbon Disulfide	0075-15-0	1,620,273
Liquid Nitrogen	7727-37-9	9,629
Metam Potassium	0137-41-7	150,344
Methylamine (Anhydrous)	0074-89-5	150,344
Sodium Hydroxide solution	1310-73-2	573,051
Sodium Methyldithiocarbamate	0137-42-8	5,521,222

AREAS OF CONCERNS:

1. The 2017 and 2020 compliance audits did not document that the deficiencies have been corrected [68.79(d)].
2. Tessenderlo Kerley, Inc. did not perform annual emergency response coordination activities [68.93]. Tessenderlo Kerley, Inc. could not produce documentation that emergency response coordination activities were done prior to 2021. This requirement has been in effect since September 21, 2018.

The findings in this report will be discussed with the facility via telephone and email after certification of this report.

DOCUMENTS REQUESTED ON FOLLOW-UP:
The following documents were requested after the initial submission of documents. These documents were reviewed to determine compliance with Section 112(r) of the Clean Air Act.

1. 2021 Tier II and proof of submission to the LEPC and fire department.
2. 2020 PHA findings and recommendations closing dates.

AUDIT REPORT CERTIFICATION:
This is to certify that I, Edward Johannes, was the lead inspector at this facility and that I have verified the accuracy of the observations in this inspection report:

EDWARD JOHANNES (Affiliate)
Digitally signed by EDWARD JOHANNES (Affiliate)
Date: 2023.01.26 11:38:28 -08'00'

Signature Date

JAVIER MORALES
Digitally signed by JAVIER MORALES
Date: 2023.01.26 12:32:12 -08'00'

RMP Coordinator/Approval Date

ERIN WILLIAMS
Digitally signed by ERIN WILLIAMS
Date: 2023.01.26 12:36:56 -08'00'

EPCRA Coordinator/Approval Date

Jennifer A Sullivan
Digitally signed by Jennifer A Sullivan
Date: 2023.01.26 16:41:27 -08'00'

Land Enforcement Section Chief/Approval Date