

United States Environmental Protection Agency / Region 4

Risk Management Program Inspection Report

Buffalo Rock Co
Birmingham, Alabama
March 29, 2023

1.0 Introduction

The U.S. Environmental Protection Agency's efforts to reduce the likelihood and severity of chemical accidents includes planning and legislative initiatives such as the National Contingency Plan, the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Accidental Release Prevention requirements under Section 112(r) of the Clean Air Act (CAA), as amended in 1990. This report outlines an inspection of the Risk Management Program (RMP) as mandated by Section 112(r)(7) of the CAA.

The focus of this inspection was to assess the RMP for the ammonia refrigeration process at the Buffalo Rock Co located in Birmingham, Jefferson County, Alabama. This facility was selected for inspection because it had never been inspected under the RMP. The inspection, which was conducted on March 29, 2023, consisted of an examination of program documentation, as well as site reviews of various aspects of facility operations. Personnel from the facility participated throughout the inspection. Requested program documents were provided for further review off-site. This report will provide a background of the facility and a listing of observations.

2.0 Background

The Buffalo Rock Co is located in Birmingham, Alabama. The facility submitted a De-Registered form on March 27, 2023, with a De-Registered effective date of December 1, 2021. Before the De-Registration, the facility used anhydrous ammonia as a refrigerant to store soft drink products for distribution. Anhydrous ammonia is still used, but below the RMP threshold quantity. According to facility records, the facility has a maximum of 4,120 pounds of anhydrous ammonia onsite. Anhydrous ammonia is used to cool Glycol which is the main refrigerant. The ammonia refrigeration process at the facility may no longer be subject to the RMP requirements of 40 C.F.R. Part 68. However, it is still subject to EPCRA. The background specifics are summarized as follows in Table 1.

TABLE 1: Inspection Information Summary

Inspection Team

Lead Inspector-In-Training: Justin Stark, U.S. EPA
Inspector: Chetan Gala, U.S. EPA
Date of Facility Visit: March 29, 2023

Facility Identification

Name: Buffalo Rock Co
Street Address: 111 Oxmoor Road
City: Birmingham County: Jefferson State: Alabama Zip: 35209
EPA Facility ID No: 100000216232
Dun & Bradstreet (D&B) No: 093176055
Latitude: 33.457934
Longitude: -086.835573

Name, address and phone of corporate parent company:
Owner/Operator: Buffalo Rock Company
Mailing Address: P.O. Box 10048
City: Birmingham State: Alabama Zip: 35209
Phone: NA

Name, title, and email of person responsible for 40 C.F.R. Part 68 implementation:
Name: Braxton McCaleb
Title: Environmental Health & Safety Director
Phone: (205) 944-2236
Email: BMcCaleb@buffalorock.com

Name and title of emergency contact:
Name: Dennis Cornelius
Title: Director of Maintenance
Day phone: 205-288-2905
24-hour Phone: 205-942-3435
Email: dcornelius@buffalorock.com

Name and titles of stationary source personnel involved in site inspection (*accompanied site tours, provided documents and explanations*):
Name: Braxton McCaleb
Title: Environmental Health & Safety Director
Phone: (205) 944-2236
Email: BMcCaleb@buffalorock.com

Name: Matt Brown
Title: NA
Phone: (205) 944-2144
Email: MBrown@buffalorock.com

Note: This is not a union facility.

Date and Program Levels of Submitted Risk Management Plan

Date of initial submission: August 5, 2013
Date of most recent submissions: August 2, 2018
Process: Refrigeration System
Process ID: 1000112221
Program Level as reported in RMP: Program Level 3
NAICS code: 312111 (Soft Drink Manufacturing)

3.0 Observations

The inspection of the Buffalo Rock Co evaluated various sections of the RMP regulations (40 C.F.R. Part 68, Program Level 3) and the inspection checklist included in “Guidance for Conducting Risk Management Programs Inspections under Clean Air Act Section 112(r).” The inspection began with an opening discussion of facility operations. The discussion was followed by a tour of the facility’s ammonia and glycol refrigeration process areas.

EPA inspectors then requested paperwork associated with the facility’s Risk Management Plan (RMPlan). Some documents were reviewed by EPA inspectors on-site such as the De-Registration Form, and the current amount of ammonia stored onsite. Additional records were requested pertaining to RMP and EPCRA following the inspection. Observations from the RMP inspection at the Buffalo Rock Co are discussed below:

1. 40 C.F.R. § 68.67(f) requires at least every five years after the completion of the initial process hazard analysis (PHA), the PHA shall be updated and revalidated by a team meeting the requirements in paragraph (d) of 40 C.F.R. § 68.67, to assure that the PHA is consistent with the current process. Updated and revalidated PHAs completed to comply with 29 C.F.R. 1910.119(e) are acceptable to meet the requirements of this paragraph.
 - The facility’s resubmission of the 2018 RMP report states a PHA was completed on June 4, 2018. However, during the review of the facility’s submittals, the last PHA conducted was not a full PHA and was dated November 9, 2010. Additionally, the Compliance Audit dated July 20, 2018, noted that the “existing PHA must be updated and revalidated ASAP – Required every 5 years.”
2. 40 C.F.R. § 68.67(g) requires the owner or operator to retain PHAs and updates or revalidations for each process covered by 40 C.F.R. § 68.67, as well as the documented resolution of recommendations described in paragraph (e) of 40 C.F.R. § 68.67 for the life of the process.
 - The facility’s resubmission of the 2018 RMP report states a PHA was completed on June 4, 2018. However, during the review of the facility’s submittals, the last PHA conducted was not a full PHA and was dated November 9, 2010.

3. 40 C.F.R. § 68.79(d) requires the owner or operator to promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.
 - During the review of the facility's submittals, the Compliance Audit dated July 20, 2018, included a summary of the findings but did not include documentation that the deficiencies have been corrected.
4. 40 C.F.R. § 68.190(c) requires that if a stationary source is no longer subject to 40 C.F.R. Part 68, the owner or operator shall submit a de-registration to EPA within six months indicating that the stationary source is no longer covered.
 - The facility's effective date of de-registration was December 1, 2021, but the de-registration form was not submitted until March 27, 2023.
5. 40 C.F.R. § 68.200 requires the owner or operator to maintain records supporting the implementation of 40 C.F.R. Part 68 at the stationary source for five years, unless otherwise provided in subpart D of 40 C.F.R. Part 68.
 - The last Mechanical Integrity conducted was requested for offsite review. However, invoices of past work were submitted and were not in accordance with 40 C.F.R. § 68.73.

Inspection Report,

Prepared by:

Stark, Justin Digitally signed by Stark, Justin
Date: 2023.05.26 10:50:29 -04'00'

Justin Stark, Inspector-In-Training
North Air Enforcement Section
U.S. EPA Region 4

JORDAN NOLES Digitally signed by JORDAN
NOLES
Date: 2023.05.26 10:53:20 -04'00'

Jordan Noles, Inspector
North Air Enforcement Section
U.S. EPA Region 4

Approved by:

JASON DRESSLER Digitally signed by JASON
DRESSLER
Date: 2023.05.26 12:37:39 -04'00'

Jason Dressler, Section Chief
North Air Enforcement Section
U.S. EPA Region 4