EPA United States Environmental Protection Agency

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	05/23/2023 & 5/31/2023	
Media Program:	Air	
Regulatory Program(s)	Clean Air Act Section 112(r) and 40 Code of Federal Regulations (C.F.R.) Part 68 Chemical Accident Risk Management Plan (RMP)	
Company Name:	**Delta Petroleum Company**	
Facility Name:	**Delta Chemical – Deer Park**	
Facility Physical Location:	334 Tidal Road	
(city, state, zip code)	Deer Park, Texas 77536	
Mailing address:	334 Tidal Road	
(city, state, zip code)	Deer Park, Texas 77536	
County/Parish:	Harris	
Facility Phone Number	(281) 479-7288	
Facility Contact:	Thomas Lopez	EHS Director
FRS Number:	110056666683	
Identification/Permit Number:	1000 0011 9267	
Media Identifier Number:	-------	
NAICS:	42469	
SIC:	N/A	

Personnel participating in inspection:		
Sherronda Phelps	US EPA	Air Inspector
Frank Ingrassia	Delta Chemical Deer Park	General Complex Manager
Ruben Ramirez	Delta Chemical Deer Park	HS&E Manager

EPA Lead Inspector Signature/Date	Sherronda Phelps	07/31/2023
	Sherronda Phelps	Date
Supervisor Signature/Date	SAMUEL TATES Digitally signed by SAMUEL TATES Date: 2023.08.01 09:57:03 -05'00'	
	Samuel Tates	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

I, Sherronda Phelps, United States Environmental Protection Agency (EPA) Region 6 inspector arrived at Delta Chemical Deer Park Plant (Greif) facility at 10:00 AM on May 23, 2023, for an announced inspection. I met with Thomas Lopez, and other facility personnel at the opening conference. I presented my credentials to all present and informed them that this was an EPA inspection to determine compliance with CAA Section 112(r)(1) and 112(r)(7). The scope of the inspection was a partial compliance evaluation (PCE) and included evaluation of the compliance of the facility with 40 C.F.R. Subpart 68 – Chemical Accident Prevention Provisions. An employee representative was invited to participate in the inspection; however, this site is a non-union facility.

FACILITY DESCRIPTION

According to the facility's executive summary, Delta Chemical Deer Park, operates a contract chemical packaging, warehousing and distribution facility. The facility was completed and began their packaging operation in 1998. The facility is situated on 9 acres located at 334 Tidal Road in Deer Park, Texas. Delta Chemical Deer Park receives the regulated substances in bulk tanker trucks, rail cars and iso tanks and transfers them to 55-gallon drums, 275-gallon totes and other smaller containers. Toxic substances handled onsite include the following: Toluene 2,4 Diisocyanate TDI, Toluene 2,6 Diisocyanate TDI, Ethylenediamine and Vinyl Acetate.

The facility employs approximately 131 full-time employees (FTE's).

Section II – OBSERVATIONS

The initial documentation review began on-site with Delta Chemical Deer Park personnel as listed on the attached sign in sheets.

40 C.F.R. Part 68 – CHEMICAL ACCIDENT PREVENTION PROVISION

Subpart A – General

40 C.F.R. § 68.10 Applicability – Delta Chemical Deer Park is a stationary source that has more than a threshold quantity of regulated substances in their process. The last submittal was made September 27, 2021, due to a voluntary resubmission. Delta is a RMP Program 3 facility. The facility is subject to the Occupational Safety and Health Administration's (OSHA) Process Safety Management (PSM) Standard (29 CFR § 1910.119).

40 C.F.R. § 68.12 General requirements – Delta submitted their most recent RMP submission on September 27, 2021. The regulated substance(s) under the toxic and flammable tables are listed over the threshold quantity for the RMP Program Level 3 processes.

40 C.F.R. § 68.15 Management – Delta has developed a management system to oversee the implementation of the risk management program elements. Delta provided an organizational chart that outlined the positions to implement the individual elements of the RMP, as required by this subpart.

Subpart B – Hazard Assessment

40 C.F.R. § 68.20 Applicability – Delta operates an RMP program level 3 process which is subject to this subpart and thus is required to prepare a worst-case release scenario analysis and complete the five-year accident history. I reviewed the documentation provided to make this analysis and identified no areas of concern with this subpart.

40 C.F.R. § 68.22 Offsite Consequence Analysis Parameters – Delta employed the parameters specified by EPA in this rule by using the RMP*Comp™ software. I reviewed the offsite consequence analysis and supporting documentation to assure the data was accurate and correct.

40 C.F.R. § 68.25 Worse-case release scenario analysis – Delta identified and analyzed at least one worst-case scenario in its Program 3 processes using the RMP* Comp™ software, thus meeting the requirements of the regulation.

40 C.F.R. § 68.28 Alternative Release Scenario Analysis – Delta identified and analyzed at least one alternative release scenario in its Program 3 processes using the RMP* Comp™ software, thus meeting the requirements of the regulation.

40 C.F.R. § 68.30 Defining offsite impacts- Population – Delta used the most current Census Bureau population data and the distances to endpoints, as specified in the regulation, to calculate the population numbers reported in their RMP.

40 C.F.R. § 68.33 Defining offsite impacts- Environment – Delta used US Geological Survey maps data to determine the environmental receptors and the distances to endpoints.

40 C.F.R. § 68.36 Review and update – Delta understands documentation associated with the worst-case scenarios that should be updated and reviewed at least every five years and are anticipating a review in 2024.

40 C.F.R. § 68.39 Documentation – Delta operates a RMP program level 3 process which is subject to this subpart and thus is required to prepare a worst-case release scenario analysis and complete the five-year accident history. I reviewed the documentation provided to make this analysis and identified no areas of concern with information pertaining to this subpart to include the Offsite Consequence Analysis (OCA) data. The facility used the EPA Model RMP*Comp™.

40 C.F.R. § 68.42 Five-year accident history – Delta did not report any accidental release(s) in their RMP that resulted in deaths, injuries, or property damage.

Subpart D – Program 3 Prevention Program

40 C.F.R. § 68.65 Process safety information (PSI) - I reviewed various sections of the process safety information (PSI) for the RMP covered process at Delta. There were no areas of concern identified.

40 C.F.R. § 68.67 Process Hazard Analysis (PHA) – Delta provided me with their PHA Schedule detailing completion dates and due dates. All revalidation dates were met per the regulation. I reviewed the PHA's conducted for BEM in R201D, MASC R201D processes. The next revalidation is due in the year

2023. The PHA study was conducted using the Hazard and Operability Analysis (HAZOP) method along with What If Checklists. No areas of concern were observed.

40 C.F.R. § 68.69 Operating procedures - I reviewed several operating procedures for the covered process. I reviewed and discussed with Delta personnel operating procedures, which included the Standard Operating Procedure (SOP) certification procedure, confined space entry, and lockout/tag out procedures. Delta certified that the operating procedures were current, accurate, and that the procedures were reviewed as often as necessary, as required by this subpart, and used a single certification document for operating procedures annually. Operating procedures are available to the operators via the facility share point site. No areas of concerns were identified with this subpart.

40 C.F.R. § 68.71 Training – Operator Training consists of both On the Job Training and Computer Based Training. As a new hire, at least three to six months is allocated to initial job training. Refresher training is required every three years per the regulation or sooner. I requested training records for review and was provided the files for several employees at different experience levels. Of the employee files I reviewed, all took the initial training required for their specific job title and all other required safety training. I observed several refresher training cycles based on the employees start date. All are current and up to date on training enabling them to operate within the unit. Training was a combination of classroom and hands on. There were no areas of concern identified.

40 C.F.R. § 68.73 Mechanical integrity – EPA reviewed mechanical integrity records for randomly selected inspections of RMP covered process equipment and the written procedure for maintaining the integrity of the process. Their MI program or Preventative Maintenance program is maintained via eMaintenance, a software program used to track and create work orders. EPA also requested a query of any past due/overdue inspections in the program, no items were identified as such. There were no areas of concern noted from the review and follow up on implementation of the Mechanical Integrity program. I reviewed their Preventative Maintenance Procedure which applied to their Fill Plant and Warehouse Operations. I reviewed several months of their Filler PM work orders, there were no concerns noted.

40 C.F.R. § 68.75 Management of change (MOC) – EPA discussed Delta's written procedure for MOC and the documentation with site personnel. The MOCs were implemented using their CMS. I reviewed several MOCs to evaluate the implementation of the procedures in place. No areas of concern were identified.

40 C.F.R. § 68.77 Pre-startup safety review – Delta provided documentation regarding pre-startup safety review which accompanied several MOC's reviewed. All PSSR requirements were satisfied before startup.

40 C.F.R. § 68.79 Compliance audits – EPA requested the two most recent compliance audits for review. Delta provided compliance audit reports completed and certified in June 2021 and March 2023. The original date for the compliance audit to be conducted was in 2020, but as explained by facility personnel, given the times the compliance audit was not conducted until 2021. Action items from the audits were placed in the electronic tracking system, CMS. I followed up on several items from the most recent audit to observe Delta's follow through, and implementation of each action item created. Delta brought each action item to a close in a timely manner as required by the regulation. The certification for both audits were provided. The facility did not conduct the audit at least every 3 years as required by the regulation.

40 C.F.R. § 68.81 Incident investigation - I reviewed a list of incident reports/investigations for all incidents, which resulted in, or could have reasonably resulted in, a catastrophic release of a regulated substance for the last five years. There was at least one incident that stood out due to the fact that it occurred on one day in question but was not reported until much later. The incident in question (22:1727) occurred on May 27, 2022, but was not reported until June 9, 2022. It would appear that Delta did not implement their incident investigation procedures as required per the regulation.

40 C.F.R. § 68.83 Employee participation – Delta has implemented the requirements of this subpart. No areas of concern noted.

40 C.F.R. § 68.85 Hot work permit – Delta discussed the process for conducting hot work onsite and several hot work permits were reviewed. All hot work permits are retained for one year upon completion of work.

40 C.F.R. § 68.87 Contractors – Delta only brings on Contractors on an as needed basis. There are no nested contractors on site. Prior to selecting a contractor, a thorough evaluation of safety performance of the contractor is carried out. A Pre-Job Meeting is held with the contractors to discuss known potential hazards related the contractor's work and the processes. Contractors are also informed of all the procedures for emergency response should an accidental release of a regulated substance occur. Contractors are provided with name tags and escorted at all times. Morning briefings are held upon entry before the day’s work begins. No areas of concern were identified.

Subpart E – Emergency Response

40 C.F.R. § 68.90 Applicability –Delta is a first responder stationary source in case of an accidental release of a regulated substance, therefore, the facility need not comply with the requirements of part 68.95.

40 C.F.R. § 68.93 Emergency Response Coordination Activities – Delta coordinates with the local emergency planning and response organizations to ensure that local response organization are aware of the regulated substances of the stationary source. EPA reviewed Delta’s coordination notification documentation which included the names of the individuals involved, their contact information, dates of the coordination activities, and the nature of the coordination activities. Delta also coordinates with Lubrizol for training on their Emergency Response and Contingency Plan. While Delta is not a 1st Responder, Lubrizol handles those incidents in the event there is something that Delta is not equipped to handle. Delta coordinates with the local authorities in the city at least annually. EPA reviewed the facility’s Emergency Response Drill forms and training. The facility conducts drills on an annual basis that consist of exercises such as: entry control, medical checks. No areas of concern were noted here. The last review of their Emergency Plan occurred in August 2022.

40 C.F.R § 68.96 Emergency response exercises – As part of coordination with local emergency response officials required by §68.93, Delta consults with officials to establish an appropriate frequency for tabletop exercises. In addition, Delta provided notification exercises dates and indicated that notification exercises are conducted on an annual basis.

Subpart G – Risk Management Plan

40 C.F.R. § 68.190 Updates – There have been no recent additions or upgrades to the unit that would have triggered an update to the Risk Management Plan.

40 C.F.R. § 68.195 Required corrections -The next RMP re-submission is due by September 26, 2026, unless an update or correction is required by 40 C.F.R. § 68.190 and § 68.195.

Section III – AREAS OF CONCERN (AOC)

1) **40 C.F.R. § 68.79 Compliance Audit–** Delta failed to complete and certify their 2020 Compliance Audit as required by the regulation.
2) **40 C.F.R. § 68.81 Incident investigation –** Delta failed to implement their incident investigation procedures as required by the regulation.

EPA Region 6 inspector, Sherronda Phelps, conducted a closing conference at Delta – Deer Park on May 31, 2023, for the inspection. During the closing conference, Sherronda Phelps, reviewed the AOC's noted during the inspection.

Section IV – FOLLOW UP

There was no follow up information provided after completion of inspection.

Section V – LIST OF APPENDICES

No Appendix Attached.