REGION 1
BOSTON, MA 02109

CAA 112 (r), Risk Management Plan (RMP), CAA § 112(r)(1) General Duty Clause (GDC), CERCLA § 103, and EPCRA §§ 302-313 Compliance Evaluation Inspection of:

Tanner Industries
55 Dexter Road
East Providence, RI 02914

3/19/2024

Date of Inspection

Waste and Chemical Compliance Section

6/7/2024

Date Inspection Report Approved

O'Donnell, Mary Jane
Digitally signed by O'Donnell, Mary Jane
Date: 2024.06.10 09:27:52 -04'00'

Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section

6/7/2024

Date Inspection Report Finalized

6/10/2024

Date Inspection Report Transmitted to Facility

Disclaimer: Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.

Date: June 5, 2024

From: Leonard Wallace IV and Andrew Meyer, U.S. EPA Enforcement Officers

Through: Mary Jane O'Donnell, Chief

Waste and Chemical Compliance Section

To: File

Subject: Chemical Accident Investigation and Inspection, Clean Air Act (CAA) Risk Management Plan (RMP) Section 112(r) and General Duty Clause (GDC) Section 112(r)(1) and Emergency Planning and Community Right-To-Know Act (EPCRA) Sections 302-312, and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 103 of Tanner Industries in East Providence, Rhode Island.

I. GENERAL INFORMATION

Facility Name: Tanner Industries

Dun and Bradstreet Number: 039026802 (Tier 2) 87-737-1922
(Company Investigator Report)

RMP Number: 100000048708

Address: 55 Dexter Road
East Providence, RI 02914

Inspector Names: Leonard B. Wallace, IV, U.S. Environmental Protection Agency (U.S. EPA) Region 1
Andrew Meyer, U.S. EPA Region 1
Liam Prendergast, Eastern Research Group, Inc. (ERG)
John Burton, Weston Solutions

Inspection Date: March 19, 2024

Type of Inspection: CAA § 112(r)(1) General Duty Clause (GDC), CERCLA § 103, and EPCRA §§ 302-313 Compliance Evaluation Inspection

Purpose of Inspection: This inspection was conducted as a routine EPA CAA § 112(r)(1)/EPCRA compliance evaluation inspection. The Tanner Industries, Inc. Facility in East Providence, Rhode Island (RI), was selected for inspection because it is in an EPA Region 1 Environmental Justice Community.

Current Owner: Tanner Industries Inc

Current Operator: Tanner Industries Inc

Primary NAICS codes: 424690 Other Chemical and Allied Products Merchant Wholesalers

Number of full-time employees (FTEs): At the time of the inspection facility was not operational.

Estimated Annual Sales: Unknown

Relationship to other firms, parent corporation, subsidiaries, and location of off-site facilities:

Parent Corporation: Tanner Industries Inc.
735 Davisville Rd Ste 3
Southhampton, PA 18966-3277

II. GENERAL FACILITY DESCRIPTION

The Tanner Industries Incorporation Facility in East Providence, RI (Tanner, or the Facility) is a bulk ammonia transfer station and storage facility with access to a railway spur. The Facility includes an onsite office building, one bulk ammonia holding tank, and two railcar unloading towers. The two unloading stations allow for access to ports on the top of railcars to allow for the transfer of liquid ammonia into the tank on the Tanner Industries property.

According to Facility personnel, the Tanner facility has not had ammonia actively stored on-site since 2018 in the large ammonia tank; however, prior to that time the Facility was operating as a transfer station for liquid ammonia. Transfer operations consisted of unloading ammonia from railcars directly to staged delivery trucks, and the yard was operated as a truck staging location. The Facility has continued to submit all necessary paperwork to act as an operating facility, but no ammonia has been stored since March 31, 2021. When the facility was in operation, they employed less than 10 on-site, mainly to support day-to-day operations at the Facility consisting of loading and unloading ammonia storage tanks via railcar or truck deliveries.

Facility personnel indicated during the on-site inspection that the anhydrous ammonia tank is isolated and unable to contain ammonia without significant modifications to existing equipment. Piping from the railcar unloading stations had been disconnected. An Internal Non-Destructive Evaluation (NDE) was completed shortly after the anhydrous ammonia tank was isolated to assess the future lifetime of the tank, just in case the Facility is re-activated in the future.

The Facility is in a primarily industrial area of East Providence, RI. Other industrial facilities are located approximately 0.1-miles to the northwest and southwest of the facility, including an oil and natural gas supplier and a pool chemical supply company. To the northwest of the facility is a thermal insulating aerogel manufacturing facility and a rail product distributing company. Attachment 1 includes a GoogleEarth® aerial photograph of the Tanner Industries Facility in East Providence, RI.

III. IN-BRIEF/OPENING CONFERENCE

The U.S. EPA inspection team including Leonard Wallace, IV, Andrew Meyer, Aaron Gilbert, Liam Prendergast (U.S. EPA contractor inspector), and John Burton (U.S. EPA contractor inspector), entered the Facility at approximately 9:00 AM EST. The U.S. EPA inspection team was supported by the individuals listed in **Table 1** from the East Providence Fire Department:

Table 1. Inspection Participants, Government Agencies:

Name	Title/Company	Phone Number	E-mail
Michael Cary	East Providence Fire Department Chief	(508) 294-9938	mcarey@eastprovidenceri.gov

Joseph DaSilva	East Providence Fire Department Battalion Chief	(401) 265-3777	jdasilva@eastprovidenceri.gov

The U.S. EPA inspection team presented identification to Mr. Keith Pervis and Mr. James Klucsarits, representatives of Tanner Industries. Inspector Wallace subsequently conducted the In-Brief/Opening Conference, explaining the reason and scope of the inspection. Inspector Wallace presented the EPCRA Notice of Inspection form to Mr. Klucsarits, who signed as the Recipient of the Notice. Neither Mr. Pervis nor Mr. Klucsarits attempted to deny entry to the Facility to the U.S. EPA inspection team and did not invoke any claims of Confidential Business Information (CBI) for the purposes of the inspection. The Facility Representatives listed in **Table 2** participated in the on-site inspection:

Table 2. Facility Representatives:

Name	Title/Company	Phone Number	E-mail
Keith Pervis	Operations Manager (Sales & Marketing Manage) Tanner Industries	(215) 322 -1238	kpervis@tannerind.com
James Klucsarits	Manager, Quality & Regulatory Affairs Tanner Industries	(215) 322-1238	jklucsarits@tannerind.com

Inspector Wallace shared the following guidance documents with Facility representatives during the In-Brief/Opening Conference:

1. Guide to the Emergency Planning and Community Right-to-Know Act (Fall 2020)
2. EPCRA Quick Reference Fact Sheet (Fall 2020)
3. Small Business Resource Information Sheet (February 2020, EPA-300-F-20-002)
4. National Response Center Oil and Chemical Spill Reporting flyer

Inspector Wallace stated that after the opening meeting, the inspectors would do a walk-through inspection of the ammonia process and all areas of the Facility where anhydrous ammonia was present while the facility was in service. Inspector Wallace stated the inspection team would be taking photographs of items and areas of interest and a copy of all photographs taken would be made available to the Facility representatives after the inspection.

IV. PHYSICAL INSPECTION

The U.S. EPA inspection team conducted a walk-through of the following areas at the Facility:

1. Western side of the bulk anhydrous ammonia storage tank
2. Northeastern side of the bulk anhydrous ammonia storage tank
3. Railcar unloading station
4. Facility fence line
5. Facility Office Building

Inspector Wallace took a total of 61 digital photographs during the inspection to provide reference documentation of conditions observed. The photographs are referenced throughout the document. The following include areas of concern identified in each of the areas during the physical inspection.

West Side of the Bulk anhydrous ammonia storage tank

The U.S. EPA inspection team approached the bulk anhydrous ammonia storage tank from the western parking lot of the Facility. The U.S. EPA inspection team began by observing the bulk anhydrous ammonia storage tank from the exterior of the structure on the paved parking lot.

The U.S EPA inspection team identified the following areas of concern based on a tour of the exterior of the bulk anhydrous ammonia storage tank and parking lot.

- In the parking area of the property, inspectors observed two (2) storm drains present within approximately 50-feet of the bulk anhydrous ammonia storage tank (see Photographs P1140861 and P1140865).
- Inspectors observed the water main valve access grate was removed, leaving an opening into a confined space. Additionally, the access port to the water main valve was not affixed with appropriate signage warning of the presence of a confined space (see Photographs P1140866 and P1140867).
- Concrete jersey barriers located between the ammonia tank and the parking lot were not secured to the ground to provide adequate guarding and protection from vehicle impact to process piping located below the bulk anhydrous ammonia storage tank (see Photograph P1140868).
- Truck filling stations associated with the bulk anhydrous ammonia storage tank were not grounded or bonded to allow for the equalization of static discharge between the tanks and container(s) being filled (see Photographs P1140870 and P1140872).
- Ammonia piping on the westernmost side of the bulk anhydrous ammonia storage tank was not affixed with appropriate labeling (i.e., direction of flow, phase, or contents). A sign was present on the front of the Office Building with a key for color coding of process piping; however, markings were not present directly on ammonia piping (see Photographs P1140870, P1140871, P1140881, P1140890, and P1140895).
- Combustible materials were stored beneath the bulk anhydrous ammonia storage tank and next to the truck filling stations (see Photograph P1140872).
- The bulk anhydrous ammonia storage tank is no longer in service at this site and has been evacuated of all ammonia. Labeling stating that the tank was not in use was only present on the western side of the tank and the labeling scheme was not clear or legible enough to be read from a distance (see Photograph P1140875).
- The bulk anhydrous ammonia storage tank was not affixed with National Fire Protection Association (NFPA) diamonds on any face of the tank.
- Corrosion was observed at the base of the bulk anhydrous ammonia storage tank at the interfaces between the tank and the tank supports (see Photographs P1140876, P1140877, P1140878, and P1140879).
- The foundation present beneath the bulk anhydrous ammonia storage tank may not be of wide enough construction to support the full weight of the tank and the bolt had no nut to hold the tank down (see Photograph P1140869).

Northeast Side of the Bulk anhydrous ammonia storage tank

The U.S. EPA inspection team traversed around the bulk anhydrous ammonia storage tank on the southernmost side of the structure to observe the ammonia tank and ammonia pipe run beneath and next to the tank from the eastern side.

The U.S. EPA inspection team identified the following areas of concern based on a tour of the Easternmost side of the bulk anhydrous ammonia storage tank.

- Inlet piping to the ammonia tank beneath the northern end of the tank was cut and open to the atmosphere without a cap present (see Photographs P1140883 and P1140885).
- Inlet piping to the ammonia tank beneath the northern end of the tank was supported by a jack stand (see Photographs P1140883 and P1140886).

- Ammonia piping on the easternmost side of the bulk anhydrous ammonia storage tank was not affixed with appropriate labeling (i.e., direction of flow, phase, or contents). A sign was present on the front of the Guard Shack with a key for color coding of process piping; however, markings were not present directly on ammonia piping (see Photographs P1140870, P1140871, P1140881, P1140890, and P1140895).
- On the northeastern corner of the ammonia tank, inspectors observed that the piping support used to hold two (2) main ammonia lines was constructed of a 4" x 4" piece of wood (Photograph P1140883).
- Corrosion was present on ammonia piping underneath the support bracket used to connect ammonia piping to the wooden support (see Photograph P1140884).
- Inspectors observed what appeared to be recent painting on piping without removing underlying rust observed on the underside of pipes (see Photographs P1140884 and P1140894).
- The nitrogen line located between the bulk ammonia storage tank and the two railcar unloading towers, which was used as an emergency shutoff system, was observed to be freely hanging without adequate piping supports (see Photographs P1140887, P1140889, and P1140890).

Railcar Unloading Station

Inspector Wallace of the U.S. EPA inspection team used the stairwell located on the exterior of the structure to access the second level platform of the railcar unloading station. Other EPA inspectors did not ascend the structure to observe ammonia piping because the platform was not large enough to fit all members but made observations from ground level.

The U.S. EPA inspection team identified the following areas of concern based on observation of the railcar unloading station.

- One of the Windsocks was missing at the at one of the unloading rail car stations (see Photographs P1140860 and P1140896).
- Windsocks were not present on the southern or western portions of the property to indicate the prevailing wind direction in the event of a release of a regulated substance (see Photographs P1140896 and P1140898).
- There were no Emergency Stop ("E-Stop") or Emergency Shutdown activation controls in association with either of the railcar unloading towers or at the base of the stairs leading to the towers. The nearest shutoff control was observed to be approximately 70-feet from the base of the railcar unloading towers (see Photographs P1140888, P1140892, P1140893, P1140894, P1140895, and P1140898).
- Ammonia piping on the eastern railcar unloading tower was not provided with adequate piping support (see Photograph P1140895).
- Vegetation is with ten feet of ammonia piping, ammonia tank, and rail siding (see Photographs P1140863, P1140892, P1140887, P1140888, P1140898, and P1140899).
- Ammonia detectors distributed along the perimeter of the Facility were not affixed with proper labeling. Additionally, ammonia detectors have been disabled (see Photographs P1140906 and P1140907).
- Ammonia detectors action levels set at 35 ppm onsite notification and 50 ppm would notify East Providence Fire Department.
- The emergency safety shower/eyewash station located between the two railcar unloading stations was equipped with handles used to trigger water flow that were difficult to activate when tested (see Photograph P1140887).

Surrounding Fence Lines

The U.S. EPA inspection team traversed the area surrounding the rail spurs to observe the entry/egress gates located at multiple locations within the fence and the ammonia detectors distributed across the property next to the chain-link fencing.

The U.S. EPA inspection team identified the following areas of concern based on a tour of the fence line surrounding the property.

- Egress gates present in the chain-link fencing located along the facility property line were not equipped with panic hardware and/or were locked with a padlock (see Photographs P1140859, P1140862, P1140905).
- Ammonia detectors distributed along the perimeter of the Facility were not affixed with proper labeling. Additionally, Facility personnel were unable to provide information on whether the ammonia detectors had been calibrated (see Photographs P1140906 and P1140907).

The Main Office Building

The U.S. EPA inspection team accessed the main office building using the available entry/egress door located on the West side of the building. The inspection team observed the water heater used to deliver tepid water to the safety shower and eyewash stations, the Facility's Emergency Response Plan, and a closed cabinet containing flammable materials.

The U.S. EPA inspection team identified the following areas of concern based on a tour of the office building.

- The flammables chemical storage cabinet within the office building did not have NFPA diamonds posted to denote the potential hazards of substances contained within the cabinet (see Photograph P1140911).
- The flammables chemical storage cabinet within the office building was observed to be unlocked at the time of the inspection with no evidence of the ability to lock the cabinet (see Photograph P1140911).
- The flammables chemical storage cabinet was not separated from combustible materials as there were combustible materials stored next to and on top of the cabinet (see Photograph P1140911).
- The piping and instrumentation diagram (P&ID) for the ammonia process was obstructed from view as it was covered with other hanging papers at the time of the inspection (see Photograph P1140912).

V. OUT-BRIEF/CLOSING CONFERENCE

An in-person out-brief/closing conference was not conducted at the conclusion of the onsite inspection. Inspector Wallace emailed a copy of the EPA inspection teams' preliminary areas of concern identified during the inspection on to Mr. Klucsarits on May 15, 2024. The inspection team met virtually with representatives from Tanner Industries on May 20, at 10:00 AM EST to review the preliminary observations, discuss additional document requests, and explain the next steps in the enforcement process.

VI. FACILITY COMPLIANCE STATUS AND ELEMENTS OF PROOF - EPCRA

EPCRA Section 302

(1**)** Does Facility have onsite, at any one time, extremely hazardous substances (EHS) at or above the TPQ?
At the time of the inspection, according to the facility personnel at the inspection anhydrous ammonia has not been present on the property since 2022.

(2) List or obtain documentation: Inspectors' observations; information provided by Facility personnel.

(3) How was maximum quantity onsite determined or calculated?
Inspectors' observations, information provided by Facility personnel.

EPCRA Section 303
(1) Facility Coordinator identified per Sec. 303 and date LEPC was notified?
Unknown; Notification had not yet been made as of the date of inspection.

EPCRA Section 311
(1) Is Facility required to maintain MSDSs under the OSHA Hazard Communication Standard 29 CFR 1910.1200 (no specific chemical list)? Yes.

(2) Has the Facility conducted a comprehensive audit to identify MSDS chemicals onsite and to determine if 500 lb./10,000 lb./TPQ thresholds were exceeded? Unknown.

(3) List of OSHA chemicals manufactured, processed, used/stored, and obtained? Yes, requested facility SDSs and chemical inventory data for all chemicals at the facility.

(4) How were the maximum amounts determined? Inspectors' observations, information provided by Facility personnel.

(5) Section 311 info supplied to the:

SERC (Y/N): Unknown
LEPC (Y/N): N; Notification had not yet been made as of the date of inspection
Local Fire Department(Y/N): N; Notification had not yet been made as of the date of inspection
Date N; Notification had not yet been made as of the date of inspection
Chemical List Unknown

SDSs N; Notification had not yet been made as of the date of inspection

(6) Have any new hazardous chemicals, mixtures, or substances been introduced into the Facility in the last 5 years? Yes; anhydrous ammonia.

(7) If yes, has the Facility submitted updated lists or MSDSs? Unknown

EPCRA Section 312 (due March 1 of year following reporting calendar year)
(1) Was Tier II form submitted for all required chemicals? Unknown

(2) What procedures are used to update Section 312 information for annual submittal and to ensure additional or new chemical data is submitted within 90 days? Unknown

(3) Was Facility aware of annual reporting requirements under Section 312? Unknown

(4) Had the Facility completed and signed a list of all reportable chemicals on site on date of the inspection?
No, chemical inventory data requested to review post-inspection.

(5) Table of EPCRA 312 Reportable Substances:

CAS #	Chemical	Approx. Max. Wt. on Site (Lbs.)	TPQ (Lbs.)	Approx. Ratio (Actual/TPQ)

7664-41-7	Ammonia, anhydrous	449,365	500	898.73
1336-21-6	Ammonium Hydroxide	2,396	10,000	.23

Source: Tier 2 Reporting year 2023

VII. ENFORCEMENT HISTORY

Data available via ECHO indicates that the Facility does not have a history of environmental enforcement in relation to the metrics summarized via U.S. EPA's database.

VIII. ENVIRONMENTAL JUSTICE

The ECHO and EJSCREEN data indicate that the Facility is not in an area of Environmental Justice (EJ) interest based on the levels shown for relevant EJ indices.

Attachment 1

Google Earth Image of the
Tanner Industries, Inc. Facility in East Providence, RI