



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Mr. Frank Dulcich
Owner/Operator
Pacific Seafoods Company
50 Northeast Skipanon Drive
Warrenton, Oregon 97146

Re: Information Request Regarding Pacific Seafoods Company
50 Northeast Skipanon Drive, Warrenton, Oregon

Dear Mr. Dulcich:

The U.S. Environmental Protection Agency (EPA), Region 10, seeks information concerning the Pacific Seafoods Company facility located at 50 Northeast Skipanon Drive in Warrenton, Oregon ("Facility"). The enclosed Information Request is issued to Pacific Seafoods Company pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414.

The EPA seeks information concerning the presence and amount of CAA 112(r) regulated substances and the submission of a Risk Management Plan (Enclosure 1). Under CAA Section 114, 42 U.S.C. § 7414, EPA is authorized to require the submission of records, reports and other information for the purpose of determining whether any violations of the CAA have occurred and for other purposes of the CAA.

Pacific Seafoods Company is required to provide information and documents in response to the enclosed Information Request within **45 days** of your receipt of the request. Please ensure the separate Statement of Certification (Enclosure 2) is signed by a duly authorized officer or agent of Pacific Seafoods Company and returned with the response to this Information Request. If you anticipate being unable to fully respond to this Information Request by the specified date, you may request an extension within **14 days** of receipt of this request. Include a justification for your extension request.

To aid EPA's timely review of your responses, EPA prefers that you submit responses to this Information Request via an electronic submission. When you have compiled responsive documents and are ready to submit information to EPA, please contact Ryan Bowlsby, RMP/EPCRA Compliance Officer, at (206) 553-1849 or Bowlsby.Ryan@epa.gov, to initiate the file transfer process or for additional options if electronic submission is not possible.

Failure to timely respond fully and truthfully to this Information Request may subject you to civil penalties pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Your response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

EPA's *Small Business Resources Information Sheet*, which provides information on compliance assistance that may be helpful to you, can be found at the following webpage:

<https://www.epa.gov/compliance/small-business-resources-information-sheet>. For more information about RMP regulation and industry sector guidance, please visit the following webpage: <https://www.epa.gov/rmp>.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact Ryan Bowlsby whose contact information is listed above.

Sincerely,

Morgan Jencius, Chief
Air and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Kaitlyn Johnson
EHS Specialist

ENCLOSURE 1
INFORMATION REQUEST

Pacific Seafoods Company

A. INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question in this Information Request. Mark each answer with the number of the question (and subpart, if applicable) to which it corresponds.
2. For each question, provide a copy of each document reviewed or referred to in the preparation of the response or that contains information responsive to the question.
3. Indicate on each document produced in response to this Information Request, or in another reasonable manner, the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, if you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Provide the name, title, and business contact information for each person who prepared or was consulted in the preparation of the answers to this request. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein, or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
6. If you believe a question is not applicable to the Facility, explain in detail the reason for that belief.
7. The information requested herein must be provided whether you regard part or all of it as a trade secret or confidential business information. You may assert a confidentiality claim covering part or all of the information submitted, pursuant to CAA Section 114(c), 42 U.S.C. § 7414(c) and CERCLA Section 104(e)(7), 42 § 9604(e)(7), by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA.

Information covered by such a claim will be disclosed by the EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by the EPA without further notice to you. See 41 Fed. Reg. 36902 (Sept. 1, 1976).

8. To aid electronic recordkeeping efforts, EPA prefers you provide all documents responsive to this Information Request in electronic format. These electronic submissions are in lieu of hard copy.

When you have compiled responsive documents and are ready to submit information to EPA, please contact Ryan Bowsby, RMP/EPCRA Compliance Officer, at (206) 553-1849 or Bowsby.Ryan@epa.gov, to initiate the file transfer process or for additional options if electronic submission is not possible.

- a. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for the EPA use in repurposing text.
- b. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.
- c. Provide a table of contents for electronic documents submitted in response to the information request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
- d. Documents claimed as confidential business information (CBI) must begin with the file name CBI, followed by the rest of the file name. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please also mark each page that is CBI as such.

B. DEFINITIONS

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request; CAA, 42 U.S.C. 7401, *et seq.*; CERCLA Section 101, 42 U.S.C. § 9601; EPCRA Section 329, 42 U.S.C. § 11049; or 40 C.F.R. Parts 68, 300, 355, 370 and 372. For purposes of this Information Request:

1. The terms “you” or “Respondent” mean Pacific Seafoods Company and its parents, subsidiaries, officers, directors, managers, partners, employees, contractors, trustees, successors, assigns, and agents, as applicable.
2. “Facility” means the property owned or operated by Pacific Seafoods Company located at 50 NE Skipanon Drive in Warrenton, Oregon.
3. “Document” includes writings, records, or information of any kind, formal or informal, whether handwritten, typed, or otherwise recorded in or on any format or media. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. Include all attachments to or enclosures with any responsive document.

4. "Person" has the same definition as in CERCA Section 101(21), 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
5. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
6. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a question or questions.
7. The term "vessel," as defined in 40 C.F.R. § 68.3, means any reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.
8. The term "regulated substance," as defined in 40 C.F.R. § 68.3, means any substance listed pursuant to CAA Section 112(r)(3), as amended in 40 C.F.R. § 68.130.
9. The term "process," as defined in 40 C.F.R. § 68.3, means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
10. The term "process equipment" means all equipment used in the process.
11. "Hazardous substance" has the same definition as in CERCA Section 101(14), 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
12. "Hazardous chemical" has the same definition as in EPCRA Section 11049(5), 42 U.S.C. § 11049(7), as further defined at EPCRA Section 311(e), 42 U.S.C. § 11021(e).
13. "Extremely hazardous substance" is a substance listed in 40 C.F.R. Part 355, Appendix A or B.
14. "Release" has the same definition as in CERCA Section 101(22), 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
15. "Tier II Emergency and Hazardous Chemical Inventory" means the chemical inventory required by 40 C.F.R. § 370.40(b) that contains Tier II information pursuant to 40 C.F.R. § 370.42.
16. "Threshold planning quantity" means, for any hazardous substance as defined by OSHA, the amount of hazardous substance present at the Facility as described in 40 C.F.R. § 370.20.

C. INFORMATION REQUEST

Provide the following information for the Facility. Unless otherwise specified, provide all responsive information from the time period between January 1, 2021, and the date of this Information Request.

1. Provide the name and address of the legal owner of the Facility. If the owner and operator of the Facilities are not the same entity, include the name and address of the operator of the Facility in your response and provide contracts or other legal documents relating to ownership, purchase or buy-back agreements, and contract operation.
2. Provide the number of individuals employed full time on an annual basis by the company across all facilities and operations owned by the company. This number should include contract employees.
3. What is the maximum quantity, in pounds, of all RMP regulated substances, including but not limited to ammonia, above their respective threshold quantities in a single process at the Facility, for each calendar year during the time period covered by this information request? Specify the methodology used in calculating the inventory and provide copies of the records you relied upon to support your response, including all purchase orders, invoices, bills of lading, recharging records and records on the removal of ammonia.¹

If the facility has more than a threshold quantity of a regulated substance, but the regulated substance is in two or more processes that each contain less than the threshold quantity, provide that information and explain why the processes are considered to be separate processes. For every regulated substance found to be above the threshold quantity, provide the dates that the substance was above the threshold quantity, and its concentration.

¹There are three methods that are typically used to determine the amount of anhydrous ammonia in a refrigeration system (“System”) (also referred to as the “ammonia inventory”). Each method is briefly described below:

- a) Method 1: Document the ammonia charges to the System:
This method involves estimating the inventory by keeping documentation of all ammonia charges to the System since the original charge. This option is not recommended for systems that have undergone significant changes or ammonia losses.
- b) Method 2: Document inventory via System pump-down:
This option can be used when the System is shut down for maintenance, and the ammonia is either completely removed from the System or returned to one or more vessels in the system.
- c) Method 3: Engineering calculations of individual System components to estimate the amount of ammonia in the System: *This method involves performing inventory calculations on the components of the System that contain liquid-phase ammonia, such as pipes, receivers, condensers, surge drums, evaporators, oil coolers, etc.*

Various organizations offer on-line calculators or other resources to help determine inventory amounts, including, for example, the International Institute for Ammonia Refrigeration and the Industrial Refrigeration Consortium.

4. Provide any available evidence that a Risk Management Plan was submitted for the facility, or that a Risk Management Plan was not required. If providing evidence that a Risk Management Plan was submitted, provide a copy of the Risk Management Plan and the accompanying signed certification letter, the dates that they were submitted on, and a copy of the address that they were submitted to.
5. Provide an accurate and up-to-date process flow diagram and site plan for the facility. If existing process flow diagrams do not represent a current configuration or rate, so state and provide current configurations and rates where appropriate. On the diagrams and site plans, using a key for clarity purposes, indicate where each regulated substance above the threshold quantity is located.
6. Provide a detailed narrative description of how each regulated substance above the threshold quantity is used at the facility, referring to the relevant process flow diagrams and site plans wherever possible. Describe in detail the chemical or physical changes occurring in each process for each regulated substance.

ENCLOSURE 2
INFORMATION REQUEST

STATEMENT OF CERTIFICATION

Pacific Seafoods Company

I certify under penalty of law that I have examined and am familiar with the documents submitted to the U.S. Environmental Protection Agency's in response to the Information Request, issued pursuant to issued pursuant to Clean Air Act Section 114, 42 U.S.C. § 7414, and Comprehensive Environmental Response, Compensation, and Liability Act Section 104(e), 42 U.S.C. § 9604(e). Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for knowingly submitting false statements and information in response to this Information Request, including the possibility of fine or imprisonment.

I certify that I am duly authorized by Pacific Seafoods Company and any parent organizations, affiliates, predecessors, successors and assignees, to provide the above information on its behalf to EPA.

Signature

Printed Name

Title

Date