



**REGION 10**

SEATTLE, WA 98101

**RETURN RECEIPT REQUESTED**

Mr. Fred Jahns  
President  
Quality Seafood Services LLC  
424 Greenleaf Avenue  
Burlington, Washington 98233

Re: Information Request Regarding Quality Seafood Services LLC  
424 Greenleaf Avenue, Burlington, Washington

Dear Mr. Jahns:

The U.S. Environmental Protection Agency (EPA), Region 10, seeks information concerning the Quality Seafood Services LLC facility located at 424 Greenleaf Avenue in Burlington, Washington ("Facility"). The enclosed Information Request is issued to Quality Seafood Services LLC pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e).

The EPA seeks information concerning the presence and amount of CAA 112(r) regulated substances and the submission of a Risk Management Plan. The EPA also requests information concerning the nature and extent of a release or potential release from and storage of hazardous substances, pollutants or contaminants at the Facility (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. CERCLA Section 104(e), 42 U.S.C. § 9604(e), authorizes EPA to require the submission of information or documents for the purpose of, among other things, enforcing CERCLA.

Quality Seafood Services LLC 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 Quality Seafood Services LLC 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 Bowsby, RMP/EPCRA Compliance Officer, at (206) 553-1849 or [bowsby.ryan@epa.gov](mailto:bowsby.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, and Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). 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>. For more information about EPCRA regulations, please visit the following webpage: <https://www.epa.gov/epcra>.

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

Sincerely,

**MORGAN  
JENCIUS**

Digitally signed by  
MORGAN JENCIUS  
Date: 2024.04.19  
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Morgan Jencius, Chief  
Air and Land Enforcement Branch  
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. David Jahns  
Controller, Quality Seafood Services LLC

**ENCLOSURE 1  
INFORMATION REQUEST**

**Quality Seafood Services LLC**

**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 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 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 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 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 Bowlsby, RMP/EPCRA Compliance Officer, at (206) 553-1849 or [bowlsby.ryan@epa.gov](mailto:bowlsby.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 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 Quality Seafood Services LLC 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 Quality Seafood Services LLC located at 424 Greenleaf Avenue in Burlington, Washington.
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 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 CERCLA 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. Section 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 CERCLA 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 in 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 CERCLA 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 Facility 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 was the maximum amount of anhydrous ammonia (in pounds) stores at the Facility for any given time, for each calendar year during the time period covered by this information request? Specify the methodology used in calculating the ammonia 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.<sup>1</sup>
4. Has a process hazard review or process hazard analysis been performed on the Facility's ammonia storage? If yes, specify the type of review or analysis, the year it was performed and who conducted it, and provide a copy of the review or analysis.

*Background information about hazard identification: Anhydrous ammonia is an extremely hazardous substance listed in Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). Owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3), or any other extremely hazardous substance, have a general duty*

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<sup>1</sup>There 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.

to: (1) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques; (2) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (3) minimize the consequences of accidental releases that do occur. EPA guidance explaining these duties may be found at <https://www.epa.gov/sites/production/files/documents/qendutyclause-rpt.pdf>.

Facilities having less than 10,000 pounds of anhydrous ammonia in a refrigeration system must identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques.<sup>2</sup> Those facilities having 10,000 pounds or more of anhydrous ammonia in a refrigeration system must conduct a process hazard analysis following the requirements of 40 C.F.R. § 68.67.

5. Describe what coordination and communications the Facility has had with the LEPC to include the Facility in the community emergency response plan, as required under EPCRA Sections 302 and 303. Provide supporting documentation of this coordination.
6. Describe the Facility's procedures for notifying emergency responders when there is a need for a response in the event of an accidental release involving a hazardous chemical or extremely hazardous substance from your Facility. Provide supporting documentation, including a copy of your emergency plan, if you have one.
7. Provide copies of all federal or state permits under which your Facility operated at the time of any releases involving hazardous substances or extremely hazardous substances.
8. Describe all releases, if any, which have occurred at the Facility involving hazardous substances or extremely hazardous substances. The descriptions should follow the same format as outlined in items 5(a) through 5(j) below, including but not limited to the following:
  - (a) Date, time, and duration of release;
  - (b) What hazardous substances and/or extremely hazardous substances were released and quantity (in pounds) of each, including a detailed description of the method used to calculate the quantity;
  - (c) Quantity (in pounds) of each hazardous substance and/or extremely hazardous substance released and, for each, including a detailed description of the method used to calculate the

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<sup>2</sup>The recommended industry practice and standard of care for ammonia refrigeration systems of this size is to identify hazards using industry checklists or a "what-if" analysis. See, e.g., the International Institute of Ammonia Refrigeration's ("IIAR's") *Ammonia Refrigeration Management Program* (2005), Section 10; EPA's *Guidance for Implementation of the General Duty Clause Clean Air Act Section 112(r)(1)*, available at <https://www.epa.gov/enforcement/guidance-implementation-general-duty-clause-clean-air-act-cao-section-112r1-may-2000>; and IIAR Bulletin No. 110, *Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, rev. 2002) Section 5.2.1. (The owner shall confirm that a Process Hazard Analysis has been completed and that recommendations have been resolved or implemented.)

quantity. If the quantity is different for onsite versus beyond the boundaries of the Facility, please provide both amounts and justification explaining the difference;

- (d) Circumstances of the release, including (1) how and where the release occurred, (2) any equipment malfunctions, (3) subsequent equipment repairs, (4) what environmental mediums (air, water, land) were affected by the release, and (5) how each impact occurred;
  - (e) The first person who initially discovered the release, and the date and time of the discovery, and a description of all actions taken by that person in response to the release;
  - (f) Each Facility employee with information about the release, including dates and times that each employee received such information;
  - (g) Activities undertaken by the Facility in response to the release, including the dates and times of each action;
  - (h) The coordination and communication with each entity or agency of local, state, or federal government notified of the release (including the date, time and manner of the notification and the name and title of the person making the notification). Provide copies of any initial reports and follow-up reports that were made to each such government agency or entity;
  - (i) Any federal or state permits under which the release may have been covered. Cite the applicable permit conditions and the permitted levels of emissions and provide copies of these permits; and
  - (j) Any continuous release reports for CERCLA § 103(f), 42 U.S.C. § 9603(f), under which the release may have been covered. Provide copies of these reports.
9. Provide records of submittal of Tier II Emergency and Hazardous Chemical Inventory forms listing hazardous chemicals stored or used by the Facility for calendar years 2021, 2022 and 2023 to the LEPC and fire department with jurisdiction over the Facility.

**ENCLOSURE 2  
INFORMATION REQUEST**

**STATEMENT OF CERTIFICATION**

**Quality Seafood Services LLC**

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 Quality Seafood Services LLC and any parent organizations, affiliates, predecessors, successors and assignees, to provide the above information on its behalf to EPA.

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Signature

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Printed Name

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Title

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Date