



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

**Clean Air Act - Section 112(r)
Risk Management Program
and EPCRA 312 – Tier II
Facility Inspection Report**

FACILITY INFORMATION:

Name: Legacy Fruit Packers, LLC
Physical Address: 12 Hoffer Road, Wapato, WA 98951
Phone Number: (509) 877-4188
Latitude/Longitude: 46.438810, -120.429850
RMP Facility ID#: 1000 0017 1075
FRS ID#: 110002053722
EJ Concerns: Yes (Above 80%)

CONTACT INFORMATION (RMP Implementation):

Name: Santos Sosa III
Phone Number: (509) 877-4188
E-mail: ssosa@sagefruit.com

EMERGENCY CONTACT INFORMATION:

Name: Santos Sosa III
Phone (24-hr): (509) 949-6890
E-mail: ssosa@sagefruit.com

TRIP DETAILS:

Inspection Date: August 17, 2023
Inspection Time: 0900 hours through 1345 hours
EPA Inspection Team:

Peter Phillips, US EPA Region 10 SEE Grantee, Lead RMP Inspector
Terry Garcia, US EPA Region 10 SEE Grantee, RMP Inspector
Edward Johannes, US EPA Region 10 SEE Grantee, RMP Inspector
Kenneth Valder, Weston Solutions, Inc., EPA START Contractor
Morgan Larimer, Weston Solutions, Inc., EPA START Contractor

DATE AND PROGRAM LEVELS OF SUBMITTED RMP:

Initial Submission Date: July 17, 2000
Date of Latest Update: April 23, 2021

Process (Program 1, 2, 3) as reported in RMP:

Process ID	Description	Process Chemical ID	NAICS Code	Program Level	Chemical Name CAS Number	Quantity (lbs)
1000116056	ER3 - NH3 Refrigeration	1000145078	49312	3	Ammonia, Anhydrous (7664-41-7)	14,510

1000116057	ER2 - NH3 Refrigeration	1000145079	49312	3	Ammonia, Anhydrous (7664-41-7)	38,181
1000116058	ER1 - NH3 Refrigeration	1000145080	49312	3	Ammonia, Anhydrous (7664-41-7)	13,973

PURPOSE:

The purpose of this inspection was to determine if this facility is in compliance with Section 112(r) of the Clean Air Act (CAA) and Title 40 Code of Federal Regulations (CFR) Part 68, Chemical Accident Prevention Provisions.

- The facility has been previously inspected in the past 5 years: No ☒ Yes ☐
- The facility is High Risk: No ☒ Yes ☐
- Joint EPCRA inspection: No ☐ Yes ☒

CAA Title V Air Permit:

Does the facility have a CAA Title V Permit? No ☒ Yes ☐

RELEASE/ACCIDENT HISTORY:

Did the facility have a reportable release in the past 5 years? No ☒ Yes ☐

EPCRA TIER II REPORTING:

Did the facility submit the 2022 Tier II report to the SERC? No ☐ Yes ☒

If Yes, Date the Tier II was submitted: February 21, 2023

Did the facility submit a Tier II to the LEPC and local fire department? No ☐ Yes ☒

If Yes, Date the Tier II was submitted: February 21, 2023

INSPECTION ENTRY:

Peter Phillips led the inspection entry. The EPA Inspection Team (EPA) met with facility representatives at the Legacy Fruit Packers, LLC facility in Wapato, WA. EPA arrived at the facility at 0900 hours and was joined by the following facility personnel:

Name	Title, Organization
Santos Sosa	Refrigeration Manager, Legacy Fruit Packers LLC
Lance Britton	Maintenance Manager, Legacy Fruit Packers LLC
Hunter Porter	Safety Manager, Legacy Fruit Packers LLC
Freddie Sanchez	Director of Facilities, Legacy Fruit Packers LLC
David Champoux	Engineer, Doubl-Kold

Was a state/county/or local emergency representative present? No ☒ Yes ☐

The facility is a first responder: No ☒ Yes ☐

If No, Responding Agency: Wapato Fire Department

Facility representatives escorted EPA to a conference room located in the facility's Safety Office. Lead Inspector Peter Phillips introduced all parties present, provided a summary of the Risk Management Program (RMP), and explained the purpose of the visit. Each EPA Inspector presented his/her credentials.

EPA then requested an explanation of the facility's operations and any additional safety measures that

should be taken during the site tour. Santos Sosa and Freddie Sanchez gave a brief description of the facility, operations, and personal protective equipment required for the tour.

Prior to the inspection, EPA sent a certified notice of inspection letter to the facility informing them of the CAA Section 112(r)(6)(L) requirement that facility employees and employee representatives (such as a union representative) have the right to participate in the RMP inspection, and that a copy of the letter must be provided to the employee representative(s) and the letter posted in a manner accessible to employees in the facility.

The facility is unionized: No ☒ Yes ☐

An employee representative present during the facility visit: No ☒ Yes ☐

GENERAL INFORMATION:

The facility is regulated under RMP rule as a Program Level 3 refrigeration facility owned and operated by Legacy Fruit Packers, LLC (Legacy Fruit). The facility utilizes a combined 66,664 pounds (lbs) of anhydrous ammonia between three separate ammonia refrigerant systems for the cold storage of agriculture products such as apples, pears, and cherries. The engine rooms, referred to as ER1, ER2, and ER3, were constructed in 1988, 1995, and 2014. These refrigeration systems support 65 Controlled Atmosphere (CA) rooms and 25 cold common storage areas.

The facility employs approximately 321 full-time, non-unionized employees on site, with two operational shifts, 0500 to 1630 hours and 1700 to 0000 hours, five days a week during the months of August to mid-November. The facility typically employs three designated System Operators; however, only two were employed at the time of inspection: Santos Sosa and Jacob Alanzo. Contractors supporting the System Operators include Central Washington Refrigeration (CWR) (Yakima); Doubl-Kold (Yakima); Double J Electrical Service, LLC (Yakima); and Pacific CA Systems (Yakima). The facility uses approximately 40 lead acid batteries for the operation of 20 electric forklifts that are regulated under EPCRA 312 and are included as part of this Tier II inspection.

On April 27, 2022, the facility suffered a Lockbit Ransomware attack that resulted in the loss of locally stored encrypted data. Facility representatives cited this as a potential reason for missing records. A letter from the facility Information Technology (IT) Director was provided to the EPA inspection team.

During the facility inspection, Legacy Fruit Packers representatives stated that no modifications to the refrigeration system have been made in the past 5 years; neither are modifications currently planned or underway.

ON-SITE OBSERVATIONS:

After the entry meeting, EPA toured the facility from approximately 0935 to 1105 hours, escorted by facility representative Sosa and contractor representative Champoux (Doubl-Kold). The EPA inspection team took photographs of the regulated refrigeration systems, as well as the regulated lead acid batteries within forklift charging stations. photos taken during the inspection are included in Attachment A to this report and are referenced below.

The tour began at ER3, which can be accessed via a personnel access door on the northern wall or a personnel door and equipment roll-up door on the western wall (photos 1 and 2). The northern personnel access door immediately opens to the Control Room (photo 3) before leading to ER3 (photo 4). Inside ER3 are three screw compressors with a High-Pressure Receiver (HPR), Suction Accumulator, and Transfer Vessel located against the east wall (photo 5). There are two ammonia detectors (photo 6), which

engage audible and visual alarms when ammonia is detected at 30 parts per million (ppm) and initiate shutdown at 50 ppm ammonia. The inspection team reviewed safety relief valve (SRV) installation tags associated with each of the compressor units, of which those on Compressor 3 were found to be out of date (photo 7). Legacy Fruit representatives provided proof of order and backlog for the valves after completion of the tour. The team also observed the louvered air intake along the south wall and three ceiling exhaust fans (photos 8 and 9).

The tour continued to the Shipping Dock, which contains four evaporator banks in two zones, with one alarm per zone (photo 10). The tour then led to the Finished Goods Storage Room, which has four zones of two evaporator banks each and one sensor for every two zones (photo 11).

Next, the tour proceeded to the Cherry Packing Building. Inside the packing building is a Surge Drum (photo 12) and two chilling units (photo 13) with two ammonia detectors: one the shipping dock (photo 14) and one for the CA rooms.

From the Cherry Packing Building, facility representatives led the EPA team to Room B10, which serves as a representative CA facility served by the refrigeration system (photo 15), before continuing to ER2 (photo 16) and the associated Control Room (photo 17). ER2 contains four compressors (photo 18). An emergency shower/eyewash station is located immediately inside the western personnel doorway (photo 19). On the south end of the room are two HPRs with an air intake located above (photo 20). The inspection team also observed ventilation openings, one of which is above the staircase to the Building A Mezzanine (photo 21). The tour continued up the staircase to view the three condensers above ER2 (photo 22) and the Mezzanine that runs from A1 to A22 (photo 23). Ammonia leak detectors were observed outside of the A Mezzanine entrance (photo 24).

After viewing ER2, the inspection team was led to ER1 through the north personnel access door (photo 25). The door leads into the associated Electrical Room prior to entering ER1 (photo 26). ER1 contains four compressors (photo 27, 28). The inspection team again observed ventilation openings, louvered air intakes, and exhaust (photo 29), as well as an emergency shower/eyewash station (photo 30). Throughout the tour, inspectors noted that ER exit doors do not have panic hardware.

Lastly, the inspection team observed the forklift charging station where the lead acid batteries are located (photo 31). The room contains an eyewash station by the garage pull up and appropriate safety precautions appeared to be in place (photo 32).

After touring the facility, EPA returned to the conference room at 1105 hours to review RMP documentation. Upon completion of the document review, EPA provided a debriefing to facility representatives Sosa, Sanches, Britton, and Porter, as well as operations contractor representative Champoux (Doubt-Kold). The exit briefing was conducted at 1330 hours, and the EPA inspection team exited the facility at 1345 hours.

INFORMATION COLLECTED FROM FACILITY:

1. Inspection Sign-in Sheet
2. Ransomware Letter from Sage Fruit Company
3. PSM and RM Program Compliance Audit Certification Page
4. Loncold Industrial Refrigeration Parts and Sales PRV Backorder Confirmation
5. Machine Rooms 1-2 Relief Piping Updates

AREAS OF CONCERNS ADDRESSED IN CLOSING CONFERENCE:

1. **Process Hazard Analysis [68.67(g)]:** Legacy Fruit does not have the initial 2000 process hazard analysis (PHA) on file.
2. **Mechanical Integrity [68.73 (d)(4)]:** Legacy Fruit has not documented each inspection and test that had been performed on process equipment.
3. **Compliance Audits [68.79(a)]:** Legacy Fruit did not certify their 2018 compliance audit that evaluated compliance of their ammonia refrigeration process. The 2018 compliance audit report was certified on the date of this inspection.
4. **Emergency Response [68.90 – 68.96]:** Legacy Fruit did not perform their annual emergency response coordination activities required under 68.93. [68.90(b)(4)].
5. **Emergency Response [68.90 – 68.96]:** Legacy Fruit did not document coordination with local authorities. [68.93(c)].
6. **Risk Management Plan [40 CFR 68.150 - 68.195]:** Legacy Fruit did not provide in their RMP the name, phone number, and email address of local emergency planning and response organizations. 68.180(a)(1)].
7. **Risk Management Plan [40 CFR 68.150 - 68.19]:** Legacy Fruit did not identify the date of the most recent notification exercise. [68.180(b)(1)(iv)].

DOCUMENTS REQUESTED NOT INCLUDED IN REPORT:

The following documents were requested during the inspection but are not included in this report. These documents will still be reviewed to determine compliance with Section 112(r) of the Clean Air Act.

1. Initial PHA from 2000. (This document was not provided).
2. Resolution or findings of the 2018 Mechanical Integrity Audit. (This document was provided via email on 9/1/2023 and evaluated. All items were completed or assigned a date and person).

INSPECTION REPORT CERTIFICATION:

This is to certify that I, Peter Phillips, was the lead inspector at this facility and that I have verified the accuracy of the observations in this inspection report:

PETER PHILLIPS
(Affiliate)

Digitally signed by PETER
PHILLIPS (Affiliate)
Date: 2023.11.02 12:58:21 -07'00'

Inspector Signature

JAVIER MORALES

Digitally signed by JAVIER MORALES
Date: 2023.11.02 14:02:37 -07'00'

RMP Coordinator/Approval

ERIN WILLIAMS

Digitally signed by ERIN WILLIAMS
Date: 2023.11.06 14:58:23 -08'00'

EPCRA Coordinator/Approval

MATTHEW QUARTERMAN

Digitally signed by MATTHEW QUARTERMAN
Date: 2023.11.09 12:22:13 -08'00'

Land Enforcement Section Chief/Approval

Attachment A – Photo Log

Site Name: Legacy Fruit Packers
City, State: Wapato, WA
Photographer: Morgan Larimer

File	Photo Layout ID	Date	Time	Description
Photo1.jpg	1	8/17/2023	09:35 AM - 11:05 AM	Northern ER3 personnel access door, shower/eyewash station, and condensers atop.
Photo2.jpg	2	8/17/2023	09:35 AM - 11:05 AM	Western personnel access door, equipment roll-up door, ventilation, emergency shut down, and condensers atop.
Photo3.jpg	3	8/17/2023	09:35 AM - 11:05 AM	ER3 Control Room.
Photo4.jpg	4	8/17/2023	09:35 AM - 11:05 AM	Compressor 1 (left) through Compressor 3 (right).
Photo5.jpg	5	8/17/2023	09:35 AM - 11:05 AM	High-Pressure Receiver (HPR), Suction Accumulator, and transfer Vessel on east wall.
Photo6.jpg	6	8/17/2023	09:35 AM - 11:05 AM	Ammonia detectors No. 25 and 26.
Photo7.jpg	7	8/17/2023	09:35 AM - 11:05 AM	Out of date Safety Relief Valve (SRV) installation tags on Compressor 3.
Photo8.jpg	8	8/17/2023	09:35 AM - 11:05 AM	Louvered air intake along south wall and ammonia detectors.
Photo9.jpg	9	8/17/2023	09:35 AM - 11:05 AM	ER3 ceiling exhaust fans.
Photo10.jpg	10	8/17/2023	09:35 AM - 11:05 AM	Zone 1 and 2 evaporator banks in Shipping Dock.
Photo11.jpg	11	8/17/2023	09:35 AM - 11:05 AM	Ammonia sensor within Finished Goods Storage Room evaporator bank.
Photo12.jpg	12	8/17/2023	09:35 AM - 11:05 AM	Cherry Packing Building Surge Drum.
Photo13.jpg	13	8/17/2023	09:35 AM - 11:05 AM	Cherry Packing Building shipping dock evaporator banks.
Photo14.jpg	14	8/17/2023	09:35 AM - 11:05 AM	Ammonia detector in Cherry Packing Building shipping dock.
Photo15.jpg	15	8/17/2023	09:35 AM - 11:05 AM	Room B10 evaporator bank.
Photo16.jpg	16	8/17/2023	09:35 AM - 11:05 AM	Outside of ER2 with Control Room access door (left), ER2 personnel access door (right), machine roll up door, shower/eyewash station, and condensers (atop).
Photo17.jpg	17	8/17/2023	09:35 AM - 11:05 AM	ER2 Control Room.
Photo18.jpg	18	8/17/2023	09:35 AM - 11:05 AM	ER2 Overview with Compressor 1 (left) through 4 (right).
Photo19.jpg	19	8/17/2023	09:35 AM - 11:05 AM	West personnel doorway and shower/eyewash station.
Photo20.jpg	20	8/17/2023	09:35 AM - 11:05 AM	ER2 HPRs and louvered air intake on wall.
Photo21.jpg	21	8/17/2023	09:35 AM - 11:05 AM	Ventilation opening at top of staircase to Building A Mezzanine within ER2.
Photo22.jpg	22	8/17/2023	09:35 AM - 11:05 AM	Three condensers atop ER2.
Photo23.jpg	23	8/17/2023	09:35 AM - 11:05 AM	A Mezzanine to rooms A1 to A22.
Photo24.jpg	24	8/17/2023	09:35 AM - 11:05 AM	A Mezzanine entrance and Ammonia leak detectors.
Photo25.jpg	25	8/17/2023	09:35 AM - 11:05 AM	ER1 north personnel access door and emergency shut down.
Photo26.jpg	26	8/17/2023	09:35 AM - 11:05 AM	Entrance from Electrical Room into ER1 and Ammonia leak detector.
Photo27.jpg	27	8/17/2023	09:35 AM - 11:05 AM	ER1 Compressor 1 (left) through Compressor 4 (right).
Photo28.jpg	28	8/17/2023	09:35 AM - 11:05 AM	Compressor 4.
Photo29.jpg	29	8/17/2023	09:35 AM - 11:05 AM	ER1 exhaust above Compressor 1.
Photo30.jpg	30	8/17/2023	09:35 AM - 11:05 AM	ER1 shower/eyewash station in front of eastern personnel access door.
Photo31.jpg	31	8/17/2023	09:35 AM - 11:05 AM	Forklift Charging Station.
Photo32.jpg	32	8/17/2023	09:35 AM - 11:05 AM	Emergency shower/eyewash station within Forklift Charging Room.