

**CLEAN AIR ACT (CAA) § 112(r)(7)
&
EMERGENCY PLANNING, COMMUNITY RIGHT-TO-KNOW ACT
(EPCRA) § 312
INSPECTION REPORT**

Performance Food Service Denver

Facility Name and Address: Performance Food Service Denver 9940 Havana Street Commerce City, Colorado 80640 Contact/Telephone: Trey Willis (216) 217-8996 Mailing Address: Same	Date of Inspection: 7/23/2024 RMP EPA ID #: 1000 0025 0667 • Program Level: 3 • Covered Substances: ○ Anhydrous Ammonia TRIFID #: Facility does not TRI-report NAICS: 42441 # Employees at this location: 280+
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INTRODUCTION

This report presents the observations of the CAA section 112(r)(7) and EPCRA section 312 inspection conducted by EPA Region 8. The purpose of this inspection was to determine compliance with the Risk Management Plan (RMP) requirements of CAA section 112(r)(7) and the Tier II reporting requirements of EPCRA section 312.

Performance Food Service Denver (PFSD) uses, handles, and/or stores more than the threshold quantity of Anhydrous Ammonia. Anhydrous Ammonia is regulated, as specified at 40 C.F.R. §§ 68.115 and 68.130.

CAA 112(r)(7) Program Elements Reviewed:

1. Applicability [68.10]
2. OCA/ACS [68.20 – 68.42]
3. Process safety information [68.65]
4. Process Hazard Analysis [68.67]
5. Operating procedures [68.69]
6. Training [68.71]
7. Mechanical integrity [68.73]
8. Management of Change [68.75]
9. Pre-startup safety review [68.77]
10. Compliance audits [68.79]

11. Incident investigation [68.81]
12. Employee participation [68.83]
13. Hot work permit [68.85]
14. Contractors [68.87]
15. Emergency Response [68.90 – 68.96]
16. Risk Management Plan [68.150 – 68.195]

Nature of Business:

According to their NAICS code, PFSD is a “General Line Grocery Merchant Wholesaler”.

OBSERVATIONS

CAA § 112(r)(7) (RMP):

The EPA inspection revealed one possible finding regarding PFSD’s implementation of CAA section 112(r)(7). The finding and its associated requirement are listed below:

1. Requirement found at Subpart D - Prevention Program – Process Hazard Analysis [40 CFR

68.67(e)]: The owner or operator shall complete the following when conducting a Process Hazard Analysis (PHA):

- ☐ Establish a system to promptly address the team’s findings and recommendations
- ☐ Assure that the recommendations are resolved in a timely manner and documented
- ☐ Document what actions are to be taken
- ☐ Complete actions as soon as possible
- ☐ Develop a written schedule of when these actions are to be completed, and
- ☐ Communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations.

- *PFSD completed their initial PHA on 7/18/2023. The associated report was completed on 7/21/2023.*
- *One finding/recommendation (ID 51323) from the PHA was due for completion on 11/30/2023*
- *However, according to PFSD’s “PHA Action Tracker”, the finding had not been completed as of 7/23/2024 (i.e., the date of the EPA inspection, which is the subject of this report)*
- *According to the “PHA Action Tracker”, the finding/recommendation was to: “Ensure facility alarm system has distinct alarms for each type of emergency. (Fire, ammonia leak, etc.) Train all facility employees to be able to differentiate these alarms.”*
- *Because the finding/recommendation is a serious one, PFSD should address the finding/recommendation ASAP.*

CAA § 112(r)(1) (General Duty Clause):

The EPA inspection revealed one possible finding regarding PFSD's implementation of CAA section 112(r)(1). The finding is listed below:

PFSD may be non-compliant with OSHA's "Permit Confined Space" regulations, found at 26 CFR 1910.146.

Therefore, PFSD may also be non-compliant with the EPA's General Duty Clause (GDC).

Under the Clean Air Act Section 112(r)(1), the General Duty Clause states that the owners and operators of stationary sources producing, processing, handling or storing applicable substances [i.e., chemicals in 40 CFR part 68 or any other extremely hazardous substances] have a general duty [in the same manner and to the same extent as the general duty clause in the Occupational Safety and Health Act (OSHA)] to do the following:

- identify hazards which may result from releases of such substances, using appropriate hazard assessment techniques**
- design and maintain a safe facility taking such steps as are necessary to prevent releases, and**
- minimize the consequences of accidental releases which do occur.**

Of particular concern is the condenser tower. This tower is enclosed in a metal shroud and contains at least one entry/exit door. However, the space within the shroud could be hazardous and might be subject to OSHA's "Permit Confined Space" regulations.

PFSD should therefore determine if the space is subject to OSHA's "Permit Confined Space" regulations.

If the space is subject to OSHA's "Permit Confined Space" regulations, then PFSD should establish a "Permit Confined Space" program which is compliant with OSHA.

PFSD should also post warning signage on all entry/exit doors to the shrouded space, if the space is, indeed, a "Permit Confined Space".

This signage, according to OSHA, should read "DANGER - PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER", or something similar.

EPCRA § 312:

Nothing of note from observations.

INSPECTION REPORT REVIEW RECORD		
		<i>Date:</i>
<i>Author:</i>	<i>Toxics and Pesticides Enforcement Section Inspector</i>	<i>8/5/2024</i>
<i>Final Reviewer:</i>	<i>Section Supervisor</i>	<i>9/12/2024</i>