United States Environmental Protection Agency

**Region 6 - Enforcement & Compliance Assurance Division**

# INSPECTION REPORT

| | | |
|---|---|---|
| Inspection Date(s): | April 5-7, 2022 | |
| Media Program: | Air - RMP | |
| Regulatory Program(s) | Clean Air Act Section 112(r) and 40 Code of Federal Regulations (C.F.R.) Part 68 Chemical Accident Prevention Provisions – Risk Management Program (RMP) | |
| | | |
| Company Name: | **Hartree Refinery** | |
| Facility Name: | **Channelview Splitter** | |
| Facility Physical Location: | 16518 De Zavalla Road | |
| (city, state, zip code) | Channelview, Texas 77530 | |
| Mailing address: | 16518 De Zavalla Road | |
| (city, state, zip code) | Channelview, Texas 77530 | |
| County/Parish: | Harris County | |
| Facility Phone Number | (832) 737-4261 | |
| Facility Contact: | Jorge Aguilera | Operations Manager |
| | jaguilera@hartreerefining.com | |
| | | |
| FRS Number: | 110070225682 | |
| Identification/Permit Number: | N/A | |
| Media Identifier Number: | RMP ID: 1000 0023 8316 | |
| NAICS: | 32411 (Petroleum Refineries) | |
| SIC: | N/A | |
| | | |
| Personnel participating in inspection: | | |
| Justin McDowell | US EPA Region 6 | Inspector/Enforcement Officer |
| Jarrod Gregg | Hartree | Director HSE |
| Kevin Holmes | Hartree | Technical Manager |
| Charles Alderman | Hartree | Maintenance Manager |
| Clay Riassetto | Hartree | Terminal Manager |
| | | |
| | | |

| | | |
|---|---|---|
| EPA Lead Inspector Signature/Date | JUSTIN MCDOWELL Digitally signed by JUSTIN MCDOWELL DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=JUSTIN MCDOWELL, 0.9.2342.19200300.100.1.1=68001003655843 Date: 2022.05.12 17:59:31 -05'00' | |
| | Justin McDowell | Date |
| | | |
| Supervisor Signature/Date | SAMUEL TATES Digitally signed by SAMUEL TATES Date: 2022.05.16 08:41:18 -05'00' | |
| | Samuel Tates | Date |

## Section I – INTRODUCTION

### PURPOSE OF THE INSPECTION

United States Environmental Protection Agency (EPA) Region 6 inspector Justin McDowell arrived at the Hartree Refinery/Channelview Splitter facility (Hartree) at 9:00 AM on Tuesday April 5, 2022, for an announced inspection. I met with Jarrod Gregg and Kevin Holmes for an opening meeting. I presented my credentials and informed Hartree personnel that this was an EPA inspection to determine compliance with the federal Chemical Accident Prevention Program. The scope of the inspection was a partial compliance evaluation (PCE), which included an evaluation of the facility's compliance with the Clean Air Act (CAA) Section 112(r) and the Chemical Accident Prevention Provisions in 40 C.F.R. Part 68 and the General Duty Clause. Hartree's Risk Management Plan (RMP) is listed as a Program Level Three (3), Title V facility. I inquired if an employee representative was available pursuant to section 112(r)(6)(L) of the CAA to participate in this inspection, and was informed that Hartree is a non-union facility.

### FACILITY DESCRIPTION

The Hartree Refinery plant is a crude oil splitter. The facility includes five 60,000-gallon natural gas liquid (NGL) storage tanks. NGL is a regulated substance consisting of 35% propane and 65% butane, approximately. The facility began construction in 2017 and began operation in 2018 under a previous owner, Targa. The facility's last day of operation under Targa was April 23, 2020, and became idle. The facility was purchased by Hartree in October 2020 and the company took operational control on January 1, 2021. Once Hartree took control, the company began a revamping project at the facility to increase throughput capacity from 38,000 barrels per day (BPD) to 50,000 BPD. The facility has approximately 46 employees. Hartree has maintained storage of regulated chemicals above threshold quantities since it began operational control.

## Section II - OBSERVATIONS

On Wednesday April 6, 2022, I was accompanied by Mr. Gregg to conduct a facility tour. Prior to the tour, I was provided the site's contractor hazard and safety orientation. We toured the barge docks, the perimeter of the crude distillation unit (CDU) covered process, the tank farm, and the NGL storage tanks. At the time of the inspection, the facility was operating under start-up conditions, so I did not enter the CDU unit.

**Subpart A – General**

**40 C.F.R. § 68.10 Applicability –** Hartree is the owner/operator of a stationary source that has more than a threshold quantity of a regulated flammable substance (flammable mixture of propane and butane) in a covered process, as listed in 40 C.F.R. § 68.130; therefore, Hartree is subject to the Chemical Accident Prevention Provisions. Hartree is classified under the North American Industrial Classification System (NAICS) code 32411 (Petroleum Refineries). Hartree is also subject to the Occupational Safety and Health Administration (OSHA) process safety management (PSM) standard, 29 C.F.R. § 1910.119, and has one Program Level Three (3) process under OSHA PSM.

**40 C.F.R. § 68.10 Program Eligibility –** Hartree submitted a first-time RMP registration, as required under 40 C.F.R. § 68.190, on April 30, 2018. Hartree's next registration re-submittal is due on April 30, 2023, unless an update or correction is required by 40 C.F.R. § 68.190 or 40 C.F.R. § 68.195 prior to the five-year renewal date.

**40 C.F.R. § 68.12 General requirements –** Hartree's RMP submission requires the facility to: develop and implement a management system; conduct a hazard assessment; implement the prevention requirements of 40 C.F.R. § 68.65 - § 68.67; develop and implement an emergency response program; and include the data elements from 40 C.F.R. § 68.175 in their RMP.

**40 C.F.R. § 68.15 Management –** Hartree has developed a management system to oversee the implementation of the risk management program elements and provided an organizational chart to document the lines of authority.

**Subpart B – Hazard Assessment**

**40 C.F.R. § 68.20 Applicability –** Hartree has one Program Level 3 process subject to this subpart. The facility is required to prepare an off-site consequence analysis and complete the five-year accident history.

**40 C.F.R. § 68.22 Off-site Consequence Analysis (OCA) Parameters –** Hartree used RMP*Comp™ as the technique for modeling the release scenarios. For both the worst-case and alternative case scenarios involving flammables, the facility used the endpoints provided in Appendix A of 40 C.F.R. Part 68, appropriate wind speeds and stability classes, ambient temperatures and humidity values, values for height of the release, and surface roughness values for the release scenario analyses.

**40 C.F.R. § 68.25 Worse-case Release Scenario Analysis –** Hartree analyzed and reported in the RMP one worst-case release scenario, estimated to create the greatest distance to endpoint, and resulting from an accidental release of a regulated flammable substance from a covered process under worst-case conditions. The worst-case release quantity was determined as the greatest amount held in a single vessel, considering administrative controls that limit the maximum quantity released.

**40 C.F.R. § 68.28 Alternative Release Scenario Analysis –** Hartree identified and analyzed one alternative release scenario to represent all flammable substances held in a covered process, using a scenario that is likely to occur.

**40 C.F.R. § 68.30 Defining Off-site Impacts - Population –** Hartree uses the MARPLOT mapping program to define the potential affected off-site population. The documentation describes how the facility estimated the population that would be affected in the distance to endpoint in the RMP, based on a circle with the point of release at the center. Both worst-case and alternative case scenarios have no population impacts and are limited to an industrial area.

**40 C.F.R. § 68.33 Defining Off-site Impacts - Environment –** Hartree has identified no environmental receptors within a circle where its center is the point of the release and a radius determined by the distance to endpoint.

**40 C.F.R. § 68.36 Review and Update –** Hartree has not yet been required to update its off-site consequence analysis, and stated that the revamping project will not alter the parameters or conditions in its OCA documentation.

**40 C.F.R. § 68.39 Documentation –** For the worst-case and alternative release scenarios, a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, the anticipated effect of the administrative controls and passive mitigation on the release quantity, and release rate were provided.

**40 C.F.R. § 68.42 Five-year accident history –** Hartree has not reported any accidental releases from the covered process that resulted in one or more of the following: on-site deaths, injuries, significant property damage on-site, known off-site deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage in its accident history.

**Subpart D – Program 3 Prevention Program**

**40 C.F.R. § 68.65 Process Safety Information (PSI)–** Hartree compiled written process safety information, which includes information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. I reviewed the Safety Data Sheets for the process chemicals via MSDS Online database for crude and naphtha. The SDSs detailed process safety information that was provided contains the following data for the hazards of the substance used: toxicity information, permissible exposure limits, physical data, reactivity data, corrosivity data, thermal and chemical stability data, and the hazardous effects of inadvertent mixing of materials that could foreseeably occur. I reviewed documentation concerning the technology of the process, which included the block flow diagram, maximum intended inventory, safe upper and lower limits for such items as temperatures, pressures, flows, or compositions and an evaluation of the consequences of deviation (found inside the operating procedures). The facility did not have documentation for process chemistry (i.e. the chemical changes and reactions that occur). **[AOC 1 – 40 C.F.R. § 68.65(c)(1)(ii)]** I reviewed documentation pertaining to the equipment of the process, including materials of construction, piping and instrumentation diagrams (P&IDs), electrical classification, relief system design and design basis for pressure safety valve (PSV) systems, design codes and standards employed, material and energy balances, and safety systems (i.e., process interlocks and safety instrumentation systems). The facility stated that, with the most recent plant construction for the revamping project, all equipment now complies with current recognized and generally accepted good engineering practices (RAGAGEP).

**40 C.F.R. § 68.67 Process hazard analysis (PHA) –** Hartree provided their PHA procedure for review. The previous owner Targa performed initial PHAs that identified, evaluated, and controlled the hazards involved in the covered process in 2018. Hartree performed another PHA in 2021 to include the revamping project and intends to perform the next PHA as a comprehensive review of the entire plant, and will consider subdividing subsequent PHAs into specific sections of the covered process. The PHAs performed use the Hazard and Operability Study (HAZOP) and What-if methodologies to identify hazards. The 2018 and 2021 PHAs reviewed for the CDU addressed the following areas: the hazards of the process; identification of any incident that had a likely potential for catastrophic consequences; engineering and administrative controls applicable to hazards and their interrelationships; consequences of failure of engineering and administrative controls; stationary source siting; human factors; and, a qualitative evaluation of a range of the possible safety and health effects of failed controls. PHAs were performed by a team that consisted of facility staff. However, Hartree has failed to establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is 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 or actions. Selected 2018 CDU PHA recommendations do not have the date of completion and no description of what action was taken. I was not provided records that describe any recommendations related to the 2021 PHA. **[AOC 2 – §68.67(e)]** Hartree is required to retain the process hazards analyses completed, and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in paragraph (e) of this section, for the life of the covered process.

**40 C.F.R. § 68.69 Operating Procedures –** Hartree has developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process, consistent with the safety information. All operating procedures have been updated to reflect current and future conditions for the facility revamping project. Hartree provided an operating procedure manual as well as a Crude Distillation Unit operation manual that address steps for each operating phase, operating limits, safety and health considerations, and safety systems with their functions. Hartree did not provide documentation of operating procedure annual certifications for 2019 and 2020. **[AOC 3 – §68.69(c)]** Hartree has developed and implemented safe work practices to provide for the control of hazards during operations such as lockout/tagout and confined space entry.

**40 C.F.R. § 68.71 Training –** Hartree discussed their operator training program during the inspection. The facility provided a list of operators along with job responsibilities. Operators received training on the newly revised operating procedures for the facility revamping project in February 2022. According to the rule, the owner or operator shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training. The training documentation provided by Hartree did not demonstrate that each employee involved in operating the covered process had received and understood the training required by this paragraph. The facility provided training attendance roster sign-in sheets and other training records, but these do not verify that individual operators understood the content or scope of the training. The records did not include a rating, grade or other measure of testing, or any type of supervisor review. **[AOC 4 – §68.71(c)]**

**40 C.F.R. § 68.73 Mechanical Integrity (MI) –** Hartree provided mechanical integrity procedures for selected equipment. The procedures did not describe or reference the RAGAGEP or other standards that would be used to implement a comprehensive mechanical integrity program. For example, an American

Petroleum Institute (API) standard was mentioned, but MI the procedure did not document the areas where the standard was implemented for equipment in the plant. **[AOC 5 – §68.73 (b)** Facility personnel stated that API 653 (storage tanks), API 510 (pressure vessels), API 570 (piping) and API 610 (pumps) are implemented on-site. However, only API 653 inspections had been completed and documented at the facility at the time of the inspection. These MI inspections are conducted using a third-party maintenance contractor.

The previous owner/operator Targa did not complete mechanical integrity inspections on certain types of rotating equipment (pumps), and Hartree did not provide records of MI inspections they have conducted for my review at the time of the inspection. Hartree will develop a plan to incorporate the following pumps into the RMP MI program: 001 A/B/C Crude Charge Pumps; 003 C/D Naphtha Pumps; 013 A/B Heavy Naphtha Pumps; and, Flare KO Drum Pumps. **[AOC 6 – §68.73 (d)(1)/(d)(2)]**

Hartree has not completed base line ultrasonic thickness measurement evaluations on pressure vessels and piping per API 510 and 570, RAGAGEP and the facility's internal MI maintenance program. **[AOC 6 – §68.73 (d)(1)/(d)(2)]** This includes the equipment in the following tables, which will be incorporated into the facility's plan to conduct vessel and piping wall thickness testing prior to April 1, 2023.

| Unit Number | Plant Category | Equipment Number | Equipment Service |
|---|---|---|---|
| **VESSELS** | | | |
| 119 | PV | 001 | DESALTER |
| 119 | PV | 002 | PREFLASH TOWER |
| 119 | PV | 003 | PREFLASH REFLUX DRUM |
| 119 | PV | 004 | CRUDE TOWER |
| 119 | PV | 005 | CRUDE TOWER REFLUX DRUM |
| 119 | PV | 006 | KEROSENE STRIPPER |
| 119 | PV | 007 | DIESEL STRIPPER |
| 119 | PV | 010 | HEAVY NAPHTHA STRIPPER |
| 119 | PV | 018 | DESALTER WATER MAKEUP DRUM |
| 119 | PV | 021 | LPG TOWER |
| 119 | PV | 022 | LPG REFLUX DRUM |
| 119 | PV | 024 | LPG CAUSTIC TREATER |
| 119 | PV | 025 | LPG WATER WASH COALESCER |
| 119 | PV | 031 | FLARE KNOCK-OUT DRUM |
| 119 | PV | 032 | INSTRUMENT AIR RECEIVER |
| 119 | PV | 033 | DISCHARGE AIR RECEIVER |
| 119 | PV | 034 | PLANT AIR RECEIVER |
| **TANKS** | | | |
| 119 | PV | 124 | LPG STORAGE |
| 119 | PV | 125 | LPG STORAGE |
| 119 | PV | 126 | LPG STORAGE |
| 119 | PV | 127 | LPG STORAGE |
| 119 | PV | 128 | LPG STORAGE |
| **PUMPS** | | | |
| 119 | PM | 001 A/B/C | CRUDE CHARGE PUMPS |
| 119 | PM | 002 A / B | DESALTER WATER MAKEUP PUMPS |
| 119 | PM | 003 A / B | PREFLASH REFLUX PUMPS |
| 119 | PM | 003 C / D | LIGHT NAPHTHA PUMPS |
| 119 | PM | 004 A / B | PREFLASH BOTTOMS PUMPS |
| 119 | PM | 005 A / B | CT WATER BOOT PUMPS |
| 119 | PM | 006 A / B | CT REFLUX PUMPS |
| 119 | PM | 007 | KEROSENE PUMPAROUND PUMP |
| 119 | PM | 008 A / B | DIESEL PUMPAROUND PUMPS |
| 119 | PM | 009 A / B | KEROSENE PRODUCT PUMPS |
| 119 | PM | 010 A / B | DIESEL PRODUCT PUMPS |
| 119 | PM | 011 | OFF-SPEC LPG PUMP |

| | | | |
|---|---|---|---|
| 119 | PM | 012 A / B | AGO PUMPS |
| 119 | PM | 014 A / B | EFFLUENT WATER PUMPS |
| 119 | PM | 015 A / B | LPG WASH WATER MAKEUP PUMPS |
| 119 | PM | 016 | OFFGAS TREATING CAUSTIC BOOSTER PUMP |
| 119 | PM | 021 A / B | LPG TOWER REFLUX PUMPS |
| 119 | PM | 022 A / B | CAUSTIC CIRCULATION PUMPS |
| 119 | PM | 023 A / B | WASH WATER CIRCULATION PUMP |
| 119 | PM | 031 A / B | FLARE KO DRUM PUMPS |
| 119 | PM | 032 A / B | COOLING WATER PUMPS |
| 119 | PM | 037 | DIESEL FIREWATER SUPPLY PUMPS |
| 119 | PM | 039 | JOCKEY PUMPS |
| 119 | PM | 040 | FOAM SYSTEM PUMP |
| 119 | PM | 124 A / B | LPG LOADING PUMPS |
| 119 | PM | 300 A / B | PREFLASH BOTTOMS PUMPS |
| 119 | PM | 604 | TRANS MIX TANK TRANSFER PUMP |
| 119 | PM | 800 | KEROSENE / DIESEL LOADING PUMP |
| 119 | PM | 802 | LIGHT / HEAVY NAPHTHA LOADING PUMP |
| 119 | PM | 804 | RESID LOADING PUMP |
| 119 | PM | 900 | PROCESS CAUSTIC FEED PUMP |
| 119 | PM | 901 | SPENT CAUSTIC LOADING PUMP |
| 119 | PM | 902 | FRESH CAUSTIC UNLOADING PUMP |
| 119 | PM | 905 A / B | WASTEWATER PUMPS |
| 119 | PM | 908 A / B | OILY WATER SUMP PIT PUMPS |

| COMPRESSORS | | | |
|---|---|---|---|
| 119 | CM | 001 | OFFGAS COMPRESSOR |
| 119 | CM | 035 A / B | AIR COMPRESSORS |

| FIRED HEATERS | | | |
|---|---|---|---|
| 119 | HR | 001 A | CRUDE PREFLASH CHARGE HEATER |
| 119 | HR | 001 B | PREFLASH REBOILER |
| 119 | HR | 001 C | CRUDE CHARGE HEATER |
| 119 | HR | 101 | HOT OI HEATER (INCLUSIVE OF:) |
| 119 | ME | 033A | HOT OIL HEATER SKID |
| 119 | ME | 033B | HOT OIL COMBUSTION MODULE SKID HOT OIL |
| 119 | ME | 033C | EXPANSION TANK & PUMP SKID |

| AIR-COOLED EXCHANGERS | | | |
|---|---|---|---|
| 119 | AC | 001 A / B / C | PREFLASH OVHD CONDENSER |
| 119 | AC | 002 | CT OVERHEAD CONDENSER |
| 119 | AC | 003 | KEROSENE PRODUCT COOLER |
| 119 | AC | 004 | DIESEL PRODUCT COOLER |
| 119 | AC | 006 | HEAVY NAPHTHA COOLER |
| 119 | AC | 007 | RESID COOLER |
| 119 | AC | 021 | LPG TOWER OVERHEAD CONDENSER |
| 119 | AC | 031 | FLARE KO SLOP COOLER |
| 119 | AC | 300 | KERO PRODUCT COOLER |

| SHELL & TUBE EXCHANGERS | | | |
|---|---|---|---|
| 119 | HT | 001 A / B | CRUDE / PF OVHD EXCHANGER |
| 119 | HT | 003 | DESALTER EFFLUENT BRINE EXCHANGER |
| 119 | HT | 004 | CRUDE / DIESEL EXCHANGER |
| 119 | HT | 005 | KEROSENE STRIPPER REBOILER |
| 119 | HT | 006 | CRUDE / KEROSENE PUMP-AROUND EXCHANGER |
| 119 | HT | 007 A / B | CRUDE / KEROSENE EXCHANGER |
| 119 | HT | 008 A / B / C | CRUDE / RESID EXCHANGER |
| 119 | HT | 009 | CRUDE / DIESEL PUMP AROUND EXCHANGER |
| 119 | HT | 010 | HEAVY NAPHTHA STRIPPER REBOILER |
| 119 | HT | 013 | KEROSENE TRIM COOLER |
| 119 | HT | 014 | DIESEL TRIM COOLER |
| 119 | HT | 015 | HEAVY NAPHTHA TRIM COOLER |
| 119 | HT | 017 | COMPRESSOR DISCHARGE COOLER |
| 119 | HT | 022 | LPG TOWER REBOILER |
| 119 | HT | 023 | LSR TRIM COOLER |
| 119 | HT | 024 | COMPRESSOR DISCHARGE COOLER |
| 119 | HT | 025 | LPG OH TRIM COOLER |
| 119 | HT | 101 | EFFLUENT BRINE COOLER |

| MISCELLANEOUS | | | |
|---|---|---|---|
| | | | |
| 119 | ME | 002 | FUEL GAS FILTER / COALESCER |
| 119 | FL | 031 | FLARE |
| 119 | CT | 032 | COOLING WATER TOWER |
| 119 | WW | 001 | WASTEWATER TREATMENT PLANT |
| 119 | MS | 001 | KERO / DIESEL BARGE METERING SKID |
| 119 | MS | 002 | LIGHT / HEAVY NAPHTHA BARGE METERING SKID |
| 119 | MS | 003 | CRUDE / RESID BARGE METERING SKID |
| 119 | MS | 004 | KEROSENE / DIESEL PRODUCT METERING SKID |
| 119 | MS | 005 | LIGHT NAPHTHA / HEAVY NAPHTHA METERING SKID |
| 119 | MS | 006 | CRUDE FEED METERING SKID |
| 119 | MS | 007 | TRANSMIX / AGO RESID PRODUCT METERING SKID |
| 119 | MS | 008 | LPG PRODUCT METERING SKID |
| 119 | MS | 009 | LPG OFF SPEC METERING SKID |

**40 C.F.R. § 68.75 Management of Change (MOC) –** Hartree has established written procedures to manage changes, except for "replacements in kind", to process chemicals, technology, equipment, and procedures; and, to changes to stationary sources that affect a covered process. Hartree is undergoing start-up after completing a process revamping project. Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process for the revamp project and completed the MOC. Training documentation has not been completed. **[AOC 7 – § 68.75 (c)]**

**40 C.F.R. § 68.77 Pre-startup Safety Review (PSSR) –** I reviewed Hartree's selected pre-startup safety reviews for the associated MOCs, which were also reviewed. The PSSRs documented that, when the facility installed a new stationary source, or significantly modified an existing source, a review was conducted prior to the introduction of the newly regulated substances, including the appropriate communication elements and training.

**40 C.F.R. § 68.79 Compliance Audits –** Hartree has not evaluated compliance at least every three years. Commissioning of the Crude Distillation Unit occurred on September 5, 2018, under the previous owner; therefore, the next compliance audit was due within three years, by September 5, 2021. The audit was not conducted until October 12-13, 2021. The audit was not conducted until October 12-13, 2021. **[AOC 8– § 68.79 (a)]** The audit was conducted by third party contractor M&H Energy Services and facility personnel. Hartree has not promptly determined and documented an appropriate response to one of the findings of the 2021 compliance audit, and has not documented that the deficiencies have been corrected. Base line ultrasonic testing (UT) inspections which were a finding in the audit have a completion deadline of one year from commencement in April 2023. **[AOC 9 – § 68.79 (d)]**

**40 C.F.R. § 68.81 Incident Investigation –** Hartree has not had any accidental release incident that resulted in, or could reasonably have resulted in, a catastrophic release of a regulated substance.

**40 C.F.R. § 68.83 Employee Participation –** Hartree has developed a written plan of action regarding implementation of employee participation as required by this section. This procedure is integrated into the RMP program elements. The plant has consulted with employees and their representatives on the methods to be used and development of the process hazard analysis, and on the development of the other elements of process safety management in the Chemical Accident Prevention Provisions. The plant has provided employee access to the process hazard analysis and all other information required to be developed under this rule.

**40 C.F.R. § 68.85 Hot Work Permit –** Hartree has issued hot work permits for hot work operations conducted on or near a covered process. However, one hot work permit reviewed did not include the fire prevention and protection requirements in 29 CFR 1910.252(a) that should have been implemented prior to beginning the hot work operations. JSA/Permit to Work #103424 failed to ensure a fire watch was included per OSHA 1910.252 (a)(2)(iii)(B) and this subsection of Part 68. **[AOC 10 – § 68.85 (b)]**

**40 C.F.R. § 68.87 Contractors –** Hartree uses the *Veriforce* contractor database to evaluate information regarding contractor safety performance and programs. Each contractor is provided with all safety training once they are approved to be on site. Hartree's contractor safety training video assures that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan. Completion of the training requires the contract employee's signature to indicate understanding of the

training content and requirements. All contractors are required to have a Transportation Workers Identification Card (TWIC) to gain entry to the site - otherwise a contractor must be escorted by a Hartree employee.

**Subpart E – Emergency Response**

**40 C.F.R. § 68.90 Applicability –** Hartree is designated as a responding stationary source.

**40 C.F.R. § 68.93 Emergency Response Coordination Activities –** Hartree has not coordinated response needs with the local emergency planning and response organizations to determine how the covered processes at the facility are addressed in the community emergency response plan. Hartree has not provided to the local emergency planning and response organizations: the stationary source's emergency response plan; emergency action plan; updated emergency contact information; and other information necessary for developing and implementing the community's local emergency response plan. **[AOC 11 – § 68.93 (b)]**

**40 C.F.R. § 68.95 Emergency Response Program –** Hartree has developed an emergency response program for the purpose of protecting public health and the environment. The emergency response program includes required training for listed members of the emergency response team, but the training has not been fully implemented for all team members. Some individuals on the team have not completed all of the training. For example, only four of twelve response team members have received first-aid training. **[AOC 12 – § 68.95 (a)(3)]** The site has contracted OMI Company as a third-party emergency response service provider that can be on site within one hour after being contacted of an emergency event.

**40 C.F.R. § 68.96 Emergency Response Exercises –** Hartree plans to conduct annual drills for emergency response, in addition to tabletop drills with the Local Emergency Planning Committee and fire department or responding agencies. On March 17, 2022, the facility conducted a desktop emergency drill. On May 11, 2021, the facility conducted an annual exercise that included a Boom Deployment response near the barge dock in Carpenter's Bayou.

**Subpart G – Risk Management Plan**

**40 C.F.R. § 68.190 Updates –** The facility's first-time RMP submission was completed on April 30, 2018, by the previous owner Targa.

**40 C.F.R. § 68.195 Required corrections –** Hartree's next RMP registration re-submission is due by April 30, 2023, unless an update or correction is required by 40 C.F.R. § 68.190 or 40 C.F.R. § 68.195 prior to the five-year renewal deadline.

**Closing Meeting -** On the last day of the inspection (April 7, 2022), I conducted a closing conference, during which I presented the following areas of concern identified during the inspection.

**Section III – AREAS OF CONCERN**

**AOC 1 – 40 C.F.R §68.65 (c)(1)(ii) Process Safety Information**

"(c) Information pertaining to the technology of the process. (1) Information concerning the technology of the process shall include at least the following: Process chemistry."

No process chemistry was provided for the covered process. Hartree provided process chemistry only for the Caustic treating process with the submittal on May 10, 2022.

---

**AOC 2 – 40 C.F.R §68.67(e) Process Hazard Analysis**

"(e) The owner or operator shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is 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; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions."

The 2021 or 2018 CDU PHA recommendations do not have dates or descriptions of the corrective actions taken with dates of completion.

---

**AOC 3 – 40 C.F.R §68.69 (c) Operating Procedures**

"(c) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate."

No operating procedure annual certifications were provided for 2019 or 2020.

---

**AOC 4 – 40 C.F.R §68.71 (c) Training**

"(c) **Training documentation.** The owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The owner or operator shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training."

The training documentation provided by Hartree did not demonstrate that each employee involved in operating the covered process had received and understood the training required by this paragraph. -----

---

**AOC 5 – 40 C.F.R §68.73 (b) Mechanical Integrity**

**"(b) Written procedures.** The owner or operator shall establish and implement written procedures to maintain the on-going integrity of process equipment."

The procedure did not describe the RAGAGEP that would be used to implement a comprehensive mechanical integrity program. For example, an American Petroleum Institute (API) standard was

mentioned, but MI the procedure did not document the areas where the standard was implemented for equipment used in the plant.

---

**AOC 6 – 40 C.F.R §68.73 (d)(1)/(d)(2) Mechanical Integrity**

"(d) Inspection and testing. (1) Inspections and tests shall be performed on process equipment."

"(d) Inspection and testing. (2) Inspection and testing procedures shall follow recognized and generally accepted good engineering practices."

Hartree did not provide records of MI inspections on rotating equipment at the time of the inspection. Hartree has not yet implemented a plan to incorporate certain types of pumps into the RMP MI program. Hartree also has not completed base line ultrasonic thickness measurement evaluations on pressure vessels and piping per the API standards, RAGAGEP and the facility's maintenance program. The thickness testing is not scheduled for completion until April 2023.

---

**AOC 7 – 40 C.F.R §68.75 (c) Management of Change**

"(c) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and **trained** in, the change prior to start-up of the process or affected part of the process."

Hartree is in the process of start-up after completing a process revamping project. Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process for the revamp project and completed the MOC. Training documentation has not been completed.

---

**AOC 8 – 40 C.F.R §68.79 (a) Compliance Audit**

"(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed."

Hartree has not evaluated compliance at least every three years. Commissioning of the Crude Distillation Unit occurred on September 5, 2018, under the previous owner; therefore, the next compliance audit was due within three years, by September 5, 2021. The audit was not conducted until October 12-13, 2021.

---

**AOC 9 – 40 C.F.R §68.79 (d) Compliance Audit**

"(d) The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected."

Hartree has not promptly determined and documented an appropriate response to one of the findings of the 2021 compliance audit and has not documented that the deficiencies have been corrected.

---

**AOC 10 – 40 C.F.R §68.85 (b) Hot Work**

"(b) The permit shall document that the fire prevention and protection requirements in 29 CFR 1910.252(a) have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed. The permit shall be kept on file until completion of the hot work operations."

JSA/ Permit to Work #103424 failed to ensure a fire watch was included per OSHA 1910.252 (a)(2)(iii)(B) and this subsection of Part 68.

---

**AOC 11 – 40 C.F.R §68.93 (b) Emergency response coordination activities**

"(b) Coordination shall include providing to the local emergency planning and response organizations: The stationary source's emergency response plan if one exists; emergency action plan; updated emergency contact information; and other information necessary for developing and implementing the local emergency response plan. For responding stationary sources, coordination shall also include consulting with local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises required under § 68.96(b). The owner or operator shall request an opportunity to meet with the local emergency planning committee (or equivalent) and/or local fire department as appropriate to review and discuss those materials."

Hartree has not provided to the local emergency planning and response organizations: the stationary source's emergency response plan; emergency action plan; updated emergency contact information; and other information necessary for developing and implementing the community's local emergency response plan.

---

**AOC 12 – 40 C.F.R §68.95 (a)(3) Emergency Response Program**

"(a) The owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements: Training for all employees in relevant procedures."

The emergency response program includes required trainings for listed members of the emergency response team, but the training has not been fully implemented for all team members. Some individuals on the team have not completed all of the training.

---

**Section IV – FOLLOW UP**

EPA received the following information on April 18, 2022, after exiting the Facility on April 7, 2022:

1. *PSV-004 inspection record (current)*
2. *PSV-019 inspection record (current)*
3. *PSV-027 inspection record (current)*
4. *Equipment List*

**Section V – LIST OF APPENDICES**

There are no appendices to this report.