EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	09/17-19/2018		
Media:	Air		
Regulatory Program(s)	RMP		
Company Name:	**Eco Services Operations, LLC**		
Facility Name:	**Eco Services Operations, LLC. – Baytown Plant**		
Facility Physical Location:	3439 Park Street		
(city, state, zip code)	Baytown, Texas 77522		
Mailing address:	8 Cedar Brook Drive		
(city, state, zip code)	Cranbury, NJ 08512		
County/Parish:			
Facility Contact:	Mike Marchut	Plant Manager	
	Michael.Marchut@eco-services.com		
FRS Number:	1000 0011 9677		
Identification/Permit Number:	O-01610		
Media Number:	10658014		
NAICS:	32518		
Personnel participating in inspection:			
Mike Marchut	Eco Services	Plant Manager-	201-874-8708
Mark Miget	Eco Services	Maintenance Manger	281-802-4109
George Zolas	Eco Services	Process Safety Engineer	713-454-9236
EPA Lead Inspector Signature/Date	Shenronda Phelps		11/16/2018
	Sherronda K. Phelps		Date
Supervisor Signature/Date	Samuel Tates		11/7/2018
	Samuel G. Tates		Date

6ENFORM-019-R7 (2/15/2017)

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

On September 17, 2018, I (Sherronda Phelps) arrived at the Eco Services-Baytown Plant facility for an announced Clean Air Act (CAA) inspection. A notification of my arrival was sent via email on August 31, 2018. I met with Mike Marchut, Plant Manager. I presented my credentials to Mr. Marchut and informed him and other personnel that this was an U.S. Environmental Protection Agency (EPA) inspection to determine compliance with the CAA Section 112(r)(1) and 112(r)(7). The scope of the inspection was a partial compliance evaluation (PCE) and included evaluation of the compliance of the facility with 40 C.F.R. Subpart 68 – Chemical Accident Prevention Provisions. An employee representative was invited to participate in the inspection, however this site is a non-union facility.

FACILITY DESCRIPTION

The Eco Services Baytown facility regenerates/recycles spent sulfuric acid for the oil refineries. The facility employs about 32 employees. The following units were the primary focus during the Risk Management Plan (RMP) inspection: Ammonia System, Alternate Raw Materials (ARM), and the Regen Furnace due to ARM. The Eco Services Baytown facility is located at 3439 Park Street in Baytown, Texas. Eco Services – Baytown occupies a 7-acre tract within the ExxonMobil Refinery. The facility is also a CAA Title V facility.

Section II - OBSERVATIONS

40 C.F.R. Part 68 – Chemical Accident Prevention Provisions

Subpart A-General

40 C.F.R. § 68.10 Applicability – Eco Services, LLC. is an owner and operator of a stationary source that has more than a threshold quantity of regulated flammable substances, listed in 40 C.F.R. § 68.130, in a process, and as such is subject to these Chemical Accident Prevention Provisions. Eco Services listed the NAICS code (32518) Other Basic Inorganic Chemical Manufacturing, as the process in its Risk Management Plan (RMP). The Eco Services facility process is also subject to the Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119. These factors make the process at the Eco Services Baytown facility a Program 3 subject to 40 C.F.R. § 68.10(d).

§ 68.12 General Requirements

Eco Services Baytown submitted a single RMP with covered processes that are subject to Program 3 requirements. Their last submission was completed on July 14, 2014. As a facility with Program 3 processes, Eco Services Baytown must develop and implement a management system, conduct a hazard assessment, implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87, develop and implement an emergency response program, and submit the data elements from 40 C.F.R. § 68.175 in their RMP.

§ 68.15 Management System

Eco Services Baytown provided a document titled, "Baytown PSM/RMP Organization" which notes the individuals responsible for implementing the RMP elements. From the information reviewed Eco Services Baytown has adequately documented the lines of authority as required by 40 C.F.R. § 68.15(c).

Subpart B – Hazard Assessment

§ 68.20 Applicability

Eco Services operates a program level 3 process which is subject to this subpart and thus is required to prepare a worst-case release scenario analysis and complete the five-year accident history. I reviewed the documentation provided to make this analysis and identified no area of concern with information pertaining to sections 40 C.F.R. §§ 68.22 – 68.33 or any Offsite Consequence Analysis (OCA) data. The facility used the EPA Model RMP*Comp™.

§ 68.36 Review and Update

Eco Services Baytown indicated their plan to review their OCA at least once every five years as required. The facility made their last RMP submission on July 14, 2014 which was a re-submission at the time. However, the Plant Manager listed on the current RMP needs to be updated to note Mr. Mike Marchut as the current Plant Manager. Eco Services noted that the update has already been submitted for correction. EPA also recommends that their Executive Summary should be updated to reflect their current facility/company owner name throughout the summary.

§ 68.39 Documentation

Eco Services maintains documentation describing the vessel selected for review as a worst-case scenario and the assumptions and parameters used. A description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios was documented as well.

§ 68.42 Five Year Accident History

Eco Services have no incidents or near misses to report in their RMP accident history.

Subpart D – Program 3 Prevention Program

§ 68.65 Process Safety Information

Eco Services provided documentation of process safety information including information pertaining to the hazards of substances in the processes, pertaining to the technology of the process, and pertaining to the equipment in the process. Eco Services also provided the maximum intended inventory for the RMP covered process units of interest.

§ 68.67 Process Hazard Analysis (PHA)

I reviewed the PHA Schedule for all covered units under the RMP. All appeared to be current, regarding the required revalidation dates. The Layers of Protection Assessment (LOPA) and What-If methodologies were used to conduct the review. Upon further review, Eco Services is addressing all action items and tracking them to completion. Eco Services uploads all recommendations and action items into Manufacturing Solutions database where they are assigned and tracked to completion. The facility PHA's can also be accessed via the facility's intranet network.

§ 68.69 Operating Procedures

I reviewed several operating procedures while on site. Eco Services provided examples for each phase of operation identified in the rule. Eco Services has a procedure in place for the maintaining and handling of operating procedures. The procedures also address the annual certification or review of the operating procedures. EPA requested the last five years of certification. Eco Services provided documentation for all covered processes. Eco Services meets the annual certification requirement of 40 C.F.R. § 68.69(c).

§ 68.71 Training

I reviewed training documentation for selected operators from the units of focus for the inspection. Eco Services is considered a self-training program. Operator qualification includes the following phases: process overview training, process and job specific training and operator initial qualification. Operator training is a combination of classroom, computer based and on-the-job training. From the information reviewed, refresher training occurs every three years as required by the regulation.

§ 68.73 Mechanical Integrity

I met with Charlie Michelett, Mechanical Integrity Coordinator, who aided me with my requests for mechanical integrity information. Eco Services has established and implemented a procedure to maintain the on-going integrity of process equipment. I requested a list of past due/overdue inspections within the last five years of all process equipment. There were none to report at the time of my request. I asked for a list of all assets in their MI program. From that I randomly chose pieces of equipment to review their historical data and determine if they are meeting the required inspection frequency. From the documentation reviewed Eco Services appears to be implementing their integrity program as prescribed per API recommendations and other corporate procedures.

§ 68.75 Management of Change (MOC)

The Eco Services facility established and implemented a procedure to manage changes to process chemicals, technology, equipment, and procedures. I requested several MOC's for review and from the information provided it appears that Eco Services is implementing their MOC procedure as required per the regulation.

§ 68.77 Pre-Startup Review (PSSR)

The Eco Services facility established and implemented a procedure to perform a pre- startup safety review for new stationary sources and modifications of stationary sources on site when the change is significant enough to require a change in process safety information. This was evaluated alongside the MOC's requested for review from the facility. The procedures for PSSR's are being implemented as required. All necessary signatures and required safety checks were completed depending on the approved work to be completed.

§ 68.79 Compliance Audits

I requested the two most recent compliance audits conducted from the facility. Eco Services conducted a compliance audit for each element of the PSM/RMP as opposed to an audit for the entire program at one time. I reviewed all elements for the last and most recent compliance audits. After reviewing such documentation, it appeared that the facility was reviewing all the elements of the RMP finding recommendations and assigning these details through staff. All action items created from the recommendations of these audits were assigned and tracked to completion via the Manufacturing Solutions database. I reviewed several findings made and the associated actions items for completeness and proper close out. There were at least two findings from the 2015 Compliance Audit (RHD-ECO-BT-15-151 and RHD-ECO-BT-15-153) that were completed past the due date assigned. Eco Services failed to follow the requirements of 68.79(d).

§ 68.81 Incident Investigation

Eco Services investigated all incidents promptly and assigned personnel to the recommendations and findings. Completed investigation reports are stored using Manufacturing Solutions internal database system. The incidents, as required in the PHA, were also used to identify any mitigating factors that might have been overlooked or that still needed an opportunity for improvement. All reports are retained for a minimum of 5 years.

§ 68.83 Employee Participation

Eco Services developed a written plan of action regarding the implementation of employee participation. I was provided a copy, and upon review, it met all conditions as required. I also reviewed other documentation such as sign-in logs from safety meetings conducted, and the attendance log from the 2017 PHA performed on the Anhydrous Ammonia Unit.

§ 68.85 Hot Work Permit

Eco Services implements a General Safe Work Program procedure for the permitting of hot work on site. I requested several hot work permits to review and there were permits (GSW 15476 and GSW 15477) that lacked the Fire watch time as the permits require. It would appear, that Eco Services has failed to properly issue hot work permits as required by 68.85(b).

§ 68.87 Contractors

I met with Mark Miget, Maintenance Manager, to discuss the details and implementation of the Contractor Safety Program. The process of bringing on contractors was explained, and the site safety procedure referenced for this element was shared. Eco Services makes use of the Avetta database software to perform audits along with selecting contractors for onsite work. Field performance evaluations are done during their work to satisfy the periodic checks required by the regulation.

Subpart E – Emergency Response

§ **68.90 Applicability**

Eco Services is a stationary source with program 3 processes subject to this subpart and is thus required to comply with the requirements of 40 C.F.R. § 68.95. Eco Services has an emergency response team that will respond to incidents on site.

§ **68.95 Emergency Response Program**

Eco Services provided me with their Emergency Response Plan and Procedures. This emergency plan includes procedures for informing the public and local emergency response agencies about accidental releases. Eco Services employees participate, but participation is voluntary. The emergency plan includes procedures for informing the public and local emergency response agencies about accidental releases. I randomly selected members of the Emergency Response Team to review their training records. There were several individuals who were not current on their First Aid Training, it was explained that those individuals are on schedule to complete the training. It would appear that training requirements of the Emergency Response Plan are not being met as required by 68.95(3).

Subpart G – Risk Management Plan

§ **68.150 Submission**

Eco Services has submitted a single RMP which includes the information required in 40 C.F.R. §68.150.

Section III – AREAS OF CONCERN

On September 19, 2018, I conducted an exit briefing with all involved personnel during the inspection and others who were invited. I reviewed all elements covered and the areas of concern noted during the on-site inspection which are as follows:

1) 40 C.F.R. § 68.79(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." There were findings from the 2015 Compliance Audit that were completed past the due date assigned. Eco Services failed to implement the procedures by not meeting the assigned date.

2) 40 C.F.R. § 68.85(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." Eco Services failed to document the Fire Watch time required to issue a hot work permit.

3) 40 C.F.R. § 68.95(a)(1)(3), "The owner or operator shall develop and implement an emergency response program for protecting public health and the environment. Such program shall include the following elements: Training for all employees in relevant procedures." Several members of the Emergency Response Team were not current on their First Aid Training.

Section IV – FOLLOW UP

No follow up necessary.

Section V – LIST OF APPENDICES

Appendix 1 – Opening conference/Exit briefing sign-in sheet