



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Roger Teske, President
OnLine Packaging, Incorporated
OnLine Packaging, Incorporated – Michigan City
online@onlinepackaging.org

Re: Finding of Violation
OnLine Packaging, Incorporated – Michigan City
Michigan City, Indiana

Dear Roger Teske:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to OnLine Packaging, Incorporated (“OnLine Packaging” or “you”) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating certain provisions of the Chemical Accident Prevention Provisions (CAPP), codified at 40 C.F.R. Part 68, as well as Section 112(r)(7)(E) of the Clean Air Act, 42 U.S.C. § 7412(r)(7)(E) at your Michigan City, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility’s technical and management personnel to attend and participate in the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Vicky Mei. You may call them at (312) 353–2054 or email them at mei.vicky@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Rosen, Linda

Digitally signed by Rosen,
Linda
Date: 2022.03.28
12:27:58 -05'00'

Nathan Frank

Supervisor, Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure: Small Business Resources Information Sheet

cc: Janusz Johnson, Chief
Air Compliance Branch
Office of Air Quality
Indiana Department of Environmental Management
JJOHNSON@idem.IN.gov

IN THE MATTER OF:	)	
	)	
OnLine Packaging Incorporated – Michigan City	)	FINDING OF VIOLATION
Michigan City, Indiana	)	
	)	EPA-5-22-IN-05
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

The U.S. Environmental Protection Agency finds that OnLine Packaging Incorporated (“OnLine Packaging”) is violating Section 112(r)(7)(E) of the Clean Air Act (Act), 42 U.S.C. § 7412(r)(7)(E), and certain regulatory provisions set forth in the Chemical Accident Prevention Provisions (CAPP), codified at 40 C.F.R. Part 68. The statutory and regulatory authority, as well as a description of the specific violations, are set forth below:

A. Clean Air Act, Subsection 112(r)

- 1

5. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

6. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

7. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which is codified, as amended, at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions (CAPP). *See* Fed. Reg. 69834 (Dec. 19, 2019).

8. CAPP seeks to prevent accidental releases of regulated substances and minimize the consequences of those releases that do occur by requiring owners and operators of certain stationary sources to, among other things: (1) develop and implement a management system to oversee the implementation of the risk management program elements; (2) develop and implement a risk management program that includes, but is not limited to, a hazard assessment, a prevention program, and an emergency response program; and (3) submit to EPA a RMP describing the risk management program for the source. *See* 40 C.F.R. Part 68, Subparts A-G; 40 C.F.R. §§ 68.1-68.195.

9. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

B. Chemical Accident Prevention Provisions

a. Applicability

10. Section 68.10(a) of CAPP provides, in pertinent part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.

11. Section 68.3 of CAPP provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the Act at 40 C.F.R. § 68.130.

12. Table 1 at Section 68.130(a) of CAPP lists chlorine as a regulated toxic substance with a threshold quantity of 2,500 pounds.

13. Section 68.3 of CAPP provides that “process” 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 purposes of this definition, a single process includes “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”

14. Section 68.3 of CAPP provides that a “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.”

15. Section 68.10(i) of CAPP provides, in pertinent part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.

16. Section 68.12(a) and (d) of CAPP identify CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 shall meet, which include, among other provisions, requirements regarding hazard assessment, the Program 3 prevention program, and the submittal of an updated RMP.

b. Hazard Assessment

17. Section 68.25(a)(2)(iii) of CAPP provides, in pertinent part, that the owner or operator of a stationary source with processes subject to Program 3 shall analyze and report in the RMP additional worst-case release scenarios for a hazard class if a worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under paragraph (a)(2)(i) of this section.

c. Process Safety Information

18. Section 68.65 of CAPP provides, in pertinent part, that before conducting any process hazard analysis required by CAPP, the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information pertaining to the technology of the process and the equipment in the process, including at least the following:

a. Section 68.65(c)(1) of CAPP:

- i. Maximum intended inventory (Section 68.65(c)(1)(iii));
- ii. Safe upper and lower limits for such items as temperatures, pressures, flows or compositions (Section 68.65(c)(1)(iv)); and
- iii. An evaluation of the consequences of deviations (Section 68.65(c)(1)(v)).

b. Section 68.65(d)(1) of CAPP:

- i. Materials of construction (Section 68.65(d)(1)(i));
- ii. Relief system design and design basis (Section 68.65(d)(1)(iv)); and
- iii. Ventilation system design (Section 68.65(d)(1)(v)).

c. Section 68.65(d)(2) of CAPP:

- i. Documentation that equipment complies with recognized and generally accepted good engineering practices (Section 68.65(d)(2)).

d. Process Hazard Analysis

19. Section 68.67 of CAPP provides, in pertinent part, that the owner or operator of a stationary source with a process subject to Program 3 shall:

- a. Perform an initial process hazard analysis appropriate to the complexity of the process and identify, evaluate, and control the hazards involved in the process. This process hazard analysis shall be updated and revalidated, based on the completion date (Section 68.67(a));
- b. Use one or more of the methodologies, listed in 40 C.F.R. § 68.67(b)(1-7), that are appropriate to determine and evaluate the hazards of the process being analyzed (Section 68.67(b));
- c. Address, in the process hazard analysis, the hazards of the process; the identification of any previous incident which had a likely potential for catastrophic consequences; engineering and administrative controls applicable to the hazards and their interrelationships; the 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 failure of controls (Section 68.67(c)(1-7));
- d. Have the process hazard analysis be performed by a team with expertise in engineering and process operations, experience and knowledge specific to the process being evaluated, and knowledge in the specific process hazard analysis methodology being used (Section 68.67(d));
- e. 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 (Section 68.67(e));
- f. At least every five (5) years after the completion of the initial process hazard analysis, have the process hazard analysis updated and revalidated by a team meeting the requirements in 40 C.F.R. § 68.67(d) to assure that the process hazard analysis is consistent with the current process (Section 68.67(f)); and
- g. Retain process hazards analyses and updates or revalidations for each process subject to Program 3, as well as the documented resolution of recommendations described in 40 C.F.R. § 68.67(e) for the life of the process (Section 68.67(g)).

e. Operating Procedures

20. Section 68.69(a) of CAPP provides, in pertinent part, among other provisions, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information and that address the elements in 40 C.F.R. §§ 68.69(a)(1)(iii-v, vii) and 68.69(a)(2-3).

21. Section 68.69(c) of CAPP provides that the operating procedures shall be reviewed as often as necessary to ensure 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.

f. Training

22. Section 68.71(b) of CAPP provides that refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

23. Section 68.71(c) of CAPP provides that the owner or operator shall ascertain, verify, and record that each employee involved in operating a process has received and understood the training required by Section 68.71 of CAPP.

g. Mechanical Integrity

24. Section 68.73(b) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall establish and implement written procedures to maintain the ongoing integrity of process equipment, as identified at 40 C.F.R. § 68.73(a).

25. Section 68.73(d)(1-4) of CAPP provides that inspections and tests shall: be performed on process equipment; follow recognized and generally accepted good engineering practices; be conducted at a frequency consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience; and be documented.

h. Management of Change

26. Section 68.75(d) of CAPP provides that information on a change in the process safety information required by 40 C.F.R. § 68.65 shall be updated accordingly, if the change resulted from a change to process chemicals, technology, equipment, and procedures, and a change to a stationary source that affects a covered process.

27. Section 68.75(e) of CAPP provides that if a change covered by 40 C.F.R. § 68.75 results in a change in the operating procedures or practices required by 40 C.F.R. § 68.69, such procedures or practices shall be updated accordingly.

i. Compliance Audits

28. Section 68.79(a) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D, Program 3 Prevention Program, at least every three years to verify that procedures and practices developed under Subpart D, referenced above, are adequate and are being followed.

29. Section 68.79(b) of CAPP provides that the compliance audit shall be conducted by at least one person knowledgeable in the process.

30. Section 68.79(c) of CAPP provides that a report of the findings of the audit shall be developed.

31. Section 68.79(d) of CAPP provides that 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.

j. Employee Participation

32. Section 68.83(b) of CAPP provides that the owner or operator shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management required by CAPP.

k. Emergency Response and Coordination Activities

33. Section 68.90(b)(4) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 and whose employees will not respond to accidental releases of regulated substances must perform the annual emergency response coordination activities required under 40 C.F.R. § 68.93.

34. Section 68.93(a) and (c) of CAPP provides, in pertinent part, that the owner or operator shall coordinate emergency response needs and document the coordination with local emergency planning and response organizations at least annually, and more frequently if necessary, to address changes: at the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan.

35. Section 68.93(b) of CAPP provides, in pertinent part, that the owner or operator, coordinating emergency response needs, shall provide 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.

l. RMP Registration

36. Section 68.160(b)(7) of CAPP provides, in pertinent part, that the owner or operator shall complete a single registration form and include, for each covered process, the maximum quantity of each regulated substance or mixture in the process.

Statement of Facts and Explanation of Violations

a. Applicability

37. OnLine Packaging owns and operates a facility that manufactures bleach from chlorine for consumer use at its Michigan City facility (the “Facility”) at 124 TriQuad Drive, Michigan City, Indiana.

38. OnLine Packaging operates a bleach manufacturing process (the “Process”) and maintains a maximum inventory of 360,000 pounds of chlorine as a liquified compressed gas in two 180,000-pound railcars.

39. Chlorine is contained at the Facility above the threshold quantity of 2,500 pounds listed in Table 1 at 40 C.F.R. § 68.130(a).

40. The Process at the Facility is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119, because the Process involves greater than the threshold quantity of 1,500 pounds of chlorine, which is a chemical listed in Appendix A to 29 C.F.R. § 1910.119.

41. The Facility is subject to the requirements of CAPP in accordance with 40 C.F.R. § 68.1 *et seq.*

42. The facility is subject to Program 3 because the process is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119, in accordance with 40 C.F.R. § 68.10(i).

43. OnLine Packaging’s Process at the Facility was, and is, a “process,” as that term is defined at 40 C.F.R. § 68.3.

44. OnLine Packaging’s Process at the Facility was, and is, a “covered process,” as that term is defined at 40 C.F.R. § 68.3.

45. On August 10, 2021, EPA conducted an announced inspection of the Facility.

46. The Facility provided numerous documents for the August 10, 2021 inspection (the “Inspection”). These documents were related to various aspects of its Program 3 RMP including: hazard assessment, the Program 3 prevention program, emergency response, and the RMP.

b. Hazard Assessment

47. During the Inspection, OnLine Packaging personnel (Personnel) informed EPA inspectors that in 2021 the facility started to receive an additional railcar of chlorine to be on standby during the high-demand season, for a total of two railcars of chlorine on-site.

48. The Facility failed to analyze and report in the RMP an additional worst-case release scenario from the second railcar that potentially affects public receptors different from those potentially affected by the worst-case release scenario that was reported in the Facility’s June 13, 2017 RMP. This is in violation of 40 C.F.R. § 68.25(a)(2)(iii).

c. Process Safety Information (PSI)

49. The Facility does not have a design plate on the bleach reactor and has not labeled the bleach reactor and bleach make tank, in violation of 40 C.F.R. § 68.65(d)(2).

50. The chlorine pipeline that connects from the railcar to the process pipeline is color-coded but is unlabeled, in violation of 40 C.F.R. § 68.65(d)(2).

51. During the Inspection, EPA inspectors reviewed PSI documentation compiled as required by CAPP. The following determinations were made by EPA inspectors.

- a. The maximum intended inventory was inaccurately documented as one rail car of 180,000 pounds of chlorine, whereas the Facility stores up to two rail cars during the high-demand season for a total of 360,000 pounds of chlorine, in violation of 40 C.F.R. § 68.65(c)(1)(iii);
- b. Safe upper and lower limits for process equipment were not documented, in violation of 40 C.F.R. § 68.65(c)(1)(iv);
- c. The consequences of deviation were not evaluated or documented, in violation of 40 C.F.R. § 68.65(c)(1)(v);
- d. The materials of construction were not documented, in violation of 40 C.F.R. § 68.65(d)(1)(i); and
- e. The relief system design and design basis and the ventilation system design information did not include design calculations, in violation of 40 C.F.R. § 68.65(d)(1)(iv, v).

d. Process Hazard Analysis (PHA)

52. During the Inspection, EPA inspectors reviewed documentation that OnLine Packaging submitted to EPA as a PHA. The documentation included a What-if Worksheet with What-if Scenarios.

53. EPA inspectors identified the following deficiencies in the PHA for the Facility:

- a. The PHA did not address the hazards associated with chlorine storage and unloading from the railcar. OnLine Packaging failed to base the PHA on a rationale which includes the consideration of the extent of the process hazards, in violation of 40 C.F.R. § 68.67(a);
- b. The PHA did not consider 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 the failure of controls. OnLine Packaging failed to address each of the requirements of 40 C.F.R. § 68.67(c), in violation of 40 C.F.R. § 68.67(c)(4-7); and
- c. The PHA worksheets do not include the name(s) of people involved in preparing the worksheets nor the person who led the analysis. OnLine Packaging failed to document the names of the individuals involved in conducting the PHA and whether those individuals were qualified to conduct the PHA, in violation of 40 C.F.R. § 68.67(d).

54. During the Inspection, OnLine Packaging was unable to produce an initial PHA to EPA while records were being reviewed. OnLine Packaging failed to maintain all PHAs conducted for the Facility for the life of the process, in violation of 40 C.F.R. § 68.67(g).

e. Operating Procedures

55. During the Inspection, EPA inspectors reviewed documents associated with the operating procedures compiled by OnLine Packaging for its RMP.

56. Online Packaging failed to develop written operating procedures for unloading chlorine from the railcar that address the following phases:

- a. Temporary operations, in violation of 40 C.F.R. § 68.69(a)(1)(iii);
- b. Emergency shutdown, including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, in violation of 40 C.F.R. § 68.69(a)(1)(iv);
- c. Emergency operations, in violation of 40 C.F.R. § 68.69(a)(1)(v); and
- d. Startup following a turnaround, or after an emergency shutdown, in violation of 40 C.F.R. § 68.69(a)(1)(vii).

57. OnLine Packaging failed to develop written operating procedures that address the operating limits and safety and health considerations for unloading chlorine from the railcar(s), in violation of 40 C.F.R. § 68.69(a)(2) and (a)(3).

58. During the inspection, Personnel informed EPA inspectors that operating procedures are only reviewed when changes are made to them. OnLine Packaging failed to certify that the operating procedures are current and accurate on an annual basis, in violation of 40 C.F.R. § 68.69(c).

f. Training

59. During the Inspection, EPA inspectors asked Personnel about the training requirements for operators. OnLine Packaging stated twice that operators only receive initial training for operating the Process. OnLine Packaging failed to provide refresher training at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. This is in violation of 40 C.F.R. § 68.71(b).

60. During the Inspection, EPA inspectors obtained evidence that at least one of the operators has been working with the Process for greater than three years, which would require refresher training. OnLine Packaging failed to provide refresher training at least every three years, and more often if necessary, to each employee involved in operating a process, in violation of 40 C.F.R. § 68.71(b).

61. Documents obtained during the Inspection indicate what training is conducted during the operator's initial training, but there is no verification that the operators understood the training. OnLine Packaging failed to ascertain, verify, and record that each employee involved in operating a process has understood the training required by Section 68.71 of CAPP, in violation of 40 C.F.R. § 68.71(c).

g. Mechanical Integrity

62. During the Inspection, EPA inspectors reviewed documented, written maintenance procedures submitted by OnLine Packaging.

63. During the Inspection, Personnel told EPA inspectors the following information about maintenance on the Process:

- a. No preventive maintenance is performed on the equipment associated with the bleach manufacturing and the chlorine pipeline feeding the process.
- b. The bleach manufacturing process is 20 years old. It has been working without any problems.
- c. The chlorine hoses are visually inspected every time they are hooked-up to the railcar(s).
- d. The chlorine sensors are self-calibrated, and no other calibration or test is performed on these sensors.
- e. The expansion chamber is not tested or inspected.

64. As described in Paragraph 63, OnLine Packaging failed to establish and implement written procedures to maintain the ongoing integrity of process equipment, specifically the bleach manufacturing equipment and the chlorine pipeline of the Process, in violation of 40 C.F.R. § 68.73(b).

65. As described in Paragraph 63, the inspections and tests conducted by OnLine Packaging on the Process were not performed according to recognized and generally accepted good engineering practices and at a frequency consistent with applicable manufacturers' recommendations and good engineering practices. These are violations of 40 C.F.R. § 68.73(d).

h. Management of Change (MoC)

66. EPA reviewed the MoC documentation for the maximum inventory increase when the Facility started receiving two railcars of chlorine.

67. The Facility failed to update accordingly information on a change in the process safety information required by 40 C.F.R. § 68.65 due to the chlorine inventory increase, in violation of 40 C.F.R. § 68.75(d).

68. The Facility failed to update accordingly procedures and practices with the resulting changes in the operating procedures and practices required by 40 C.F.R. § 68.69 due to the chlorine inventory increase, in violation of 40 C.F.R. § 68.75(e).

i. Compliance Audits

69. During the Inspection, EPA inspectors reviewed a Self-Audit Checklist that OnLine Packaging used for conducting its compliance audit.

70. Online Packaging did not develop a report of the findings of the audit, in violation of 40 C.F.R. § 68.79(c).

71. Online Packaging did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that any deficiencies have been corrected, in violation of 40 C.F.R. § 68.79(d).

j. Employee Participation

72. During the Inspection, Personnel informed EPA inspectors that not every employee was consulted on the development of the PHA and the frequency of refresher training.

73. Online Packaging failed to consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management required by CAPP, in violation of 40 C.F.R. § 68.83(b).

k. Emergency Response and Coordination Activities

74. During the Inspection, Personnel informed EPA inspectors that the Facility is a non-responding stationary source and that OnLine Packaging had not performed the annual emergency response coordination activities required under 40 C.F.R. § 68.93.

75. The Facility failed to coordinate emergency response needs and document the coordination with local emergency planning and response organizations at least annually, and more frequently if necessary, to address changes: at the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan. This is in violation of 40 C.F.R. § 68.93(a) and (c).

76. The Facility, coordinating emergency response needs, failed to provide 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. This is in violation of 40 C.F.R. § 68.93(b).

l. RMP Registration

77. In the Facility's RMP registration form, it reported a maximum quantity of 180,000 pounds of chlorine.

78. During the Inspection, Personnel informed EPA inspectors that a second chlorine railcar is stored on site during the high demand season. This doubled the reported maximum quantity for chlorine to 360,000 pounds.

79. The Facility failed to complete a single registration form and include, for each covered process, the maximum quantity of each regulated substance or mixture in the process. This is in violation of 40 C.F.R. § 68.160(b)(7).

m. Violations of the Clean Air Act

80. Pursuant to Section 112(r)(7)(E) of the Act, the above-described violations of the regulations and requirements of 40 C.F.R. Part 68 are violations of the Act.

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2022.03.31
10:09:32 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division