United States Environmental Protection Agency

**Region 6 Enforcement and Compliance Assurance Division**

# INSPECTION REPORT

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|---|---|---|
| Inspection Date(s): | 010/18/2022 – 010/20/2022 | |
| Media Program: | Air | |
| Regulatory Program(s) | Clean Air Act Section 112(r) and 40 Code of Federal Regulations (C.F.R.) Part 68 Chemical Accident Risk Management Plan (RMP) Program 3 | |
| | | |
| Company Name: | Delta Petroleum Company, Inc. | |
| Facility Name: | Delta Baytown | |
| Facility Physical Location: | 233 Delta Parkway | |
| (city, state, zip code) | Baytown, Texas 77523 | |
| Mailing address: | 334 Tidal Road | |
| (city, state, zip code) | Houston, Texas 77536 | |
| County/Parish: | Chambers | |
| Facility Contact: | Thomas Lopez | Health Safety & Environmental Specialist |
| | Thomas.Lopez@greif.com | |
| | | |
| FRS Number: | 110045464519 | |
| Identification/Permit Number: | Clean Air Act Permit No. 92325 | |
| Media Identifier Number: | RMP 1000 0021 3823 | |
| NAICS: | 49319 Other Warehousing and Storage | |
| | | |
| Personnel participating in inspection: | | |
| Tony Robledo | U.S. EPA | Inspector/Enforcement Officer |
| Thomas Lopez | Delta-Baytown | Health Safety & Environmental Specialist |
| Ruben Ramirez | Delta-Baytown | Health Safety & Environmental Manager |
| Frank Ingrassia | Delta-Baytown | Complex General Manager |
| Jason Allison | Delta-Baytown | Senior Maintenance Supervisor |
| EPA Lead Inspector Signature/Date | ANTHONY ROBLEDO Digitally signed by ANTHONY ROBLEDO DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=ANTHONY ROBLEDO, 0.9.2342.19200300.100.1.1=68001003655529 Date: 2022.10.27 09:59:50 -05'00' | |
| | Tony Robledo | |
| Supervisor Signature/Date | SAMUEL TATES Digitally signed by SAMUEL TATES Date: 2022.10.27 10:29:48 -05'00' | |
| | Samuel Tates | |

**Section I – INTRODUCTION PURPOSE OF THE INSPECTION**

I, the Environmental Protection Agency (EPA) Region 6 inspector Tony Robledo, arrived at the Delta Baytown, Delta Petroleum Company, Inc. (Delta-Baytown) facility at approximately 9:00 a.m. on October 18, 2022, for an announced inspection. I met with Delta-Baytown managers and staff at the opening meeting. I presented my credentials, and informed them that this was an EPA inspection to determine compliance with the Clean Air Act (CAA) Sections 112(r)(1) and 112(r)(7). The scope of the inspection was a partial compliance evaluation (PCE) and included evaluation of the compliance with 40 C.F.R. Part 68 – Chemical Accident Prevention Provisions.

**FACILITY DESCRIPTION**

The Delta-Baytown facility's primary activities are packaging, warehousing, and distribution of flammable and toxic chemicals above RMP threshold quantities. Delta-Baytown receives the regulated chemical substances in bulk tanker trucks, rail cars and iso tanks and transfers them to 55-gallon drums, 275-gallon totes and other small containers. Filled containers are then warehoused or shipped depending on customer specifications. Inventory is dependent upon customer orders and not all regulated chemical substances are always present onsite. The facility began operations in the year 2010. There is a total of 74 employee's at this non-union represented facility. The plant operates on two shifts from 6:00 a.m. to 2:00 a.m. Monday through Friday.

**Section II – OBSERVATIONS**

On October 19, 2022, I conducted a walk-through of the facility, accompanied by Delta-Baytown personnel, to observe the facility process and equipment. No visible leaks, spills, or emissions were observed. Additional observations and findings are found on the RMP Program Level 3 Checklist, located in **Appendix #1**.

**Section III – AREAS OF CONCERN**

**Closing Meeting –** I convened a closing meeting on Thursday, October 20, 2022, to discuss the Areas of Concern (AOC) noted during the inspection, the inspection completion process, and to answer questions from Delta-Baytown personnel.

**AOC 1 – 40 CFR § 68.33(a) Defining Offsite Impacts - Environment**

> *(a) The owner or operator shall list in the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in § 68.22(a) of this part.*

Delta-Baytown failed to list RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint for three worst-case scenarios per its offsite consequence analysis for ethylenediamine, vinyl acetate monomer, and toluene 2,6 diisocyanate.

**AOC 2 – 40 CFR § 68.67(c)(5) Process Hazardous Analysis (PHA)**

> *(c) The process hazardous analysis shall address: (5) Stationary source siting.*

Delta-Baytown failed to address stationary source siting in its PHA conducted on January 27, 2017.

**AOC 3 – 40 CFR § 68.67(e) PHA**

*(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.*

Delta-Baytown failed to promptly address the team's findings and recommendations for the PHA conducted on January 27, 2017, in a timely manner and document what actions were taken to include a written schedule of completion of actions, and communicating actions to its employees.

**AOC 4 – 40 CFR § 68.67(f) PHA**

*(f) At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (d) of this section, to assure that the process hazard analysis is consistent with the current process*.

Delta-Baytown failed to update and revalidate it's PHA within five years. It's most recent PHA was conducted on January 27, 2017, and its next scheduled PHA should have been completed in January 2022. Delta-Baytown personnel did mention that its next PHA is scheduled for January 2023.

**AOC 5 – 40 CFR § 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.*

Delta-Baytown failed to annually certify its operating procedures were current and accurate for the last five years (2018-2022).

**AOC 6 – 40 CFR § 68.71(b) Training**

*(b) 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.*

Delta-Baytown failed to document refresher training for one of its operator for the year 2019. This operator completed his most recent refresher training this year.

**AOC 7 – 40 CFR § 68.79(a) Compliance Audits**

*(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.*

Delta-Baytown failed to certify its compliance audits conducted on January 27, 2017, and October 22, 2021.

**AOC 8 – 40 CFR § 68.79(d) Compliance Audits**

*(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.*

Delta-Baytown failed to promptly determine and document its response to each of the findings of its most recent compliance audit conducted on October 18, 2021.

**Section IV – FOLLOW UP**

There were no additional records requested and no additional follow up for this inspection.

**Section V – LIST OF APPENDICES**

**Appendix #1** – RMP Program 2 Checklist
Inspection Symbol Key: Y - Yes, N - No, N/A - Not Applicable; S - Satisfactory, M - Marginal, U – Unsatisfactory.