112(r)/Clean Air Act Enforcement: U.S. Environmental Protection Agency and Midway, Tennessee, Chemical Manufacturing Facility Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and U.S. Nitrogen LLC ("U.S. Nitrogen") entered into an October 23rd Consent Agreement ("CA") addressing alleged violation of Section 112(r)(7) of the Clean Air Act. See Docket No. CAA-04-2018-8020(b).

The CA provides that U.S. Nitrogen operates a chemical manufacturing facility in Midway, Tennessee, which constitutes a stationary source as that term is defined by Section 302(z) of the Clean Air Act.

U.S. Nitrogen is stated to have registered a RMPlan with EPA for the facility's stationary source. Further, the facility is stated to have developed an RMProgram accidental release prevention program for the stationary source.

The stationary source is stated to have 2,400,000 pounds of ammonia in onsite storage. Further, the facility is stated to have one RMProgram level 3 covered process which processes ammonia in an amount exceeding its applicable threshold of 10,000 pounds.

The CA provides that EPA conducted an onsite inspection of the RMProgram on August 16, 2017, of the related records and equipment for the purpose of assessing U.S. Nitrogen's compliance with the RMProgram requirements and the implemented recognized and generally accepted good engineering practice for its covered process at its stationary source.

At the time of the inspection it is alleged that the process safety information did not contain an evaluation of consequences of deviation. The facility is further stated to have failed to provide documentation that a discharge design for a relief valve complied with recognized and generally accepted good engineering practices. Other alleged violations included:

- No documentation that recommendations from the May or October 2015 process hazard analyses were addressed or a schedule indicating when they were being completed
- Written operating procedures did not contain procedures that addressed consequences of deviation
- Written operating procedures did not contain steps to correct or avoid the deviation
- Pre start-up safety review did not confirm that the PHA was performed and that the PHA recommendations had been completed since unresolved recommendations were still outstanding items at the time of the inspection

As a result, U.S. Nitrogen is stated to have failed to adequately implemented provisions of 40 C.F.R. Part 68 as described in the CA.

U.S. Nitrogen neither admits nor denies the factual allegations.

A penalty of $20,377 is assessed.

A copy of the CA can be found here.