

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of

Port Hamilton Refining and Transportation,
LLLP,

Respondent,

Proceeding under Section 113 of the
Clean Air Act, 42 U.S.C. § 7413.

Index No. CAA-02-2023-1003

ADMINISTRATIVE ORDER ON CONSENT

I. INTRODUCTION AND JURISDICTION

1. The parties to this Administrative Order on Consent (“Consent Order”) are Port Hamilton Refining and Transportation, LLLP (“Respondent”) and the U.S. Environmental Protection Agency (“EPA”).
2. Respondent is an owner and operator of a refinery located at One Estate Hope, St. Croix, U.S.V.I., where certain extremely hazardous substances are used and/or stored (the “Facility”).
3. The Findings herein are made, and this Consent Order is issued pursuant to Section 113(a)(3) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(a)(3), regarding compliance with the general duty clause provisions of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), concerning the Facility.
4. This Consent Order is entered into upon mutual agreement by the Parties. Accordingly, Respondent agrees to undertake all actions required of it by the terms and conditions of this Consent Order. Respondent consents to and agrees not to contest the authority or jurisdiction of the Director of the Superfund and Emergency Management Division of EPA Region 2 to issue or enforce this Consent Order, and it also agrees not to contest the validity or terms of this Consent Order in any action to enforce its provisions, subject to Paragraph 55.
5. This Consent Order shall apply to and be binding upon Respondent and its officers, agents, servants, employees, successors, and assigns. Respondent agrees to ensure that all persons, firms, corporations, contractors, and consultants acting under, through, or for Respondent are made aware of the terms of this Consent Order and perform such work in compliance with this Consent Order. No change in ownership or corporate or partnership status of Respondent will in any way alter the status of Respondent or its responsibilities under this Consent Order.

II. STATUTORY AND REGULATORY AUTHORITY

6. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to identify hazards that may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases that do occur.
7. Sections 112(r)(3) and (5) of the CAA, 42 U.S.C. §§ 7412(r)(3) and (5), require the Administrator to promulgate a list of regulated substances with threshold quantities. EPA promulgated a regulation known as the List Rule at 40 C.F.R. Part 68, Subpart F, which implements Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), and which lists the regulated substances and their threshold quantities.
8. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes EPA to issue compliance orders for violations of the CAA, including violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).
9. The authority to issue orders pursuant to Section 113(a)(3) of the CAA has been delegated to EPA Region 2's Regional Administrator and has been redelegated to EPA Region 2's Director of the Superfund and Emergency Management Division.

III. DEFINITIONS

10. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines "stationary source" as, *inter alia*, any buildings, structures, equipment, installations, or substance-emitting stationary activities that belong to the same industrial group, that are located on one or more contiguous properties, that are under the control of the same person (or persons under common control), and from which an accidental release may occur.
11. Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B), defines "regulated substance" as a substance listed pursuant to Section 112(r)(3) of the CAA. The list of substances regulated under Section 112(r) of the CAA is set forth at 40 C.F.R. § 68.130.
12. As used herein, the term "extremely hazardous substance" shall mean an extremely hazardous substance within the meaning of Section 112(r)(1) of the CAA. Such substances include any chemical that may, as a result of short-term exposures because of releases to the air, cause death, injury, or property damage because of its toxicity, reactivity, flammability, or corrosivity.
13. As used herein, the term "day" shall mean calendar day.

14. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the CAA or any of its implementing regulations, in which case the statutory and regulatory definitions apply.

IV. EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. Respondent is an owner and operator of the Facility, which is a petroleum refinery. Refining operations at the Facility are currently idled.
16. EPA conducted an inspection of the Facility on September 20 - 26, 2022, to assess compliance with Section 112(r) of the CAA (the "Inspection"). During the Inspection, and in a letter dated October 13, 2022, EPA informed Respondent of observations made during the Inspection. EPA released its report for the Inspection on October 21, 2022.
17. The Inspection included a review of available documentation and equipment at the Facility and an inventory of the contents of various systems and/or process units.
18. Facility equipment, vessels, and piping contained various materials, including, but not limited to, anhydrous ammonia, liquified (or liquid) petroleum gas ("LPG"), and hydrogen sulfide. Some of these materials are held under pressure.
19. LPG refers generally to a category of flammable hydrocarbon gases and can be a mixture of these gases, including propane and butane.
20. During the Inspection, EPA inspectors toured and visually inspected the following process units at the Facility:
 - #5 Crude Unit;
 - #6 Crude Unit;
 - #3 Vacuum Unit;
 - Anhydrous Ammonia Drum;
 - Amine Units, including the Amine Reduction Unit;
 - LPG Unit #3;
 - Delayed Coker Unit; and
 - Coker Supply Tank 8501.
21. During the Inspection, EPA inspectors identified safety concerns that they concluded could result in a release or fire. During the Facility tour portion of the Inspection, EPA inspectors observed conditions demonstrating a lack of maintenance and numerous examples of corrosion on process valves, flanges, pipes, nuts/bolts, and pressure relief devices in all unit processes, including in many cases corrosion to such a degree that it resulted in extreme deterioration. Many process components, based on visual inspection, appear not to have been adequately inspected or maintained for significant periods and may not be operable or at least fully operable for routine service or in an emergency. Gaskets were also observed to be in poor condition, and many exhibited severe corrosion.

22. In addition, at the time of the inspection EPA inspectors observed exposed wires in Class I Division I electrical system areas (areas where flammable substances are located). Such exposed wires could be potential ignition sources if they were “live”. The Facility representatives could not confirm if the wires were live or disconnected from the electrical system.
23. Piping and many valves on LPG Unit #3 are in an advanced state of corrosion and disrepair. The equipment in the process contains over 37,000 pounds of LPG. These conditions can present a risk of fire and/or explosion, including potential off-Facility impacts.
24. Piping and many valves on the Anhydrous Ammonia Drum are in an advanced state of corrosion and disrepair. The Anhydrous Ammonia Drum contains over 40,000 pounds of anhydrous ammonia. These conditions can present a risk of release of toxic anhydrous ammonia, including potential off-Facility impacts.
25. Damage to the valves is likely to complicate efforts to remove extremely hazardous substances safely from Facility equipment, including LPG Unit #3 and the Anhydrous Ammonia Drum.
26. During the Inspection, EPA inspectors visually observed external corrosion on components associated with the Amine Reduction Unit. Because of toxicity and flammability, gaseous hydrogen sulfide potentially entrained in the Unit could present an extreme health hazard in the event of an accidental release from the Amine Reduction Unit.
27. During the Inspection, EPA inspectors visually observed liquid leaking from pipe-tank welds on all of the drain lines of the #6 Crude Desalter Unit, which could be indicative of the process not having been adequately inspected or maintained or a lack of preventative maintenance.
28. Other process equipment at the Facility may also contain extremely hazardous substances, including flammable and toxic substances.
29. At the time of the Inspection, the EPA Inspectors observed few employees at the Facility. EPA was informed that there were 42 employees including contractor employees, which also includes a Maintenance Department consisting of approximately 20 people.
30. Anhydrous ammonia, butane, propane, and hydrogen sulfide are extremely hazardous substances, and they are regulated substances listed pursuant to Section 112(r)(2) and (3) of the CAA and 40 C.F.R. § 68.3.
31. Anhydrous ammonia can present a significant health hazard because it is acutely toxic if inhaled. It is corrosive to the skin and can cause serious eye damage. Anhydrous ammonia is also flammable, and it can explode if it is released in an enclosed space with a source of ignition present or if a vessel containing anhydrous ammonia is exposed to fire.
32. LPG is a highly flammable gas, and butane and propane are also highly flammable gases. These substances can form explosive mixtures with air and may explode if heated.

33. Hydrogen sulfide is extremely flammable and highly toxic.
34. Codes and standards that may apply to the equipment at the Facility that contains extremely hazardous substances, including ammonia and LPG, include the following:

For Pressure Vessels:

Design and Construction: American Society of Mechanical Engineers (“ASME”) VIII Div. 1 & 2
Inspection and Repair: National Board of Inspection Codes (“NBIC”) 23
American Petroleum Institute (“API”) 510 & 579

For Valves:

Design and Construction: ASME B16.34; API 600 & 609
Inspection and Repair: API 598 & API Recommended Practice 591

For Piping

Design and Construction: ASME B31.X & B31.3
Inspection and Repair: API 570, 574, & 579

For Pressure Relief Devices

Design and Construction: ASME I, IV, & VII; API 2000
Inspection and Repair: NBIC 23; API Recommended Practice 576 & 510

For Aboveground Storage Tanks

Design and Construction: API 12B, 620, & 650
Inspection and Repair: API 653 & 579

35. The conditions at the Facility described above present a threat that must be addressed to prevent a release.
36. The Facility could present a significant risk to the workers, the community, and emergency responders in the event of a release or fire.
37. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
38. The Facility is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA.

39. At the Facility, Respondent stores, processes, and/or handles substances that are regulated substances and/or extremely hazardous substances for the purposes of Section 112(r)(1) of the CAA.
40. Based on information available to EPA, EPA has determined that Respondent has failed to comply with the general duty, pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), as that duty is described in Paragraph 6, above, and that such failure is a violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

V. CONSENT ORDER

41. Based upon the foregoing EPA's Findings of Fact, Conclusions of Law, and other information available to EPA, EPA hereby orders Respondent to comply with the requirements set forth below. Respondent agrees to comply with the requirements set forth below.
42. Respondent shall undertake the following actions regarding the Facility:
 - a. EPA directs Respondent and Respondent agrees not to disturb or remove (a) the ammonia from the Anhydrous Ammonia Drum, (b) the LPG from LPG Unit #3, or (c) the amine solution and the associated hydrogen sulfide from the Amine Units (collectively, the ammonia, LPG, amine solution, and hydrogen sulfide are referred to as the "Materials"), except in accordance with the procedures set forth in the subparagraphs c. through f., below, and with the use of qualified, approved contractors.
 - b. Upon the effective date of this Consent Order, Respondent shall begin performing the Interim Measures set forth in Appendix A regarding the three systems containing the Materials. Respondent shall perform and document the ongoing performance of these Interim Measures at the frequencies specified in Appendix A until EPA approves the Final Reports in accordance with Paragraph 43.
 - c. Prior to execution of this Consent Order, Respondent submitted the name(s) of two proposed contractors, the Advisian Group LLC and USA Debusk, to EPA for review and approval to perform the work described in this Paragraph 42.d. – f., below. Within five (5) days of the effective date of this Consent Order, Respondent shall provide their qualifications and confirm that these contractors are available to perform the actions described in this Consent Order pursuant to the schedule as provided herein. EPA will review the qualifications and availability of Respondent's proposed contractors and either approve or disapprove the proposed contractor(s). EPA will notify Respondent in writing of its approval or disapproval. If EPA disapproves one or more of the contractor(s), EPA will describe in writing its reasons for disapproval, and Respondent shall propose different contractors within seven days of EPA's written disapproval. If Respondent demonstrates concerns with the technical and execution capability of the approved contractor(s), Respondent may propose changes to its contractor(s), provided that the procedures set forth immediately above are followed and EPA approves of any

- replacement contractor(s) to perform the actions described in this Consent Order and pursuant to the schedule provided herein.
- d. Respondent shall direct its approved contractor(s) to immediately begin and complete the following tasks within thirty (30) days of EPA's approval of Respondent's proposed contractor(s): (1) determine the Material-containing boundaries of the three systems containing the Materials, as described in Paragraph 42.a., above, and the extent of the presence of the Materials in these three systems; (2) assess the integrity of these three systems to ensure that the Materials in these three systems can be safely removed utilizing the services of an API-510/570 Inspector and a NDE Technician; and (3) determine options for the safe removal of the Materials from these three systems and from the Facility. The options may include the sale of any of these materials so long as the materials will be safely, properly, and timely removed from the Facility, but one of the options for each of the three systems must include the off-site disposal (not sale) of the Materials. Respondent may informally discuss removal options with EPA during the thirty (30) day period, including providing a general description of such options to assist in the evaluation of the options.
 - e. Respondent shall direct its contractors to provide a Material Removal Options Report ("Options Report") simultaneously to Respondent and EPA within seven days following completion of the actions conducted as set forth in subparagraph d, above. The Options Report shall include the determination of the boundaries of the three systems, a written description of the results of the assessment of the integrity of the three systems for the purpose of the removal of the Material, and a thorough assessment of options for the safe removal of the Materials from these three systems and from the Facility, including the performance of any repairs or other actions that need to be taken to safely remove the materials from the three systems, as determined by the assessment. Respondent shall direct their contractor(s) to provide, along with this report, a detailed, proposed schedule for the performance of the proposed options for EPA review and approval.
 - f. After receipt of the Options Report that includes the proposed schedules, EPA will review the Options Report and provide any comments in writing, including which, if any, of the proposed options would be acceptable. Respondent shall address any comments that EPA may have and, if necessary, resubmit the Options Report to EPA within seven days for EPA review. Once EPA approves the Options Report and those options that are acceptable, Respondent shall as soon as practicable, but no later than five days after receiving EPA's approval in writing, direct its contractors to commence the approved actions in accordance with the Options Report and approved schedule(s). Respondent shall submit weekly progress reports to EPA during the field work until the approved actions with respect to each of the Materials are completed.
 - g. Respondent shall submit a Final Report for each of the Materials to EPA within thirty (30) days of the completion of the activities specific to the removal of each of the Materials as required pursuant to Paragraphs 42.d - f. Each of the Final Reports shall detail the actions conducted at the Facility pursuant to this Consent Order and provide

documentation regarding those actions. The Final Reports shall each include the following certification, signed by a duly authorized officer of Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

43. EPA will review the documentation submitted pursuant to Paragraph 42, above, including the Final Reports. If EPA determines that the actions taken or documentation submitted are insufficient to demonstrate compliance with the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), EPA will so notify Respondent in writing describing the reasons for its determination. Respondent shall undertake all actions directed by EPA in such written notice within thirty days of Respondent's receipt of EPA's written comments. To the extent additional time is needed to undertake any additional actions directed by EPA, Respondent shall promptly advise EPA in writing of the need and basis for such additional time, and EPA will, in writing, approve or disapprove of Respondent's request for additional time.
44. Respondent shall provide EPA and its representatives, including contractors, with access to the Facility for the purpose of assessing Respondent's compliance with this Consent Order and with the CAA, including for EPA to conduct any monitoring that EPA determines to be necessary, such as air monitoring. Respondent shall also provide EPA and its representatives, including contractors, with access to all non-privileged records relating to Respondent's implementation of this Consent Order.
45. All plans and schedules that are approved by EPA pursuant to this Consent Order shall be deemed incorporated into and enforceable under this Consent Order.
46. Respondent shall preserve all documents and information relating to the activities carried out pursuant to this Consent Order for six years after completion of the work required by this Consent Order. At the end of the six-year period, Respondent shall notify EPA at least thirty (30) days before any such document or information is destroyed that such documents and information are available for inspection. Upon request, Respondent shall provide EPA with electronic copies of such non-privileged documents and information.
47. All documents submitted by Respondent to EPA in the course of implementing this Consent Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 C.F.R. Part 2, Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law, or otherwise determined by EPA to be confidential or subject to restricted access under applicable law.

VI. WRITTEN NOTICES

48. Information required to be submitted to EPA pursuant to this Consent Order shall be sent, electronically, to:

Dwayne Harrington
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Response and Prevention Branch
2890 Woodbridge Avenue
Edison, New Jersey 08837
(732) 906-6899
harrington.dwayne@epa.gov

and

Jean H. Regna, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel
290 Broadway - 17th Floor
New York, New York 10007-1866
(212) 637-3164
regna.jean@epa.gov.

49. Information required to be submitted to Respondent pursuant to this Consent Order shall be sent to the following:

Fermin Rodriguez
Vice President & Refinery Manager
Port Hamilton Refining and Transportation, LLLP
1 Estate Hope
Christiansted, VI 00820-5652
fermin.rodriquez@phrt.com

Matthew W. Morrison, Esq.
Pillsbury Winthrop Shaw Pittman
1200 Seventeenth Street, NW
Washington, D.C. 20036
matthew.morrison@pillsburylaw.com

Julie R. Domike, Esq.
Babst Calland Clements & Zomnir, P.C.
505 9th Street NW, Suite 700
Washington, D.C. 20004
jdomike@babstcalland.com

VII. STIPULATED PENALTIES

50. For each day that Respondent fails to comply with any of the terms or provisions of Paragraphs 42 - 44, above, EPA may assess, and if so, Respondent shall pay, stipulated penalties in accordance with the terms below. Stipulated penalties shall begin to accrue on the day that performance is due or a violation occurs, and they shall continue to accrue until the noncompliance is corrected. EPA will provide written notice of those violations for which EPA is assessing stipulated penalties; nevertheless, penalties shall accrue from the day a violation of this Consent Order commences. Payment shall be due within thirty (30) days of receipt of a demand for payment from EPA, and the demand shall provide payment instructions. Stipulated penalties shall accrue in the following amounts:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1,000	1st through 14th day
\$2,000	15th through 30th day
\$5,000	31st day and beyond

51. Respondent shall pay interest on any amounts overdue under Paragraph 50. Such interest shall begin to accrue on the first day that the respective payment is overdue. Interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717 on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each thirty (30) day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within ninety (90) days of the due date.
52. In the event that the Parties disagree as to whether Respondent has fully complied with the provisions of Paragraphs 42 - 44 of this Consent Order, the Parties will meet and confer within seven days (or other, mutually agreed upon period) to attempt to resolve any disagreement over compliance with this Consent Order. The determination of whether Respondent has fully complied with the provisions of Paragraphs 42 - 44, above, shall be vested within the sole discretion of the Director of the Superfund and Emergency Management Division of EPA, Region 2, who may waive any portion of stipulated penalties that may have accrued pursuant to this Consent Order.
53. Respondent's payment of stipulated penalties pursuant to Paragraph 50, above, shall not extinguish, waive, or otherwise affect Respondent's obligations to comply with the requirements of Paragraphs 42 - 44.
54. The stipulated penalties provisions of this Consent Order do not preclude EPA from pursuing any other remedies or sanctions that are available to EPA because of Respondent's alleged failure to comply with this Consent Order, including, without limitation, civil judicial or administrative penalties under Section 113 of the CAA, currently up to \$51,796 per day for each violation.

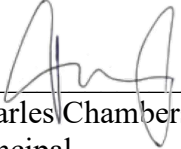
VIII. EFFECT OF SETTLEMENT,
RESERVATION OF RIGHTS, AND JUDICIAL REVIEW

55. Respondent does not admit the allegations set forth in this Consent Order, but as set forth in Paragraph 41, Respondent agrees to comply with the requirements of this Consent Order.
56. This Consent Order shall not relieve Respondent of its obligation to comply with all applicable federal, Territory, and local laws, regulations, and other legal requirements, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, Territory, or local permit.
57. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, that may pertain to Respondent's failure to comply with any of the requirements of this Consent Order. This Consent Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, that EPA has under any other statutory, regulatory, or common law authority of the United States.
58. This Consent Order does not resolve any civil or criminal claims of the United States for the violations alleged in this Consent Order, nor does it limit the rights of the United States to obtain penalties or injunctive relief under the CAA or other applicable federal law or regulation.
59. This Consent Order is not intended to be, nor shall it be construed to be, a permit. Further, the Parties acknowledge and agree that EPA's approval of this Consent Order does not constitute a warranty or representation that requirements provided hereunder will meet the requirements of Section 112(r) of the CAA. Compliance by Respondent with the terms of this Consent Order shall not relieve Respondent of its obligations to comply with the CAA or any other applicable local, Territory, or federal laws and regulations.
60. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, extremely hazardous substance, or other substance on, at, or from the Facility. EPA reserves the right to bring an action against Respondent assessing or seeking penalties and/or other relief for any violations, including, without limitation, the alleged violations referred to in the EPA's Findings of Fact and Conclusions of Law set forth above. This Consent Order shall not constitute or be construed as a release of any liability that Respondent or any other person has under the CAA, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601-9675, or any other law.
61. Nothing herein shall be construed as an extension of time for complying with any statutory or regulatory requirement under the CAA or any other law.
62. Respondent waives its rights to judicial review of this Consent Order.

63. In any subsequent administrative or judicial proceeding initiated by EPA or the United States for injunctive or other appropriate relief relating to the Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppels, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by EPA or the United States in the subsequent proceeding were or should have been raised in the present matter.
64. Neither EPA nor the United States, by issuance of this Consent Order, assumes any liability for any acts or omissions by Respondent or its employees, agents, contractors, or consultants engaged to carry out any action or activity pursuant to this Consent Order, nor shall EPA or the United States be held as a party to any contract entered into by Respondent or by its employees, agents, contractors, or consultants.
65. The Parties shall bear their own costs and fees in this action, including attorney fees.
66. Each undersigned representative of the Parties to this Consent Order certifies that he, she, or they is fully authorized by the party represented to enter into the terms and conditions of this Consent Order and to execute and bind that party to it under the law.
67. The effective date of this Consent Order shall be the date of signature by EPA.

In the Matter of Port Hamilton Refining and Transportation, LLLP
Index No. CAA-02-2023-1003

For Respondent
Port Hamilton Refining and Transportation, LLLP



Charles Chambers
Principal

Date: December 2, 2022

In the Matter of Port Hamilton Refining and Transportation, LLLP
Index No. CAA-02-2023-1003

For U.S. Environmental Protection Agency:

Pat Evangelista, Director
Superfund and Emergency Management
Division, Region 2

Date: _____

APPENDIX A
Interim Measures

At a minimum, Respondent will perform the following Interim Measures. By including these measures in this Appendix, EPA has made no determination as to their adequacy.

- Staffing, Support, and Training:
 - Maintain a two-person crew to perform nightshift walk downs of the three systems containing the Materials as described in Paragraph 6 of the Consent Order;
 - Engage an experienced, on-site contractor who can deploy immediately to provide emergency response support for the Facility, and prepare an emergency response plan;
 - Retrain existing operations personnel with respect to manual activation of the ammonia deluge system (this item is complete with respect to current personnel and will be implemented with respect to any new personnel); and
 - Within 30 days of the effective date of the Consent Order, complete refresher training for operations and maintenance personnel regarding the operation and use of fire hydrants.

- Inspections and Monitoring:
 - Continue to perform walk downs of each of the three systems no less than six times per day, visually inspecting each of the three systems containing the Materials and monitoring pressure levels within the three systems;
 - Within 14 days of the effective date of the Consent Order, deploy and operate no less than 10 additional portable analyzers within the LPG System and the Amine System to monitor for hydrogen sulfide and combustible gases (lower explosive limits);
 - Test the Facility's fire monitors within the three systems containing the Materials for water flow no less than once each month, beginning immediately, to ensure that they are functioning properly;
 - Within 14 days of the effective date of this Consent Order, complete the field electrical area classification inspection and promptly address issues and/or deficiencies noted during that inspection;
 - Within 14 days of the effective date of this Consent Order, deploy and operate one additional ammonia ambient monitor (for a total of four) within the Ammonia Storage System; and

- Test the Ammonia Deluge System within 14 days of the effective date of this Consent Order and then no less often than once every two months.