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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF MISSOURI  
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12 THE UNITED STATES OF AMERICA, )  
13 )  
14 Plaintiff, ) No.: 2:18-cv-04133  
15 )  
16 v. )  
17 ) CIVIL COMPLAINT  
18 MFA Incorporated, )  
19 and MFA Enterprises, Incorporated )  
20 )  
21 Defendants. )  
22 \_\_\_\_\_ )  
23

24 The United States of America, by authority of the Attorney General and through the  
25 undersigned attorneys, acting at the request of the Administrator of the United States  
26 Environmental Protection Agency (“EPA”), files this complaint seeking injunctive relief and  
27 civil penalties and alleges as follows:

28 NATURE OF THIS ACTION

29 1. This is a civil action brought pursuant to Section 113(b)(2) of the Clean Air Act  
30 (“the Act”), 42 U.S.C. § 7413(b)(2), against MFA Inc. and MFA Enterprises, Inc. (collectively,  
31 the “Defendants”) for their violations of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7).

32 JURISDICTION AND VENUE

33 2. This Court has jurisdiction over the subject matter of this action pursuant to

1 Section 113(b) of the Act, 42 U.S.C. § 7413(b), and pursuant to 28 U.S.C. §§ 1331, 1345, and  
2 1355. The Court has personal jurisdiction over the parties.

3 3. Venue is proper in the Western District of Missouri pursuant to Section 113(b) of  
4 the Act, 42 U.S.C. § 7413(b), and pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1395(a) because  
5 the Defendants are doing business within the district and a substantial part of the events giving  
6 rise to the claims occurred within the district.

7 4. Authority to bring a civil action is vested in the Attorney General of the United  
8 States pursuant to Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605, and 28  
9 U.S.C. §§ 516 and 519.

10 NOTICE TO THE STATE OF MISSOURI

11 5. The United States has notified the State of Missouri of the commencement of this  
12 action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b).

13 PARTIES

14 6. Plaintiff is the United States of America, acting at the request of the EPA, an  
15 agency of the United States.

16 7. Defendant MFA Inc. is a corporation organized and existing under the laws of the  
17 State of Missouri and is doing business in this judicial district.

18 8. MFA Inc. is an agricultural cooperative that owns and operates more than 140  
19 retail farm supply centers throughout Missouri.

20 9. Defendant MFA Enterprises, Inc. is a corporation organized and existing under  
21 the laws of the State of Missouri and is doing business in this judicial district.

22 10. MFA Enterprises, Inc. is a wholly-owned subsidiary of MFA Inc.

23 11. Defendants are each a “person” within the meaning of Section 302(e) of the Act,

1 42 U.S.C. § 7602(e).

2 12. Defendants own and/or operate the facilities that are the subject of this Complaint  
3 within the meaning of Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9),

4 STATUTORY AND REGULATORY BACKGROUND

5 13. The Clean Air Act establishes a regulatory scheme designed to protect and  
6 enhance the quality of the nation's air so as to promote the public health and welfare and the  
7 productive capacity of its population. 42 U.S.C. § 7401(b)(1).

8 14. The Clean Air Act requires the Administrator of the EPA to, among other things,  
9 promulgate programs and regulations intended to prevent accidental releases of regulated  
10 substances and to minimize the consequences of any such releases that do occur. 42 U.S.C.  
11 § 7412(r)(1).

12 15. Sections 112(r)(3) and (7) of the Act, 42 U.S.C. §7412(r)(3) and (7), authorize the  
13 Administrator of EPA to, among other things, promulgate a list of regulated substances with  
14 threshold quantities and regulations applicable to the owner or operator of stationary sources at  
15 which a regulated substance is present in more than a threshold quantity. These regulations  
16 address release prevention, detection, and correction requirements for regulated substances and  
17 require a prompt emergency response to any such releases in order to protect human health and  
18 the environment.

19 16. EPA promulgated regulations to implement Section 112(r)(7), codified at 40  
20 C.F.R. Part 68, that require owners and operators of stationary sources that have more than a  
21 threshold quantity of a regulated substance in a process to develop and implement a risk  
22 management program, to be described in a Risk Management Plan ("RMP"). The RMP is to be  
23 submitted to EPA and includes, among other things, a management system, a hazard assessment,

1 and a prevention program.

2 17. 40 C.F.R. § 68.3 defines “owner or operator” as “any person who owns, leases,  
3 operates, controls, or supervises a stationary source.”

4 18. Section 112(r)(2)(C) of the Act, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3  
5 define a “stationary source” as any buildings, structures, equipment, installations, or substance  
6 emitting stationary activities which belong to the same industrial group, are located on one or  
7 more contiguous properties, are under the control of the same person, and from which an  
8 accidental release may occur.

9 19. Section 112(r)(2)(A), 42 U.S.C. § 7412(r)(2)(A), defines “accidental release” as  
10 an unanticipated emission of a regulated substance into the ambient air from a stationary source.

11 20. 40 C.F.R. § 68.3 defines “process” to mean “any activity involving a regulated  
12 substance including any use, storage, manufacturing, handling, or on-site movement of such  
13 substances, or any combination of these activities.” “Covered process” means “a process that  
14 has a regulated hazardous substance present in more than a threshold quantity as determined  
15 under [40 C.F.R.] § 68.115.”

16 21. The regulations at 40 C.F.R. Part 68 separate covered processes into three  
17 categories, designated as Program 1, Program 2, and Program 3, and set forth specific  
18 requirements for owners and operators of stationary sources with processes that fall within the  
19 respective programs.

20 22. Pursuant to 40 C.F.R. § 68.10(c), a covered process is subject to Program 2  
21 requirements if it does not meet one or more of the Program 1 eligibility requirements set forth in  
22 40 C.F.R. § 68.10(b) and the process is not subject to Program 3 requirements because it is not  
23 listed in one of the specific North American Industry Classification System codes found in 40

1 C.F.R. § 68.10(d)(1) or is not subject to the United States Occupational Safety and Health  
2 Administration (OSHA) process safety management standard set forth in 29 C.F.R. § 1910.119.

3 23. Pursuant to 40 C.F.R. § 68.12(c), the owner or operator of a stationary source  
4 with a process subject to Program 2 prevention requirements must undertake certain tasks,  
5 including but not limited to:

6 a. developing and implementing a management system, as provided in 40 C.F.R.  
7 § 68.15;

8 b. conducting a hazard assessment to assess a worst-case release scenario, as  
9 provided in 40 C.F.R. §§ 68.20-68.42;

10 c. implementing either the Program 2 prevention requirements provided in 40 C.F.R.  
11 §§ 68.48-68.60, including safety information, hazard reviews, operating  
12 procedures, training, maintenance, compliance audits, and incident investigations,  
13 or the Program 3 requirements provided in 40 C.F.R. §§ 68.65-68.87;

14 d. developing and implementing an emergency response program as provided in 40  
15 C.F.R. §§ 68.90-68.95; and

16 e. submitting as part of its RMP the data on prevention program elements for  
17 Program 2 processes as provided in 40 C.F.R. § 68.170.

18 24. Pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), the Administrator  
19 may commence a civil action against any person that is the owner or operator of a covered  
20 source to obtain civil penalties and a permanent or temporary injunction whenever such person  
21 violated or is violating any requirement or prohibition of the Act, including the requirements of  
22 Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and its implementing regulations, including 40 C.F.R.  
23 Part 68.

25. Section 113(b) of the Act, 42 U.S.C. § 7413(b), as modified by the Debt Collection Improvements Act of 1996, 31 U.S.C. § 3701, as implemented by the Civil Monetary Penalties Inflation Rule, 40 C.F.R. Part 19, establishes maximum civil penalties for violations of the CAA. The maximum civil penalty per day per violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations occurring after November 2, 2015. 42 U.S.C. § 7413(b) and 40 C.F.R. § 19.4.

#### GENERAL ALLEGATIONS

26. Anhydrous ammonia is listed as an extremely hazardous substance pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), and its implementing regulations, 40 C.F.R. § 68.130.

27. Anhydrous ammonia is a colorless, highly irritating gas with a sharp, suffocating odor. Symptoms of human exposure to anhydrous ammonia include burning of the eyes, nose and throat after breathing even small amounts. With higher doses, coughing or choking may occur. Exposure to high levels of anhydrous ammonia can cause death from a swollen throat or from chemical burns to the lungs.

28. For the purposes of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), the threshold quantity of anhydrous ammonia is listed at 10,000 pounds. 40 C.F.R. § 68.3.

29. Anhydrous ammonia storage vessels involve a regulated substance in storage, manufacturing, or handling, and constitute a covered “process” as defined by 40 C.F.R. § 68.3.

30. The following facilities (collectively, “MFA facilities”) are the subject of this action.

- a) The Centralia facility or Facility One located at 22501 North March Road, Centralia, Missouri;
- b) The Rock Port facility or Facility Two located at 17287 W. Hwy 136, Rock Port, Missouri.
- c) The Pattonsburg Facility or Facility Three located at 18563 U.S. Hwy. 69, Pattonsburg, Missouri.
- d) The Hale facility or Facility Four located at 3049 J. Highway, Hale, Missouri.
- e) The Saint Joseph facility or Facility Five located at 2715 South Sixth Street, St. Joseph, Missouri.
- f) The Jefferson City facility or Facility Six located at 1009 Fourth Street, Jefferson City, Missouri
- g) The Rich Hill facility or Facility Seven located at 700 E. Walnut, Rich Hill, Missouri
- h) The New Cambria facility or Facility Eight located at 29400 Colony Ave., New Cambria, Missouri.
- i) The Martinsburg facility or Facility Nine located at 15778 Audrain Road 741, Martinsburg, Missouri.

31. At all relevant times, MFA Inc. has been and continues to be the “owner and/or operator” within the meaning of Section 112(a)(9) of CAA of the Centralia (Facility One), Pattonsburg (Facility Three), Hale (Facility Four), Saint Joseph (Facility Five), Jefferson City (Facility Six), New Cambria (Facility Eight) and Martinsburg (Facility Nine) facilities mentioned in Paragraph 30.

32. At all relevant times, MFA Enterprises, Inc. has owned, and continues to own, the Rock Port (Facility Two) and Rich Hill (Facility Seven) facilities mentioned in Paragraph 30.

33. On information and belief, and subject to a reasonable opportunity for further investigation or discovery, at all relevant times, MFA Inc. has operated, and continues to operate the Rock Port (Facility Two) and Rich Hill (Facility Seven) facilities mentioned in Paragraph 30.

34. The MFA facilities are “stationary sources” within the meaning of Section 112(r)(2)(C) of the Act, 42 U.S.C. § 7412(r)(2)(C).

35. At each of the MFA facilities, at all relevant times, MFA Inc. handled, stored, and used, and continues to handle, store and use, anhydrous ammonia above the threshold quantity of 10,000 pounds at the MFA facilities.

36. The MFA facilities are subject to “Program 2” requirements within the meaning of 40 C.F.R. §§ 68.10(c) and 68.12(c).

37. The MFA facilities distribute anhydrous ammonia to farmers, who inject it into the ground as fertilizer. The facilities store large amounts of anhydrous ammonia in bulk tanks and transfer it to nurse tanks. As a result, employees, the surrounding public, and the environment are at risk of exposure to this extremely hazardous substance if it is released.

38. EPA examined records that MFA Inc. produced on October 31, 2014, in response to an information request from EPA pursuant to Section 114 of the Act, 42 U.S.C. § 7414, relating to compliance with the risk management program regulations at 40 C.F.R. Part 68 (“MFA Inc.’s Section 114 response”). In these records, MFA Inc. admits that it operates all of the MFA Facilities and owns the Centralia (Facility One), Pattonsburg (Facility Three), Hale (Facility Four), Saint Joseph (Facility Five), Jefferson City (Facility Six), New Cambria (Facility Eight) and Martinsburg (Facility Nine) facilities.

39. In its most recent Risk Management Plan submissions, MFA Enterprises Inc. admits that it owns the Rock Port (Facility Two, submitted July 26, 2016) and Rich Hill (Facility Seven, submitted September 9, 2013) facilities.

40. EPA also conducted inspections at MFA facilities in Centralia, Jefferson City, Rich Hill, New Cambria, and Martinsburg, Missouri. As a result of its examination and inspections, EPA identified numerous violations of the risk management program regulations and numerous releases of anhydrous ammonia resulting in injuries.

## THE FACILITIES

## Centralia, Missouri – Facility One

41. On or about September 4, 2009, there was a release of anhydrous ammonia at the



1 Centralia facility.

2 42. The release of anhydrous ammonia from the Centralia facility on or about  
3 September 4, 2009 constituted an “accidental release” within the meaning of Section  
4 112(r)(2)(A) of the Act. 42 U.S.C. § 7412(r)(2)(A).

5 43. As a result of this release, at least one person was injured onsite.

6 44. On September 19, 2012, EPA inspected the Centralia facility. The inspector  
7 noted, among other things, that MFA Inc. failed to possess accurate safety information pertaining  
8 to equipment listed onsite; evaluate hazards; use proper saddles supporting bulk vessels that  
9 comply with recognized and generally accepted good engineering practices; address in the  
10 hazard review any steps used or needed to detect or monitor releases; resolve in a timely manner  
11 corrective actions identified in the facility’s hazard review; possess standard operating  
12 procedures for temporary operations and for how to use valves; and possess accurate three-year  
13 audits.

14 45. On or about October 31, 2014, MFA Inc. submitted its response to EPA’s  
15 information requests pursuant to Section 114 of the Act. Among other things, MFA Inc.’s  
16 answers revealed nurse tanks with improperly functioning gauges and a failure to report in the  
17 RMP the accidental release referred to in Paragraph 41 above. On April 27, 2015, EPA again  
18 inspected the Centralia facility. The inspector noted, among other things, that MFA Inc. failed to  
19 possess standard operating procedures for normal daily start up or shut down processes and for  
20 filling dual nurse tanks; have up-to-date operating procedures that reference the emergency  
21 equipment that the facility actually uses and clearly identify the procedure associated with the  
22 equipment; describe the steps required to correct or avoid deviations in operating procedures; test  
23 and replace pressure relief valves and underground piping; and write an accurate description of

1 its emergency response program.

2 Rock Port, Missouri – Facility Two

3 46. On or about April 14, 2010, there was a release of anhydrous ammonia at the  
4 Rock Port facility.

5 47. The release of anhydrous ammonia from the Rock Port facility on or about April  
6 14, 2010 constituted an “accidental release” within the meaning of Section 112(r)(2)(A) of the  
7 Act. 42 U.S.C. § 7412(r)(2)(A).

8 48. As a result of this release, at least one person was injured onsite.

9 49. On or about October 31, 2014, MFA Inc. responded to EPA’s information  
10 request. Among other things, MFA Inc.’s answers revealed its failure to report the accidental  
11 release within six months of its occurrence and to include any mention of the accidental release  
12 that resulted in on-site injuries in the five year accident history section of the RMP submitted on  
13 July 18, 2014.

14 Pattonsburg, Missouri – Facility Three

15 50. On or about May 6, 2010, there was a release of anhydrous ammonia at the  
16 Pattonsburg facility.

17 51. The release of anhydrous ammonia from the Pattonsburg facility on or about May  
18 6, 2010 constituted an “accidental release” within the meaning of Section 112(r)(2)(A) of the  
19 Act. 42 U.S.C. § 7412(r)(2)(A).

20 52. As a result of this release, at least one person was injured onsite.

21 53. Among other things, MFA Inc.’s Section 114 response revealed a failure to report  
22 in the RMP an accidental release from a process that resulted in on-site injuries at the  
23 Pattonsburg facility.

1 Hale, Missouri – Facility Four

2 54. On or about January 18, 2012, there was a release of anhydrous ammonia at the  
3 Hale facility.

4 55. The release of anhydrous ammonia from the Hale facility on or about January 18,  
5 2012 constituted an “accidental release” within the meaning of Section 112(r)(2)(A) of the Act.  
6 42 U.S.C. § 7412(r)(2)(A).

7 56. As a result of this release, at least one person was injured onsite.

8 57. Among other things, MFA Inc.’s Section 114 response revealed a failure to report  
9 in the RMP an accidental release from a process that resulted in on-site injuries at the Hale  
10 facility.

11 St. Joseph, Missouri – Facility Five

12 58. On or about March 24, 2014, there was a release of anhydrous ammonia at the St.  
13 Joseph facility.

14 59. The release of anhydrous ammonia from the St. Joseph facility on or about March  
15 24, 2014 constituted an “accidental release” within the meaning of Section 112(r)(2)(A) of the  
16 Act. 42 U.S.C. § 7412(r)(2)(A).

17 60. As a result of this release, at least one person was injured onsite.

18 61. Among other things, MFA Inc.’s Section 114 response revealed a failure to report  
19 in the RMP an accidental release from a process that resulted in on-site injuries at the St. Joseph  
20 facility. Its response also revealed a failure to ensure that employees are trained to operate  
21 valves.

22 Jefferson City, Missouri – Facility Six

23 62. On September 12, 2012, EPA inspected the Jefferson City facility. The inspector

1 noted, among other things, that MFA Inc. failed to maintain adequate equipment specifications to  
2 determine safe upper and lower flow limits; properly maintain bulk storage vessels in a way that  
3 complied with recognized and generally accepted good engineering practices; and conduct a  
4 compliance audit every three years.

5 Rich Hill, Missouri – Facility Seven

6 63. On September 25, 2012, EPA inspected the Rich Hill facility. The inspector  
7 noted, among other things, that Defendants failed to include any consequences of deviation  
8 within its standard operating procedures.

9 64. On April 1, 2015, EPA again inspected the Rich Hill facility. The inspector  
10 noted, among other things, that Defendants failed to use proper equipment, including vehicle  
11 barriers, a bulk tank saddle, nurse tank, and emergency water containers that complied with  
12 recognized and generally accepted good engineering practices. The inspector also noted that  
13 Defendants failed to recognize the hazard of underground piping in the facility hazard review;  
14 possess standard operating procedures that contain accurate information on safety procedures;  
15 replace pressure relief valves and hoses in compliance with industry standards; and accurately  
16 describe the facility's emergency response and facility coordinator within its RMP.

17 New Cambria, Missouri – Facility Eight

18 65. On November 14-15, 2012, EPA inspected the New Cambria facility. The  
19 inspector noted, among other things, that MFA Inc. failed to use proper equipment that complied  
20 with recognized and generally accepted good engineering practices, including piping that would  
21 trigger excess flow valves; recognize the hazard of a nearby highway in its hazard review;  
22 identify safeguards including properly functioning excess flow valves in its hazard review;  
23 identify any steps used or needed to detect or monitor releases in the hazard review; replace

1 pressure relief valves in compliance with industry standards; and improperly certified its three-  
2 year audits.

3 Martinsburg, Missouri – Facility Nine

4 66. On December 12, 2012, EPA inspected the Martinsburg facility. The inspector  
5 noted, among other things, that MFA Inc. failed to resolve in a timely manner corrective actions  
6 identified in the facility's hazard review and develop a report of audit findings and document the  
7 responses to the audit and deficiencies corrected.

8 67. On April 28, 2015, EPA again inspected the Martinsburg facility. The inspector  
9 noted, among other things, that MFA Inc. again failed to properly address the findings of a  
10 compliance audit. EPA also noted that MFA Inc. failed to recognize the hazard of underground  
11 piping; possess standard operating procedures for normal daily start up and shut down processes;  
12 describe the steps required to correct or avoid deviations in operating procedures; replace  
13 pressure relief valves, vapor hoses, and hydrostatic relief valves in compliance with industry  
14 standards; and accurately describe the facility's emergency response in its RMP.

15 **FIRST CLAIM FOR RELIEF**

16 Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
17 at the Centralia Facility (against MFA Inc.)

18 68. Paragraphs 1 through 67 are incorporated herein by reference.

19 69. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42  
20 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Centralia facility.

21 70. Beginning on April 7, 2010, MFA Inc. violated numerous federal CAA  
22 requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Centralia  
23 facility, which violations are set forth in Exhibit 1, Table 1 attached to this Complaint and hereby  
24 incorporated into this Paragraph.

25 71. Each failure to comply with the requirements of 40 C.F.R. Part 68 constitutes a

violation of Section 112(r)(7) of the Act.

72. On information and belief, and subject to a reasonable opportunity for further investigation or discovery, Defendant's CAA violations at the Centralia facility continue or continued during the time period provided in Exhibit 1, Table 1.

73. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations occurring after November 2, 2015.

#### **SECOND CLAIM FOR RELIEF**

Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68 at the Rock Port Facility (against MFA Inc. and MFA Enterprises, Inc.)

74. Paragraphs 1 through 67 are incorporated herein by reference.

75. Defendants are subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Rock Port facility.

76. Beginning on July 18, 2014, Defendants violated federal CAA requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Rock Port facility, which violations are set forth in Exhibit 1, Table 2 attached to this Complaint and hereby incorporated into this Paragraph.

77. Each failure to comply with the requirements of 40 C.F.R. Part 68 constitutes a violation of Section 112(r)(7) of the Act.

78. Defendants are liable for injunctive relief and the assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section

1 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
2 the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
3 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations  
4 occurring after November 2, 2015.

5 **THIRD CLAIM FOR RELIEF**

6 Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
7 at the Pattonsburg Facility (against MFA Inc.)

8 79. Paragraphs 1 through 67 are incorporated herein by reference.

9 80. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42  
10 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Pattonsburg  
11 facility.

12 81. Beginning on March 8, 2011, MFA Inc. violated a federal CAA requirement  
13 promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Pattonsburg facility  
14 which is set forth in Exhibit 1, Table 3 attached to this Complaint and hereby incorporated into  
15 this Paragraph.

16 82. MFA Inc.'s failure to comply with the requirements of 40 C.F.R. Part 68  
17 constitutes a violation of Section 112(r)(7) of the Act.

18 83. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an  
19 amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section  
20 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
21 the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
22 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations  
23 occurring after November 2, 2015.

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Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
at the Hale Facility (against MFA Inc.)

84. Paragraphs 1 through 67 are incorporated herein by reference.

85. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Hale facility.

86. Beginning on March 19, 2012, MFA Inc. violated a federal CAA requirement promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Hale facility, which violation is set forth in Exhibit 1, Table 4 attached to this Complaint and hereby incorporated into this Paragraph.

87. MFA, Inc.'s failure to comply with the requirements of 40 C.F.R. Part 68 constitutes a violation of Section 112(r)(7) of the Act.

88. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations occurring after November 2, 2015.

## **FIFTH CLAIM FOR RELIEF**

Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
at the St. Joseph Facility (against MFA Inc.)

89. Paragraphs 1 through 67 are incorporated herein by reference.

90. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the St. Joseph facility.

91. Beginning on March 24, 2014, MFA Inc. violated federal CAA requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Saint Joseph facility,



1 which violations are set forth in Exhibit 1, Table 5 attached to this Complaint and hereby  
2 incorporated into this Paragraph.

3 92. Each of MFA Inc.'s failures to comply with the requirements of 40 C.F.R. Part  
4 68 constitutes a violation of Section 112(r)(7) of the Act.

5 93. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an  
6 amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section  
7 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
8 the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
9 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations  
10 occurring after November 2, 2015.

11 **SIXTH CLAIM FOR RELIEF**

12 Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
13 at the Jefferson City Facility (against MFA Inc.)

14 94. Paragraphs 1 through 67 are incorporated herein by reference.

15 95. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42  
16 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Jefferson City  
17 facility.

18 96. Beginning on June 26, 2011, MFA Inc. violated numerous federal CAA  
19 requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Jefferson  
20 City facility, which violations are set forth in Exhibit 1, Table 6 attached to this Complaint and  
21 hereby incorporated into this Paragraph.

22 97. Each of MFA Inc.'s failures to comply with the requirements of 40 C.F.R. Part 68  
23 constitutes a violation of Section 112(r)(7) of the Act.

24 98. On information and belief, and subject to a reasonable opportunity for further  
25 investigation or discovery, Defendant's CAA violations at the Jefferson City facility continue or

continued during the time period provided in Exhibit 1 Table 6.

99. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations occurring after November 2, 2015.

#### **SEVENTH CLAIM FOR RELIEF**

Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68 at the Rich Hill Facility (against MFA Inc. and MFA Enterprises, Inc.)

100. Paragraphs 1 through 67 are incorporated herein by reference.

101. Defendants are subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Rich Hill facility.

102. Beginning on July 28, 2011, Defendants violated numerous federal CAA requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the Rich Hill facility, which violations are set forth in Exhibit 1, Table 7 attached to this Complaint and hereby incorporated into this Paragraph.

103. Each of Defendants' failures to comply with the requirements of 40 C.F.R. Part 68 constitutes a violation of Section 112(r)(7) of the Act.

104. On information and belief, and subject to a reasonable opportunity for further investigation or discovery, Defendants' CAA violations at the Rich Hill facility continue or continued during the time period provided in Exhibit 1, Table 7.

105. Defendants are liable for injunctive relief and the assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section

1 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
2 the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
3 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations  
4 occurring after November 2, 2015.

5 **EIGHTH CLAIM FOR RELIEF**

6 Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
7 at the New Cambria Facility (against MFA Inc.)

8 106. Paragraphs 1 through 67 are incorporated herein by reference.

9 107. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42  
10 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the New Cambria  
11 facility.

12 108. Beginning on March 24, 2010, MFA Inc. violated numerous federal CAA  
13 requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the New  
14 Cambria facility, which violations are set forth in Exhibit 1, Table 8 attached to this Complaint  
15 and hereby incorporated into this Paragraph.

16 109. Each of MFA Inc.'s failures to comply with the requirements of 40 C.F.R. Part 68  
17 constitutes a violation of Section 112(r)(7) of the Act.

18 110. On information and belief, and subject to a reasonable opportunity for further  
19 investigation or discovery, Defendant's CAA violations at the New Cambria facility continue or  
20 continued during the time period provided in Exhibit 1, Table 8.

21 111. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an  
22 amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section  
23 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
24 the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
25 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations

1 occurring after November 2, 2015.

2 **NINTH CLAIM FOR RELIEF**

3 Failure to Implement a Risk Management Program that Complies with 40 C.F.R. Part 68  
4 at the Martinsburg Facility (against MFA Inc.)

5 112. Paragraphs 1 through 67 are incorporated herein by reference.

6 113. MFA Inc. is subject to the requirements of Section 112(r) of the Clean Air Act, 42  
7 U.S.C. § 7412(r), and the regulations at 40 C.F.R. Part 68, with respect to the Martinsburg  
8 facility.

9 114. Beginning on or before May 31, 2010, MFA Inc. violated numerous federal CAA  
10 requirements promulgated under Section 112 and codified at 40 C.F.R. Part 68 at the  
11 Martinsburg facility, which violations are set forth in Exhibit 1, Table 9 attached to this  
12 Complaint and hereby incorporated into this Paragraph.

13 115. Each of MFA Inc.'s failures to comply with the requirements of 40 C.F.R. Part 68  
14 constitutes a violation of Section 112(r)(7) of the Act.

15 116. On information and belief, and subject to a reasonable opportunity for further  
16 investigation or discovery, Defendant's CAA violations at the Martinsburg facility continue or  
17 continued during the time period provided in Exhibit 1 Table 9.

18 117. MFA Inc. is liable for injunctive relief and the assessment of civil penalties in an  
19 amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section  
20 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day, per violation,  
21 for each violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on  
22 or before November 2, 2015, and effective January 16, 2018, \$97,229 per day, per violation, for  
23 each violation of the CAA for violations occurring after November 2, 2015.

1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff, the United States of America, respectfully requests that this  
3 Court:

4 A. Order Defendants MFA Incorporated and MFA Enterprises, Incorporated to  
5 immediately comply with the Clean Air Act statutory and regulatory requirements cited in this  
6 Complaint, pursuant to Section 113(b) of the Act;

7 B. Assess civil penalties against Defendants MFA Incorporated and MFA  
8 Enterprises, Incorporated in an amount up to \$37,500 per day, per violation, for each violation of  
9 Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7) occurring on or before November 2, 2015,  
10 and in an amount up to \$97,229 for each violation occurring after November 2, 2015;

11 C. Impose such injunctive relief on Defendants MFA Incorporated and MFA  
12 Enterprises, Incorporated as may be appropriate to mitigate the effects of Defendants' violations,  
13 and prevent any future violations;

14 D. Award the United States its costs and expenses incurred in this action; and

15 E. Grant such other relief and further relief as this Court may deem appropriate.

16 Respectfully submitted,

17  
18 JEFFREY H. WOOD  
19 Acting Assistant Attorney General  
20 Environment and Natural Resources Division  
21 United States Department of Justice  
22

23  
24 /s/ Peter Krzywicki  
25 PETER KRZYWICKI, MI Bar # P75723  
26 JOHN BRODERICK, MA Bar # 688739  
27 Trial Attorneys  
28 Environmental Enforcement Section  
29 Environment and Natural Resources Division  
30 United States Department of Justice

1 P.O. Box 7611, Ben Franklin Station  
2 Washington, D.C. 20044-7611  
3 Tel.: (202) 305-4903  
4 Fax: (202) 514-0097  
5 Peter.Krzywicki@usdoj.gov  
6 John.Broderick@usdoj.gov  
7

8  
9 TIMOTHY A. GARRISON  
10 United States Attorney  
11 Western District of Missouri  
12

13 CHARLES THOMAS, MO Bar # 28522  
14 Assistant United States Attorney  
15 Western District of Missouri  
16 United States Courthouse  
17 400 East 9<sup>th</sup> Street, Room 5510  
18 Kansas City, MO 64106  
19 (816) 426-3130  
20 Charles.Thomas@usdoj.gov  
21  
22

23 OF COUNSEL:

24  
25 HOWARD BUNCH  
26 Senior Attorney  
27 U.S. Environmental Protection Agency, Region 7  
28 11201 Renner Boulevard  
29 Lenexa, Kansas 66219  
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**Table 1                      CAA Violations at the Centralia Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.42: The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in . . . injuries . . . .	MFA submitted an RMP that failed to report in its five-year accident history a release that injured an employee.
40 C.F.R. § 68.48: (a) The owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment: . . . (3) Safe upper and lower . . . flows . . . .	MFA failed to maintain up-to-date safety information regarding safe upper flow rates.
40 C.F.R. § 68.48: (b) The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.	MFA failed to use a saddle that extended over 1/3 of the circumference of its bulk tank, in violation of ANSI K61.1-1999 Section 6.4.2.
40 C.F.R. § 68.50: (a) The owner or operator shall conduct a review of the hazards associated with the regulated substances, process, and procedures. The review shall identify the following: . . . (2) Opportunities for equipment malfunctions or human errors that could cause an accidental release; and (4) Any steps used or needed to detect or monitor releases.	MFA failed to evaluate hazards that could arise from train accidents from nearby train tracks and to identify steps used or needed to detect or monitor releases.
40 C.F.R. § 68.50: (c) The owner or operator shall document the results of the review and ensure that problems identified are resolved in a timely manner.	MFA failed to address 3 findings of the hazard review until 10 days after the time it provided for addressing these findings and failed to address 10 findings until 427 days after the time it provided for addressing them.
40 C.F.R. § 68.52: (a) The owner or operator shall prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process. (b) The procedures shall address the following: (1) Initial startup; (2) Normal operations; (3) Temporary operations; (4) Emergency shutdown and operations; (5) Normal shutdown; . . . (7) Consequences of deviations and steps required to correct or avoid deviations.	MFA failed to prepare standard operating procedures for seven of the eight sets of valves used to fill the facility's nurse tanks, for addressing temporary operations, for the compressor or liquid pump start up or valve configuration, for filling dual vessel nurse tanks despite their different plumbing from single vessel nurse tanks, for shutting down the transfer equipment, for steps required to correct or avoid deviations. MFA's operating procedures instructed employees to don gas masks but this activity requires a respirator program which the facility does not have. And the procedures failed to identify which emergency shutdown procedure corresponded to the different risers.

40 C.F.R. § 68.56(a): The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in Federal or state regulations or industry codes as the basis for stationary source maintenance procedures.	MFA failed to implement procedures to maintain the on-going mechanical integrity of the process equipment because MFA failed to change the pressure relief valves on tanks #19 and # 34 after the five year replacement required by the industry standard, in violation of ANSI K61.1-1999 Section 5.8.16.
40 C.F.R. § 68.58(a): The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart for each covered process, at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.	MFA certified compliance with the provisions of this subpart without verifying that the procedures and practices developed under the rule were being followed because it certified that the facility: (1) was designed in accord with accepted engineering practices, (2) established safe flow rates, (3) identified opportunities for equipment malfunctions, human errors, and steps to detect releases in the hazard review, and (4) prepared procedures for conducting activities safely and addressing temporary operation. But the facility had not done (1), (2), (3), or (4).
40 C.F.R. § 68.155: The owner or operator shall provide in the RMP an executive summary that includes a brief description of the following elements: . . . (e) the emergency response program.	The executive summary of MFA's RMP failed to accurately reflect how the facility deals with emergency responses.

**Table 2 CAA Violations at the Rock Port Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.42: The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in . . . injuries . . . .	MFA submitted an RMP that failed to report in its five-year accident history a release that injured an employee.
40 C.F.R. § 68.155: The owner or operator . . . shall correct the RMP as follows: (a) New accident history information—For any accidental release . . . , the owner or operator shall submit the data required . . . with respect to that accident within six months of the release or by the time the RMP is updated . . . , whichever is earlier.	MFA failed to correct the RMP within six months of an accidental release.



**Table 3 CAA Violations at the Pattonsburg Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.42: The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in . . . injuries . . . .	MFA submitted an RMP that failed to report in its five-year accident history a release that injured an employee.

**Table 4 CAA Violations at the Hale Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.42: The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in . . . injuries . . . .	MFA submitted an RMP that failed to report in its five-year accident history a release that injured an employee.

**Table 5 CAA Violations at the Saint Joseph Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.42: The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in . . . injuries . . . .	MFA submitted an RMP that failed to report in its five-year accident history a release that injured an employee.
40 C.F.R. § 68.54: (a) The owner or operator shall ensure that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties.	An MFA employee suffered injuries when he improperly uncoupled hoses. The incident investigation calls for retraining employees. Accordingly, MFA failed to ensure its employees were trained to slowly and completely bleed acme couplers.

**Table 6 CAA Violations at the Jefferson City Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.48: (a) The owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment: . . . (3) Safe upper and lower . . . flows . . . .	MFA maintained inaccurate flow information.
40 C.F.R. § 68.48: (b) The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.	During inspection, inspector identified that the bulk storage vessel showed rust in violation of ANSI K61.1-1999 Section 5.12.

40 C.F.R. § 68.58: (a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart for each covered process, at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.	MFA failed to conduct an audit and certify its compliance at least once every three years.
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**Table 7 CAA Violations at the Rich Hill Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.48(b): The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.	MFA failed to provide effective barriers between the trucks and nurse tanks in violation of ANSI K61.1-1999 Section 6.7, failed to use a saddle that extended over 1/3 of the circumference of its bulk tank in violation of ANSI K61.1-1999 Section 6.4.2, failed to provide or provided inadequate emergency water for 9 nurse tanks in violation of ANSI K61.1-1999 Section 11.6.2, failed to maintain the painted surfaces of its nurse tanks in good condition in violation of ANSI K61.1-1999 Section 5.12.
40 C.F.R. § 68.50(a): The owner or operator shall conduct a review of the hazards . . . . The review shall identify the following: ... (2) Opportunities for equipment malfunctions or human errors that could cause an accidental release.	MFA failed to recognize the hazard of underground piping and of having the liquid and vapor lines painted the same color.
40 C.F.R. § 68.52(a): The owner or operator shall prepare written operating procedures that provide clear instructions or steps for safely conducting activities . . . . (b) The procedures shall address the following: . . . (2) Normal operations . . . (4) Emergency shutdown and operations . . . and (7) Consequences of deviations and steps required to correct or avoid deviations.	MFA provided unclear procedures because there were multiple sets of procedures for a single activity. MFA failed to provide instructions for safe emergency response because it told employees to don gas masks that were expired, and MFA failed to include any steps required to correct or avoid deviations.
40 C.F.R. § 68.56(a): The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in Federal or state	MFA failed to implement procedures to maintain the on-going mechanical integrity of the process equipment because MFA failed to change the pressure relief valves after the five year replacement required by the industry standard, in violation of ANSI K61.1-1999 Section 5.8.16 and failed to change vapor hoses before the replacement date stamped on the

regulations or industry codes as the basis for stationary source maintenance procedures.	hose, in violation of ANSI K61.1-1999 Section 5.7.8.8.
40 C.F.R. § 68.155: The owner or operator shall provide in the RMP an executive summary that includes a brief description of the following elements: . . . (e) the emergency response program.	The executive summary of MFA's RMP failed to accurately reflect how the facility deals with emergency responses.

**Table 8 CAA Violations at the New Cambria Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.48(b): The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.	MFA failed to have a greater capacity pipe than the rating of its excess flow valve, in violation of ANSI K61.1-1999 Section 5.5.4.
40 C.F.R. § 68.50(a): The owner or operator shall conduct a review of the hazards . . . . The review shall identify the following: ... (2) Opportunities for equipment malfunctions or human errors that could cause an accidental release; (3) The safeguards used or needed to control the hazards or prevent equipment malfunction or human error; and (4) Any steps used or needed to detect or monitor releases.	MFA failed to identify the hazard of potential runaway vehicles from the nearby highway, failed to require employees to check pressure relief valves or to ensure that the flow rates will trigger excess flow valves and failed to identify steps used or needed to detect or monitor releases.
40 C.F.R. § 68.56(a): The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in Federal or state regulations or industry codes as the basis for stationary source maintenance procedures.	MFA failed to implement procedures to maintain the on-going mechanical integrity of the process equipment because MFA failed to change the pressure relief valves on tanks #3, #25, #29, #32 and #35 after the five year replacement required by the industry standard, in violation of ANSI K61.1-1999 Section 5.8.16.
40 C.F.R. § 68.58(a): The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart for each covered process, at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.	MFA certified compliance with the provisions of this subpart without verifying that the procedures and practices developed under the rule were being followed because it certified that the facility (1) was designed in accord with accepted engineering practices, (2) identified steps to detect releases in the hazard review, and (3) maintained its equipment in accordance with accepted practices. But the facility had not done (1), (2), or (3).

**Table 9 CAA Violations at the Martinsburg Facility**

<b>Regulatory citation and requirement</b>	<b>Conduct</b>
40 C.F.R. § 68.50(a): The owner or operator shall conduct a review of the hazards . . . . The review shall identify the following: ... (2) Opportunities for equipment malfunctions or human errors that could cause an accidental release.	MFA failed to recognize the hazard of underground piping in its 12/18/12 hazard review.
40 C.F.R. § 68.50(c): The owner or operator shall document the results of the review and ensure that problems identified are resolved in a timely manner.	MFA failed to address three problems identified in its hazard review until either 12/1/11 or 9/1/12 which is either 548 or 829 days after the time it provided they would be performed.
40 C.F.R. § 68.52(a): The owner or operator shall prepare written operating procedures that provide clear instructions or steps for safely conducting activities . . . . (b) The procedures shall address the following: (1) Initial startup . . . (5) Normal shutdown; . . . (7) Consequences of deviations and steps required to correct or avoid deviations.	MFA failed to prepare any operating procedure for the normal daily start up or shut down process and failed to include any steps required to correct or avoid deviations.
40 C.F.R. § 68.56(a): The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in Federal or state regulations or industry codes as the basis for stationary source maintenance procedures.	MFA failed to change the pressure relief and hydrostatic relief valves after the five year replacement required by the industry standard, in violation of ANSI K61.1-1999 Section 5.8.16 and MFA failed to change vapor hoses after the replacement date stamped on the hose, in violation of ANSI K61.1-1999 Section 5.7.8.8.
40 C.F.R. § 68.58(a): The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart for each covered process, at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.	MFA certified compliance with the provisions of this subpart without verifying that the procedures and practices developed under the rule were being followed because it certified that the facility identified steps used or needed to detect or monitor releases in the hazard review. But the facility had not identified these steps.
40 C.F.R. § 68.58(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.	MFA failed to document that it performed the response to its findings in its 2011 and 2014 compliance audits within the sixty days it provided for that response.
40 C.F.R. § 68.155: The owner or operator of a stationary source for which a RMP was submitted shall correct the RMP as follows:	MFA failed to correct the RMP within six months of an accidental release.

<p>(a) New accident history information—For any accidental release . . . , the owner or operator shall submit the data required . . . with respect to that accident within six months of the release or by the time the RMP is updated . . . , whichever is earlier.</p>	
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