



REGION 10
SEATTLE, WA 98101

FILED

September 24, 2026

9:28 A.M. PST

U.S. EPA REGION 10
HEARING CLERK

RETURN RECEIPT REQUESTED

SETTLEMENT COMMUNICATION

Mr. Peter Howe
President
Tristar North, Inc.
2111 East Hawthorne Road
Mead, Washington 99217

Re: Expedited Settlement Agreement for Violations of the Risk Management Program
Docket No. CAA-10-2026-0242
Tristar North, Inc. – Spokane Facility

Dear Mr. Howe:

The U.S. Environmental Protection Agency (EPA), Region 10, has authority under Section 113 of the Clean Air Act (CAA) to pursue civil penalties for violations of Section 112(r)(7) Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. Enclosed is an Expedited Settlement Agreement (ESA, Enclosure 1) that addresses RMP violations at the Tristar North, Inc. facility located at 2111 East Hawthorne Road in Mead, Washington.

The EPA has determined that an appropriate penalty to resolve these violations on an expedited basis is \$4,080.

The EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22.*

You may resolve the cited violations by correcting the violations and signing and returning the original ESA within **30 days** of your receipt of this letter. The EPA, at its discretion, may grant one 30 day extension for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount which is lower than the amount calculated under EPA's June 20, 2012, *Combined Enforcement Policy for CAA Sections 112(r)(1), 112(r) and 40 C.F.R. Part 68.*

The ESA, when executed by both parties and filed with the Regional Hearing Clerk, is binding on EPA and Tristar North, Inc. Upon issuance of a final order, the EPA will take no further action against Tristar North, Inc. for the violations cited in the ESA provided the penalty is paid timely and the violations have been corrected as certified. The EPA will neither accept nor approve the ESA if returned more than 45

days after the date Tristar North, Inc. receives this letter, unless an extension has been granted by the EPA.

If Tristar North, Inc. does not return the signed ESA within 30 days of receipt or 60 days if an extension has been granted, this settlement offer will be automatically withdrawn, without prejudice to EPA's ability to file another enforcement action for the cited violations. The EPA may seek penalties of up to \$57,617 per day for each violation.

Tristar North, Inc. is required in the ESA to certify that it has corrected the violations.

After correcting the violations identified in the ESA, please sign the attached ESA electronically, using a certificate based digital signature. If a digital signature is not available, please sign in a blue pen, scan the signed ESA and save as a PDF. The signed ESA must be sent via email to:

Mhara Coffman
Inspector/ Case Officer
U.S. Environmental Protection Agency
Coffman.mhara@epa.gov

After the Regional Judicial Officer signs the original ESA and it is filed with the Regional Hearing Clerk, EPA will send Tristar North, Inc. a file-stamped copy. The penalty must be paid within 30 days after the ESA is filed with the Regional Hearing Clerk, as further explained in the enclosed ESA.

EPA's *Small Business Resources Information Sheet*, which provides information on compliance assistance that may be helpful to you, can be found at the following webpage:
<https://www.epa.gov/compliance/small-business-resources-information-sheet>. For more information about RMP regulation and industry sector guidance, please visit the following webpage:
<https://www.epa.gov/rmp>.

By the terms of the ESA and upon filing of the ESA, Tristar North, Inc. waives its opportunity for a hearing pursuant to Section 113 of the CAA. Although terms of the ESA are non-negotiable, should Tristar North, Inc. have any other questions regarding this ESA process or wish to request an extension, please contact Mhara Coffman, Inspector/Case Officer, at (206) 553-1236 or Coffman.mhara@epa.gov.

Sincerely,

EDWARD KOWALSKI
Digitally signed by EDWARD KOWALSKI
Date: 2026.08.19 14:09:18 -07'00'

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division

Enclosure

1. Expedited Settlement Agreement

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. CAA-10-2026-0242
	)	
TRISTAR NORTH, INC.	)	EXPEDITED SETTLEMENT
	)	AGREEMENT
MEAD, WASHINGTON	)	
	)	
Respondent.	)	
	)	

EXPEDITED SETTLEMENT AGREEMENT

I. STATUTORY AUTHORITY

1. This Expedited Settlement Agreement ("ESA") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 113(a)(3) and (d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(a)(3) and (d).

2. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, the EPA issues, and Tristar North, Inc. ("Respondent") agrees to issuance of, the Final Order attached to this ESA ("Final Order").

II. PRELIMINARY STATEMENT

3. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this ESA commences this proceeding, which will conclude when the Final Order becomes effective.

4. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), to sign expedited settlement agreements between the EPA and the party against whom an administrative penalty for violations of the CAA is proposed to be assessed.

5. The EPA and the United States Department of Justice have jointly determined, pursuant to 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4, that this matter is appropriate for an administrative penalty action.

III. ALLEGATIONS

6. CAA Section 112(r) and its implementing regulations in 40 C.F.R. Part 68 require an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance (listed in Section 68.130) in a process to develop a Risk Management Plan (RMP) and Risk Management Program.

7. Respondent owns or operates a facility at 2111 East Hawthorne Road in Mead Washington that has more than a threshold quantity of butane and propane, regulated substances listed in 40 C.F.R. 68.130, in covered processes.

8. 40 C.F.R. § 68.69(a) requires the owner or operator to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information.

9. Tristar North, Inc. did not provide site-specific detailed procedures on the butane and propane transloading operations.

10. Respondent failed to develop written operating procedures consistent with the covered processes as required by § 68.69(a).

11. 40 C.F.R. § 68.69(a)(1)(i) requires the owner or operator to develop and implement written operating procedures that provide clear instructions for initial startup of each covered process consistent with the process safety information.

12. Tristar North, Inc., was unable to provide initial startup procedures for the propane transloading operation.

13. Respondent failed to develop written operating procedures for initial startup of propane transloading § 68.69(a)(1)(i).

14. 40 C.F.R. § 68.69(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.

15. Tristar North, Inc. was unable to provide documentation that their operating procedures are annually certified as current and accurate since 2021.

16. Respondent failed to annually certify that operating procedures are current and accurate. 68.69(c).

17. 40 C.F.R. § 68.79(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.

18. Tristar North, Inc. has not determined and documented appropriate responses to 2024 compliance audit findings and documented that deficiencies have been corrected.

19. Respondent failed to document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. 68.79(d).

20. 40 C.F.R. § 68.90(b)(2) - Non-responding stationary source. The owner or operator of a stationary source whose employees will not respond to accidental releases of regulated substances need not comply with § 68.95 of this part provided that: (2) For stationary sources with only regulated flammable substances held in a process above the threshold quantity, the owner or operator has coordinated response actions with the local fire department;

21. Tristar North, Inc. was unable to provide documentation on coordination with local fire department on the regulated flammable substances.

22. Respondent failed to coordinate response actions with the local fire department annually.

23. Under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19, the EPA may assess a civil penalty of not more than \$59,114 per day of violation.

IV. TERMS OF SETTLEMENT

24. Respondent admits the jurisdictional allegations of this ESA.

25. Respondent neither admits nor denies the specific factual allegations contained in this ESA.

26. In determining the amount of penalty to be assessed, the EPA has taken into account the factors specified in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1). After considering these factors, the EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$4,080 (the "Assessed Penalty").

27. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

28. Payments under this ESA and the Final Order may be paid by any of the methods identified at: <https://www.epa.gov/financial/makepayment>. Payments must conform to the instructions at that web address specified for payments of civil penalties.

Respondent must note in its payment the title and docket number of this action.

29. Concurrently with payment, Respondent must serve copies or other proof of payment pursuant to Paragraph 26 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Mhara Coffman
U.S. Environmental Protection Agency
Region 10
Coffman.Mhara@epa.gov

30. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

31. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

- a. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42

U.S.C. § 7413(d)(5), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

32. The Assessed Penalty, including any additional costs incurred under Paragraph 27, represents an administrative civil penalty assessed by the EPA and shall not be deductible for purposes of federal taxes.

33. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this ESA and to bind Respondent to this document.

34. The undersigned representative of Respondent certifies that, as of the date of Respondent's signature of this ESA, Respondent has corrected the violation(s) alleged in Part III.

35. Except as described in Paragraph 27, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

36. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this ESA and to appeal the Final Order.

37. By signing this ESA, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying this ESA.

38. The provisions of this ESA and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

39. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this ESA, and to any stated permit action.

40. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

Respondent Name (print): Peter Howe

Respondent Title (print): President

Respondent Signature:  Date: 9/21/24

FOR COMPLAINANT:

EDWARD
KOWALSKI

Digitally signed by EDWARD
KOWALSKI
Date: 2026.09.23 07:42:50 -07'00'

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. CAA-10-2026-0242
	)	
TRISTAR NORTH, INC.	)	FINAL ORDER
	)	
MEAD, WASHINGTON	)	
	)	
Respondent.	)	
	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Expedited Settlement Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Expedited Settlement Agreement and this Final Order constitute a settlement by the EPA of all claims for civil penalties under CAA for the violations alleged in Part III of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

RICHARD
MEDNICK

Digitally signed by RICHARD
MEDNICK
Date: 2026.09.24 09:27:15 -07'00'

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**, In the Matter of: **TRISTAR NORTH, INC.**, Docket No.: **CAA-10-2026-0242**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Mhara Coffman
Inspector/ Case Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 6th Avenue, Suite 155
Seattle, Washington 98101
Coffman.mhara@epa.gov

Peter Howe
President
Tristar North, Inc.
2111 East Hawthorne Road
Mead, Washington 99217
Peter@tristarnpw.com

SALEE
PORTER

Regional Hearing Clerk
EPA Region 10

Digitally signed by SALEE
PORTER
Date: 2026.09.25 10:35:54
-07'00'