



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

RECEIVED
18 OCT 12 AM 8:58
OFFICE OF
COMPLIANCE AND ENFORCEMENT
HEARING ROOM
EPA--REGION 10

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2019-0007
This ESA is issued to: URM Stores, Inc.
7511 North Freya
Spokane, Washington

This Expedited Settlement Agreement (ESA) is being entered into by the U.S. Environmental Protection Agency Region 10 (EPA), by its duly delegated official, and by URM Stores, Inc. ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On December 9, 2016, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

EPA has determined that Respondent violated the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act (CAA), as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary ("Summary"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of the penalty assessment factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in the enclosed Summary for the total penalty amount of **\$14,500**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, and consents to the assessment of the penalty as stated above.

Respondent waives its rights to contest the allegations contained herein or in the Summary, to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed Summary.

Respondent agrees to submit payment in full of the **\$14,500** within 30 days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.

Payment instructions are included on the enclosed "Payment Instructions," which is hereby incorporated by reference.

This original ESA must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator
Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, Mail Stop: OCE-201
Seattle, Washington 98101

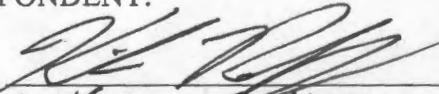
Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk, and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the CAA referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA is not returned to the EPA Region 10 at the above address by Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the Summary.

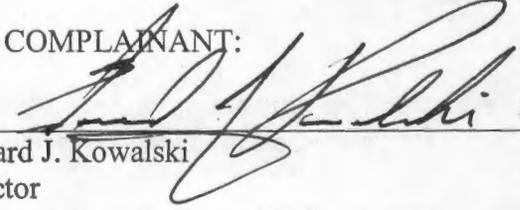
This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): Kirk Rollings
Title (print): Vibe President Operations
Cost to correct violation(s): \$15,000.00

Date: 9-24-18

FOR COMPLAINANT:

Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 10/3/2018

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.


Richard Mednick
Regional Judicial Officer

Date: 10/9/18

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: URM Stores, Inc.,**
Docket No.: CAA-10-2019-0007, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

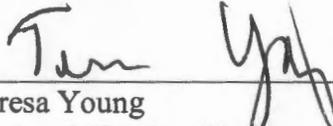
The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, OCE-201
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Kirk Rollings, VP Operations
URM Stores, Inc.
P.O. Box 3365
Spokane, Washington 99220

DATED this 12 day of October, 2018



Teresa Young
Regional Hearing Clerk
EPA Region 10



U.S. ENVIRONMENTAL PROTECTION AGENCY

Risk Management Program Inspection Findings and Alleged Violations Summary Region 10

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME: URM Stores, Inc.	<input checked="" type="checkbox"/> PRIVATE # EMPLOYEES: 375	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL POPULATION SERVED: Click here
FACILITY LOCATION: 7511 N Freya, Spokane, Washington 99217	INSPECTION START DATE AND TIME: 5/24/2018 08:30 AM	
MAILING ADDRESS: PO Box 3365, Spokane, Washington 99220	INSPECTION END DATE AND TIME: 5/24/2018 14:30 PM	
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Kevin Selby, Facilities Director, (509) 467-2620	EPA FACILITY ID# 1000 0017 6542	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Kevin Selby, Facilities Director, (509) 467-2620	INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Peter Phillips, US EPA SEE Grantee, Lead RMP Inspector, 206-553-1757 David Magdangal, US EPA, RMP Inspector Terry Garcia, US EPA SEE Grantee, RMP Inspector Bob Hales, US EPA SEE Grantee, RMP Inspector	
	INSPECTOR SIGNATURE 	DATE 9-5-18

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DATE RMP FILED WITH EPA: September 4, 2001	DATE OF LATEST RMP UPDATE: November 3, 2016	
1) PROCESS/NAICS CODE: 49312	PROGRAM LEVEL: <input type="checkbox"/> 1	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3
REGULATED SUBSTANCE: Anhydrous Ammonia	MAX. QUANTITY IN PROCESS (lbs.): 29,000	

DESCRIPTION OF ALLEGED VIOLATIONS

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 § 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

Four EPA representatives inspected the URM Stores, Inc. facility on May 24, 2018. Based upon this inspection the URM Stores, Inc. facility is in violation of the following risk management program elements:

- Hazard Assessment Requirements:** URM Stores, Inc. did not review and update the off-site consequence analyses at least once every five years as required by 40 C.F.R. § 68.36(a). URM Stores' Hazard Assessment dated 2/18/2009 was required to be updated by 2/18/2014.
- Hazard Assessment Requirements:** URM Stores, Inc. did not complete a revised analysis and submit a revised RMP within six months of a change in processes quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more as required by 40 C.F.R. § 68.36(b). URM Stores, Inc. did not do an analysis of their Hazard Assessment to reflect an increased anhydrous ammonia inventory brought about by a facility expansion in 2014. URM Stores' anhydrous ammonia went from 16,000 pounds to 29,000 pounds after the 2014 facility expansion.
- Safety Information Requirements:** URM Stores, Inc. has not documented the maximum intended inventory as required by 40 C.F.R. § 68.65(c)(1)(iii). URM Stores, Inc. did not document in their August 2016 Safety Information an increase of anhydrous ammonia inventory brought about by a facility expansion in 2014. URM Stores' anhydrous ammonia went from 16,000 pounds to 29,000 pounds after the 2014 facility expansion.
- Safety Information Requirements:** The process safety information does not contain current piping and instrumentation diagrams as required by 40 C.F.R. § 68.65(d)(1)(ii). URM Stores, Inc. did not update their piping and instrument diagrams (P&ID) to reflect a facility expansion in 2014.
- PHA Requirements:** The PHA has not been updated and revalidated by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the current process as required by 40 C.F.R. § 68.67(f). URM Stores, Inc. could not locate any PHAs prior to 2014. URM Stores, Inc. initial RMP submission was 9/4/2001. Current RMP shows 9/7/2016 for the PHA.

DESCRIPTION OF ALLEGED VIOLATIONS (Cont'd)

6. **PHA Requirements:** URM Stores, Inc. has not retained PHAs and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process as required by 40 C.F.R. § 68.67(g). URM Stores, Inc. was unable to produce any PHAs prior to 2014.
7. **Operating Procedures:** URM Stores, Inc. operating procedures do not address the consequences of deviations of their operating limits as required by 40 C.F.R. § 68.69(a)(2)(i). URM Stores, Inc. was unable to produce this documentation at the time of inspection for their operating procedures.
8. **Operating Procedures:** URM Stores, Inc. operating procedures do not address the steps required to correct or avoid deviation of their operating limits as required by 40 C.F.R. § 68.69(a)(2)(ii). URM Stores, Inc. was unable to produce this documentation at the time of inspection for their operating procedures.
9. **Operating Procedures:** URM Stores, Inc. has not certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary as required by 40 C.F.R. § 68.69(c). URM Stores, Inc. was unable to produce the annual certification for their operating procedures at the time of inspection.
10. **MOC Requirements:** Employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, were not informed of, and trained in, the change prior to start-up of the process or affected parts of the process as required by 40 C.F.R. § 68.75(c). URM Stores, Inc. was unable to produce an MOC for the facility expansion in 2014 in which the facility increased the anhydrous ammonia inventory and installed an additional condenser.
11. **MOC Requirements:** A change resulted in a change in the process safety information, but the information was not updated accordingly as required by 40 C.F.R. § 68.75(d). URM Stores, Inc. was unable to produce an MOC for the facility expansion in 2014 in which the facility increased the anhydrous ammonia inventory and installed an additional condenser.
12. **MOC Requirements:** A change resulted in a change in the operating procedures or practices, but the procedures or practices were updated accordingly as required by 40 C.F.R. § 68.75(e). URM Stores, Inc. was unable to produce an MOC for the facility expansion in 2014 in which the facility increased the anhydrous ammonia inventory and installed an additional condenser.
13. **PSSR Requirements:** The facility installed a new stationary source, or significantly modified an existing source, (as discussed at 68.77(a)) but it did not perform a pre-startup safety review prior to the introduction of a regulated substance to a process. as required by 40 C.F.R. § 68.77(b). URM Stores, Inc. was unable to produce an PSSR for the facility expansion in 2014 in which the facility increased the anhydrous ammonia inventory and installed an additional condenser.
14. **Compliance Audit Requirements:** URM Stores, Inc. has not retained the two most recent compliance reports as required by 40 C.F.R. § 68.79(e). URM Stores, Inc. provided a Compliance Audit report dated April 28, 2016, but was unable to provide their prior compliance audit report.
15. **Compliance Audit Requirements:** URM Stores, Inc. has not promptly determined and documented an appropriate response to each of the findings of the compliance audit and documented that deficiencies had been corrected as required by 40 C.F.R. § 68.79(d). URM Stores, Inc. was unable to produce documented response to the 2016 Compliance Audit findings on correcting the deficiencies. URM Stores' RMP dated November 3, 2016 shows that expected or actual date of completion of all changes resulting from the compliance audit was June 15, 2017.
16. **Risk Management Plan Requirements:** URM Stores, Inc. has not reviewed and updated the RMP and submitted it to EPA within six months of a change requiring a revised PHA or hazard review as required by 40 C.F.R. § 68.190(b)(5). URM Stores, Inc. did not review and update their Risk Management Plan after the facility's expansion in 2014. URM Stores' anhydrous ammonia went from 16,000 pounds to 29,000 pounds after the 2014 facility expansion. URM Stores' submitted an update RMP on November 3, 2016.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?

YES

NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1

PROGRAM LEVEL 2

PROGRAM LEVEL 3

OTHER ATTACHMENTS: