



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

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HEARINGS CLERK  
EPA--REGION 10

## EXPEDITED SETTLEMENT AGREEMENT

**DOCKET NO:** CAA-10-2015-0115  
**This ESA is issued to:** Evans Fruit Company, Inc.  
5002 Tieton Drive  
Yakima, Washington

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a) (3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On October 14, 2014, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d) (1) of the Act, 42 U.S.C. § 7413(d) (1), to pursue this administrative enforcement action.

### ALLEGED VIOLATIONS

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary, which is hereby incorporated by reference.

### SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good-faith effort to comply, and other factors as justice may require, 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 **\$1,200**.

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 a hearing afforded by Section 113(d) (2)(A) of the Act, 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 Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$1,200 in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

The docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

This original ESA and a copy of the check 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 900, Mail Stop: OCE-084  
Seattle, Washington 98101

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA 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): STEVEN B. ARNOLD  
Title (print): REGULATORY / RMP MANAGER  
Cost to correct violation(s): \$1200

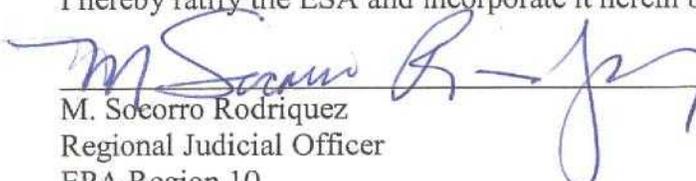
Date: 6-23-15

FOR COMPLAINANT:

  
Edward J. Kowalski  
Director  
Office of Compliance and Enforcement

Date: 6/30/2015

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

  
M. Socorro Rodriguez  
Regional Judicial Officer  
EPA Region 10

Date: 7/7/15

**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 Tieton Drive Warehouse		<input checked="" type="checkbox"/> PRIVATE	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL
FACILITY LOCATION 5002 Tieton Drive, Yakima, Washington 98908		# EMPLOYEES 92	POPULATION SERVED:
MAILING ADDRESS P.O. Box 70, Cowiche, Washington 98923		INSPECTION START DATE AND TIME: N/A	INSPECTION END DATE AND TIME: N/A
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Steve Arnold, Regulatroy/RMP Manager, (509) 678-4127		EPA FACILITY ID# 1000 0021 1031	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) William G. Evans, Operator, (509) 678-4127		INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Javier Morales, RMP Coordinator, (206) 553-1255	
		INSPECTOR SIGNATURE <i>Javier Morales</i>	DATE 5/15/2015

**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: 04/01/2010	DATE OF LATEST RMP UPDATE: 04/01/2010			
1) PROCESS/NAICS CODE: 49312	PROGRAM LEVEL:	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" type="checkbox"/>
REGULATED SUBSTANCE: anhydrous ammonia	MAX. QUANTITY IN PROCESS:	12,944 (lbs)		
2) PROCESS/NAICS CODE: 49312	PROGRAM LEVEL:	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" type="checkbox"/>
REGULATED SUBSTANCE: anhydrous ammonia	MAX. QUANTITY IN PROCESS:	11,333 (lbs)		

**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 including a hazard assessment, prevention program and emergency response program.

The owner or operator must review and update the RMP as specified in paragraph (b) of this section as required by § 68.190(a). Tieton Drive Warehouse failed to submit the RMP to EPA at least once every five years as required by § 68.190(b)(1). The first submission of the RMP that EPA has on file is dated 04/01/2010. The latest RMP submission that EPA has on file is dated 04/01/2010. The five year update was due 04/01/2015.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
ATTACHED CHECKLIST(S):		
<input type="checkbox"/> PROGRAM LEVEL 1 PROCESS CHECKLIST	<input type="checkbox"/> PROGRAM LEVEL 2 PROCESS CHECKLIST	<input checked="" type="checkbox"/> PROGRAM LEVEL 3 PROCESS CHECKLIST
OTHER ATTACHMENTS: _____		

**Certificate of Service**

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Evans Fruit Company, Inc., Docket No.: CAA-10-2015-0115**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

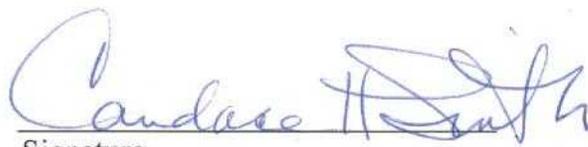
The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator  
1200 Sixth Avenue, OCE-101  
Suite 900  
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:

Mr. Steve Arnold  
Regulatory/RMP Manager  
Tieton Drive Warehouse  
Evans Fruit Company, Inc.  
P.O. Box 70  
Yakima, Washington 98923

DATED this 7<sup>th</sup> day of July, 2015

  
Signature

Candace H. Smith  
Regional Hearing Clerk  
EPA Region 10