



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
FIVE POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

Jan. 25, 2023

LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100; Mail Code 4-MI
Boston, MA 02109-3912
Jensen.Leann@epa.gov

BY EMAIL

Re: In the Matter of United Natural Foods, Inc.; Docket No. CAA-01-2023-0030

Dear Ms. Jensen:

Attached is a Clean Air Act (“CAA”) Section 112(r)(1) Expedited Settlement Agreement (“ESA”) that has been signed by both parties and is now being submitted to you for approval in accordance with 40 C.F.R. § 22.18(b). Please note that, consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this ESA both commences and concludes the matter referenced above.

The January 5, 2004, memo *“Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68”* as revised by the December 20, 2013, memo *“Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Regulations”* approves the use of ESAs for certain easily correctable violations. On June 14, 2018, EPA’s Office of Enforcement and Compliance Assurance approved the use of ESAs for Region 1’s General Duty Clause Pilot, and this is an ESA under that pilot.

Expanding on the memos’ requirement that Respondent certify that it has come into compliance with Section 112(r)(1) of the CAA, the ESA includes a certification that the company: 1) hired an expert to complete a process hazard review (“PHR”) at the facility, 2) coordinated with local emergency responders, 3) filed any missing Tier II forms, and 4) provided EPA with a statement about plans it has to improve safety at the facility as a result of conducting the PHR. Additionally, Respondent has provided EPA with the resumé of the expert who performed the PHR, as required by the ESA. The ESA also requires payment of a \$5,000 penalty within 30 days of its filing.

Once the Final Order has been signed, I will file the fully executed ESA with the Regional Hearing Clerk, thereby resolving this matter. The Parties' consent to the use of digital signatures (as well as Respondent's consent to electronic service of the ESA, once filed) is included in the ESA. This settlement does not have any public notice requirements.

Respectfully submitted,

Christine Foot
Enforcement Counsel, EPA Region 1

Enclosure

cc: Kathryn Cottrell, Senior EHS Manager, United Natural Foods, Inc. (via email)