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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:	)	
	)	
Tractor Supply Company,	)	Docket No. EPCRA-10-2014-0089
	)	
	)	**CONSENT AGREEMENT AND FINAL ORDER**
	)	
Respondent.	)	
	)	
	)	

I. AUTHORITY

1.1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045.

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.3. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Tractor Supply Company ("Respondent") agrees to issuance of, the Final Order contained in Part V of this CAFO.

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101
(206) 553-1037

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this CAFO commences this proceeding, which will conclude when the Final Order contained in Part V of this CAFO becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA is proposed to be assessed.

2.3. Part III of this CAFO contains a concise statement of the factual and legal basis for the alleged violations of EPCRA together with the specific provisions of EPCRA and its implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Administration ("OSHA") to prepare or have available a material safety data sheet ("MSDS") for a hazardous chemical, to prepare and submit an Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II, as described in 40 C.F.R. Part 370) to the local emergency planning committee ("LEPC"), the state emergency response commission ("SERC"), and the fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1. The form must contain the information required by

Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), covering all hazardous chemicals required by OSHA to have an MSDS that are present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds.

3.2. Under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), "facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled, or under common control with, such person).

3.3. Under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), "person" means, *inter alia*, a corporation.

3.4. The OSHA Hazard Communication Standard ("OSHA Standard"), 29 C.F.R. § 1910.1200(b), requires employers to provide information to their employees about hazardous chemicals to which they are exposed by means of, *inter alia*, an MSDS. The OSHA Standard applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

3.5. Propane is defined as a hazardous chemical under the OSHA Standard.

3.6. The OSHA Standard requires an MSDS to be prepared, or available, for propane.

3.7. Respondent is a corporation, incorporated in the State of Delaware.

3.8. Respondent owns and operates five facilities in the State of Washington, as Del's Feed and Farm Supply Stores. These facilities are located at: 320 N. Lewis St., Monroe, Washington 98272 ("Monroe Facility"); S.E. 1043 State Route 3, Shelton, Washington 98584

("Shelton Facility"); 7720 Old Hwy 99 S.E., Olympia, Washington 98501 ("Olympia Facility"); 2585 Kresky N.E., Chehalis, Washington 98532 ("Chehalis Facility"); and 16533 Bald Hill Road S.E., Yelm, Washington 98597 ("Yelm Facility").

3.9. Respondent sells farm supplies, including propane, at the Monroe Facility, Shelton Facility, Olympia Facility, Chehalis Facility, and Yelm Facility.

3.10. During 2011 and 2012, Respondent stored approximately 36,500 pounds of propane at the Monroe Facility.

3.11. During 2011 and 2012, Respondent stored approximately 12,000 pounds of propane at the Shelton Facility.

3.12. During 2011 and 2012, Respondent stored approximately 12,400 pounds of propane at the Olympia Facility.

3.13. During 2011 and 2012, Respondent stored approximately 15,600 pounds of propane at the Chehalis Facility.

3.14. During 2011 and 2012, Respondent stored approximately 14,400 pounds of propane at the Yelm Facility.

3.15. Respondent failed to timely submit an Emergency and Hazardous Chemical Inventory Form for propane stored at the Monroe Facility, Shelton Facility, Olympia Facility, Chehalis Facility, and Yelm Facility, to the LEPC, SERC, and fire department with jurisdiction over the facility, for calendar years 2011 and 2012, in violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

3.16. Under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), EPA may assess a civil penalty of up to $37,500 for each day of violation of Section 312 of EPCRA, 42 U.S.C. § 11022.

IV. CONSENT AGREEMENT

4.1. Respondent admits the jurisdictional allegations contained in this CAFO.

4.2. Respondent neither admits nor denies the specific factual allegations set forth in this CAFO.

4.3. EPA has determined and Respondent agrees that an appropriate amount to settle this action is $134,400.

4.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3 within 30 days of the effective date of the Final Order contained in Part V of this CAFO.

4.5. Payment under this CAFO must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

4.6. Respondent must serve photocopies of the check described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Suzanne Powers
U.S. Environmental Protection Agency
Region 10, Washington Operations Office
300 Desmond Dr. S.E., Suite 102
Lacey, WA 98503

4.7. If Respondent fails to pay the penalty assessed by this CAFO in full by the due date, the entire unpaid balance of 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 to collect the assessed penalty under EPCRA, together with interest, handling charges, and nonpayment penalties, as set forth below. In any such collection action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

a. Interest. Any unpaid portion of the assessed penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order set forth in Part V, 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. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of $15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due, which nonpayment penalty shall be calculated as of the date the underlying penalty first becomes past due.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

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

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

4.11. Each party shall bear its own costs and attorneys fees in bringing or defending this action.

4.12. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part V.

4.13. The provisions of this CAFO shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.14. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101
(206) 553-1037

DATED:

4/9/14

FOR RESPONDENT:

Signature

Print Name: Benjamin F. Parrish, Jr.

Title: Senior Vice President
Tractor Supply Company

DATED:

4/23/2014

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101
(206) 553-1037

V. FINAL ORDER

5.1. The terms of the foregoing Parts I-IV are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

5.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to EPCRA for the violations alleged in Part III. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations or permits issued thereunder.

5.3. This Final Order shall become effective upon filing.

SO ORDERED this 29th day of April, 2014.

M. SOCORRO RODRIGUEZ
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101
(206) 553-1037

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Tractor Supply Company, Docket No.: EPCRA-10-2014-0089**, 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:

Kris Leefers, Esquire
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158
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:

Brian Spears, Safety Manager
Tractor Supply Company
200 Powell Place
Brentwood, Tennessee 37027

DATED this 30th day of April, 2014

Candace H Smith
Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10