

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2018-8015(b)

This ESA is issued to: Associated Wholesale Grocers, Inc.  
500 South Cartwright Street  
Goodlettsville, Tennessee 37072

for alleged violations of 40 C.F.R § 68.30(c), 40 C.F.R § 68.36, 40 C.F.R § 68.65(d)(2),  
40 C.F.R § 68.73(d)(3), and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Associated Wholesale Grocers, Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 500 South Cartwright Street, Goodlettsville, Tennessee, on March 14, 2018, the EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

It used the most recent census data, or other updated information to estimate the population potentially affected as required by 40 C.F.R § 68.30(c);

It reviewed and updated the offsite consequence analyses every five years or after an affective process change as required by 40 C.F.R § 68.36;

It demonstrates that equipment complies with recognized and generally accepted good engineering practices as required by 40 C.F.R § 68.65(d)(2); and

It followed the frequency of inspections and tests of process equipment to be consistent with applicable manufacturers' recommendations and good engineering practices as required by 40 C.F.R § 68.73(d)(3).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the

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parties enter into the ESA in order to settle the alleged violations cited above, for the total penalty amount of \$4,200.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

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

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of \$4,200. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$4,200 in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

**The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.**

For payment sent via Standard Delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

1005 Convention Plaza

SL-MO-C2-GL

St. Louis, MO 63101

Delivery Location Phone Number: 314- 425-1819

**The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.**

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303, and

Om P. Devkota  
U.S. EPA Region 4  
Chemical Management and Emergency  
Planning Section  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

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FOR RESPONDENT:

Robert Bradford March

Date: 06-13-2018

Name (print): ROBERT BRADFORD MARCH

Title (print): FACILITY MANAGER  
Associated Wholesale Grocers, Inc.

FOR COMPLAINANT:

Beverly H. Banfster for

Date: 7/6/18

Beverly H. Banfster  
Director  
Air, Pesticides and Toxics Management Division

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

Tanya Floyd

Date: July 12, 2018

Tanya Floyd  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement (ESA), in the matter of Associated Wholesale Grocers, Inc., CAA-04-2018-8015(b), on the parties listed below in the manner indicated:

Om P. Devkota  
U. S. EPA, Region 4  
Air, Pesticides and Toxics  
Management Division

(Via EPA's internal mail)

Michi Kono  
U. S. EPA, Region 4  
Office of Regional Counsel

(Via EPA's internal mail)

Mr. Brad March  
Facility Manager  
Associated Wholesale Grocers, Inc.  
500 South Cartwright Street  
Goodlettsville, Tennessee 37072

(Via Certified Mail - Return Receipt Requested)

Date: 7-12-18



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511