

U.S. Department of Labor
Occupational Safety and Health Administration
507 N. Sam Houston Parkway E.
Suite 400
Houston, TX 77060
Phone: 281-591-2438 Fax: 281-999-7457



Citation and Notification of Penalty

To:
99 Cents Only Stores Texas, Inc.
236623 Colonial Parkway
Katy, TX 77493

Inspection Number: 283498
Inspection Date(s): 03/21/2012 - 09/20/2012
Issuance Date: 09/21/2012

Inspection Site:
236623 Colonial Parkway
Katy, TX 77493

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/21/2012. The conference will be held at the OSHA office located at 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 283498

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493
Issuance Date: 09/21/2012

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

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Issuance Date: 09/21/2012



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

The employer does not guard open-sided platforms that are greater than four feet high.

This violation instance was observed on or about March 21, 2012 on the platform above the engine room where employees were exposed to a fall hazard over 4 feet when working on the platform.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the installation of guardrails along the walk-way.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(D): Process safety information pertaining to the equipment in the process did not include the relief system design and design basis:

The employer does not ensure that the process safety information contains the ammonia refrigeration system relief design and design basis.

This violation occurred on or about March 21, 2012 in the ammonia refrigeration engine room where these conditions exposed employees to the hazards associated with having uncontrolled releases of ammonia liquid and/or vapor into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that relief system design and design basis information is documented and is part of the process safety information.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00

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Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(E): Process safety information pertaining to the equipment in the process did not include the ventilation system design.

The employer does not ensure that process safety information includes the ventilation design for the ventilation in the ammonia refrigeration engine room; exposing employees to the hazards associated with uncontrolled anhydrous ammonia vapor releases.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that the ventilation system design is included in Process Safety Information. The documentation will include the date, a description, and detailed report of resolution.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00

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Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(iv): The employer did not list in its operating procedures, the specific safety systems and their functions

The employer does ensure that specific safety systems and their functions are listed in its operating procedures such as but not limited to:

- a. The ammonia detection system located in the machine room consisting of two independent sensors and alarms.
- b. The emergency ventilation system activated by the ammonia detectors and temperatures.
- c. High and Low Pressure Cut-offs
- d. High Discharge-Temperature Cut-offs
- e. Low Suction Pressure Cut-offs
- f. Low Oil Pressure Cut-offs and their functions were not listed in the operating procedures.

These violations occurred on or about March 21, 2012 in the refrigeration system machine room where these conditions exposed employees to the hazards associated with uncontrolled releases of anhydrous ammonia liquid and/or vapor into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that specific safety systems and their functions are listed in its standard operating procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/05/2012
\$7000.00



Citation and Notification of Penalty

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.119(f)(4): The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

The employer does not ensure that safe work practices are developed and implemented for control of hazards during operations such as lockout/tagout for equipment such as but not limited to the C3 compressor.

This violation was observed on or about March 21, 2012 in the refrigeration machine room where employees were exposed to electrical hazards in that an energy control policy and procedure was not in place for the control of hazardous electrical and chemical energy in accordance with 29 CFR 1910.147.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement an energy control program including procedures, employee training, and periodic inspections.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

The employer does not ensure that a procedure to control hazardous electrical and chemical energy is developed, documented and utilized in the workplace for equipment such as but not limited to the C3 compressor.

These violation instances occurred on or about March 21, 2012 in the ammonia refrigeration system machine room where these conditions exposed employees to the hazards associated with uncontrolled releases of anhydrous ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19 within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement an energy control procedure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/05/2012



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.119(g)(3): The employer did not prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

The employer does not ensure that any training received by operators of the ammonia refrigeration system is documented in a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

This violation instance occurred at 99 Cent Stores Only where these conditions exposed employees to the hazards associated with exposure to uncontrolled release of anhydrous ammonia.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that training provided to the employees working with the ammonia refrigeration system is documented in a record with the name of the employee, the date of training, and the means used to verify that the employee understood the training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.119(i)(1): The employer did not perform a pre-startup safety review for modified facilities.

The employer does not perform a pre-startup safety review for modified facilities. This violation instance occurred in the ammonia refrigeration system machine room when a pre-startup safety review was not conducted for the installation of a condenser for the ammonia refrigeration system exposing employees to the hazards associated with uncontrolled releases of anhydrous ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that pre-safety startup reviews are conducted according to the standard when facilities are modified.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/05/2012
\$7000.00



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.119(j)(2): The employer did not establish or implement written procedures to maintain the on-going integrity of process equipment

The employer does not ensure that written procedures to maintain the ongoing integrity of the process are developed and implemented for items such as, but not limited, to the following:

- a. External visual inspection of insulated vessels
 1. LSA-1
 2. HSA-1
- b. External visual inspection of insulated piping segments
 1. LSA-1 PIPE
 2. HSA-1 PIPE
- c. External visual inspection of un-insulated vessels
 1. CPR-1
 2. CPR-2
- d. External visual inspection of un-insulated piping
 1. OP-02 PIPE
 2. PG-01 PIPE
- e. Inspection, testing, and preventative maintenance of the compressors in the engine room.
 1. C-1
 2. C-2
 3. C-3
- f. Establishing Thickness Monitoring Locations for process piping.
 1. LSA-1 PIPE
 2. HSA-1 PIPE

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Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that the mechanical integrity procedures have detailed instructions on how to conduct tests, inspections, and preventative maintenance of both insulated and non-insulated equipment and piping. The documentation will include the date, a description, a detailed report of resolution and any applicable codes and standards employed as part of the resolution.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(ii):

Inspection and testing procedures did not follow recognized and generally accepted good engineering practices.

The employer does not ensure that inspections and testing was completed in accordance with recognized and generally accepted good engineering practices (RAGAGEP). These violations instances occurred in the ammonia refrigeration engine room where ultrasonic thickness testing were not conducted on, but not limited to, the following process equipment in accordance with such RAGAGEP as the International Institute of Ammonia Refrigeration (IIAR) Bulletin Number 110 exposing employees to the hazards associated with uncontrolled releases of ammonia liquid and/or vapor into the atmosphere:

- a) Control Pressure Receiver (PV-CPR01RFG-VS-C)
- b) Liquid Transfer/Dump Tank 1 (PV-DT-01RFG-VS-D)
- c) Low Stage Accumulator 1 (PV-LSA1RFG-VS-L)
- d) High Stage Accumulator 1 (PV-HSA1RFG-VS-H)
- e) High Stage Accumulator 2 (PV-HSA2RFG-VS-H)
- f) Low Stage Accumulator 1 Oil Pot (PV-OP-01RFG-VS-O)
- g) Heat Exchanger for Banana Rooms (EX-HX-01RFGHX-01)
- h) Heat Exchanger for Under Floor Heat (EX-HX-02RFGHX-02)
- i) Heat Exchanger for Under Floor Heat (EX-HX-03RFGHX-03)

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Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that equipment is inspected and tested in accordance with recognized and generally accepted good engineering practices such as the International Institute of Ammonia Refrigeration (IAR) Bulletin Number 110. .

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$7000.00

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Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment to maintain its mechanical integrity, was not consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience:

The employer does not ensure that inspections and tests are conducted at a frequency consistent with recognized and generally accepted good engineering practice such as IIAR Bulletin 110 for specific safety systems identified as safeguards in the 2010 process hazard analysis (PHA) and annual visual inspections for piping and vessel that include but are not limited to the following:

- a. Annual High Pressure Cut-offs (BC2, BC3, C2High, C4)
- b. Annual Emergency Stop (E-Stop Outside the Machine Room)
- c. Annual Low Oil Pressure Cut-offs (BC2, BC3, C2High, C4)
- d. Annual High Oil Temperature Cut-offs (BC2, BC3, C2High, C4)
- e. Annual High Level Alarms (LSA1, HSA1, HSA2)
- f. Annual High Discharge Temperature (BC2, BC3, C2High, C4)
- g. Annual Low Suction Pressure Cut-offs (BC2, BC3, C2High, C4)
- h. Annual High Level Shutoffs (LSA1, HSA1, HSA2)
- i. Annual Visual inspection of vessels and piping associated with the ammonia refrigeration system and shown on P&ID (R-2).
- j. Five (5) year independent Full Inspection of vessels and heat-exchangers associated with the ammonia refrigeration system and shown on P&ID (R-2).

These violation instances occurred in the ammonia refrigeration machine room where these conditions exposed employees to the hazards associated with uncontrolled ammonia liquid/vapor releases into the atmosphere.

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Citation and Notification of Penalty

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Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard for testing frequency as defined by recognized and generally accepted good engineering practices such as IIAR Bulletin 110.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

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\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(iv): The documentation of the inspection or test that had been performed on process equipment to maintain its mechanical integrity did not include a description of the inspection or test, and the results of the inspection or test:

The employer does not ensure descriptions of the tests/inspections are documented that had been performed on process equipment including but not limited to:

- a. High Pressure Cut-offs (BC2, BC3, C2High, C4)
- b. Emergency Stop (E-Stop Outside the Machine Room)
- c. Low Oil Pressure Cut-offs (BC2, BC3, C2High, C4)
- d. High Oil Temperature Cut-offs (BC2, BC3, C2High, C4)
- e. High Level Alarms (LSA1, HSA1, HSA2)
- f. High Discharge Temperature (BC2, BC3, C2High, C4)
- g. Low Suction Pressure Cut-offs (BC2, BC3, C2High, C4)
- h. High Level Shutoffs (LSA1, HSA1, HSA2).

These violation instances occurred in the ammonia refrigeration machine room where these conditions exposed employees to the hazards associated with uncontrolled anhydrous ammonia liquid and/or vapor releases into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that the documentation of the inspection or test includes a description of the test/inspection of the control.

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Company Name: 99 Cents Only Stores Texas, Inc.
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Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.119(j)(5): The employer did not correct deficiencies in equipment that were outside acceptable limits in a timely manner:

The employer does not address deficiencies of equipment performing safety functions such as but not limited to:

The refrigeration system machine room emergency ventilation system intake louver controls were disconnected and inoperable.

This violation instance was observed on or about March 21, 2012 in the ammonia refrigeration system machine room where these conditions exposed employees to the hazards of uncontrolled releases of ammonia liquid and/or vapor into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that equipment deficiencies are corrected in a timely manner.

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Company Name: 99 Cents Only Stores Texas, Inc.
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Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

The employer does not implement management of change procedures to manage changes to the equipment and procedures such as but not limited to;

- a. Addition of anhydrous ammonia to the refrigeration system in when the maximum operating inventory was increased for additional cooling capacity.
- b. Removal of two condensers.
- c. Installation of an additional condenser.

These violation instances occurred in the ammonia refrigeration system where these conditions exposed employees to the hazards associated with uncontrolled releases of anhydrous ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that management of change procedures to manage changes to equipment and procedures are established and implemented.

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Company Name: 99 Cents Only Stores Texas, Inc.
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Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.119(n): Emergency planning and response. The employer did not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38.

The employer does not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38

This violation instance occurred in the ammonia refrigeration area exposing employees to the hazards associated with an uncontrolled release of ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the development of a written emergency action plan containing the elements outlined in 29 CFR 1910.38 and 29 CFR 1910.165.

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Occupational Safety and Health Administration

Inspection Number: 283498
Inspection Date(s): 03/21/2012 - 09/20/2012
Issuance Date: 09/21/2012



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.119(o)(1): The employer did not certify that they had evaluated compliance with the provisions of 29 CFR 1910.119 at least every three years to verify that the procedures and practices developed under this standard were adequate and are being followed:

The employer does not ensure that process safety management compliance audits are conducted for the ammonia refrigeration system at least every three years as required by the standard exposing employees to the hazards associated with uncontrolled releases of ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that its process safety management compliance audits are completed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees.

The employer does not ensure that training is provided for control of hazardous electrical and chemical energy in the work place for equipment such as but not limited to the C3 compressor.

These violation instances occurred on or about March 21, 2012 in the ammonia refrigeration system machine room where these conditions exposed employees to the hazards associated with uncontrolled releases of anhydrous ammonia liquid and/or vapors into the atmosphere.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement an energy control program including procedures, employee training, and period inspections.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00

A handwritten signature in black ink, appearing to read "David A. Doucet". The signature is written over a horizontal line.

for **David A. Doucet**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
507 N. Sam Houston Parkway E.
Suite 400
Houston, TX 77060
Phone: 281-591-2438 Fax: 281-999-7457



INVOICE / DEBT COLLECTION NOTICE

Company Name: 99 Cents Only Stores Texas, Inc.
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493
Issuance Date: 09/21/2012

Summary of Penalties for Inspection Number	283498
Citation 1, Serious	\$102000.00
TOTAL PROPOSED PENALTIES	\$102000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

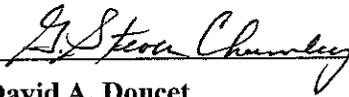
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


for **David A. Doucet**
Area Director

9/21/2012
Date