

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Laura J. Berry  
Name of Case Attorney

5/27/14  
Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2014-0011

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

UniFirst Corporation  
66 Jonspin Road  
Wilmington, MA 01880

Total Dollar Amount of Receivable \$ 86,660 Due Date: 6/20/14

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

\_\_\_\_\_ Phone Number



United States Environmental Protection Agency  
Region 1 – New England  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

RECEIVED

2014 MAY 21 P 3:40

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

May 21, 2014

BY HAND

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1 (ORA 18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: *In the Matter of UniFirst Corporation*, Docket No.  
CAA-01-2014-0011 (Bangor and Portland Facilities)

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Consent Agreement and Final Order; and
2. Certificate of Service.

Kindly file the documents in the usual manner. Thanks very much for your help.

Very truly yours,

A handwritten signature in blue ink that reads "Laura J. Berry".

Laura J. Berry  
Enforcement Counsel

Enclosures

cc: Gregory A. Bibler, Esq. (Counsel for Respondent)  
Elizabeth Kudarauskas, OES, EPA Region 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND

RECEIVED  
2014 MAY 21 P 3:40  
REGIONAL OFFICE OF  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
UniFirst Corporation )  
68 Jonspin Road )  
Wilmington, MA 01880 )  
 )  
Proceeding under Section )  
113 of the Clean Air Act )  
\_\_\_\_\_ )

Docket No. CAA-01-2014-0011

**CONSENT AGREEMENT AND FINAL ORDER**

1. The United States Environmental Protection Agency, Region 1 (“EPA” or “Complainant”) alleges that UniFirst Corporation (“UniFirst” or “Respondent”) violated the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401-7671q, and regulations implementing the CAA, at industrial laundry facilities owned and operated by UniFirst located at 70 Godsoe Road in Bangor, Maine (the “Bangor Facility”) and 430 Riverside Industrial Parkway in Portland, Maine (the “Portland Facility”).

2. Complainant and Respondent agree that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter. Pursuant to 40 C.F.R. § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22, Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this CAFO.

3. Therefore, before any hearing, without adjudication of any issue of fact or law, upon the record, and upon consent and agreement of Complainant and Respondent, it is hereby

ordered and adjudged as follows:

**A. PRELIMINARY STATEMENT**

4. The provisions of this CAFO shall apply to and be binding upon Respondent, its officers, directors, successors, and assigns.

5. The effective date of this CAFO shall be the date it is filed with the Regional Hearing Clerk, in accordance with 40 C.F.R. § 22.31(b).

6. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in this CAFO, consents to its terms.

7. Without admitting or denying the legal or factual allegations contained in this CAFO, Respondent hereby waives its right to contest any issue of law or fact set forth in this CAFO, as well as its right to appeal the Final Order.

**B. EPA'S RECITATION OF STATUTORY AND REGULATORY AUTHORITY**

8. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to prepare a state implementation plan ("SIP") incorporating regulations designed to attain and maintain healthy air quality. A state must submit its SIP and any SIP revisions to EPA for approval. Once EPA has approved a SIP, the federal government may enforce the SIP's requirements and prohibitions pursuant to Sections 113(a) and (b) of the CAA, 42 U.S.C. §§ 7413(a) and (b).

9. The State of Maine has adopted a SIP within the meaning of Section 113(a)(1) of the CAA. The Maine SIP ("ME SIP"), which has been approved by EPA under Section 110 of the CAA, 42 U.S.C. § 7410, contains various federally-approved portions of the State's Maine Air Pollution Control Regulations, 06-096 CMR Chapters 100 *et al.* ("ME APC"), including

requirements for New Source Review (“NSR”) in nonattainment areas and in the Ozone Transport Region as required by Sections 172-173 and 184 of the CAA, 42 U.S.C. §§ 7402-7403 and 7511c. These requirements are enforceable by EPA under Section 113 of the CAA.

10. EPA has designated ozone as an ambient air pollutant, and has developed a national ambient air quality standard (“NAAQS”) for ozone. *See* 40 C.F.R. § 50.9. Ozone forms when volatile organic compounds (“VOCs”) react with oxides of nitrogen in the presence of sunlight. Therefore, in order to control ozone formation, EPA and the states have generally sought to control VOC emissions.

11. To address nonattainment with the ozone NAAQS, the ME SIP contains various nonattainment NSR provisions as required by Sections 172 and 173 of the CAA.

12. Under the ME SIP at ME APC Regulation Chapter 115, Emission License Regulations (“Chapter 115”), §§ II.A and II.B, no person may emit any air contaminant from any source, commence construction of any source, or modify an existing source without an air emission license unless the source is exempt under Chapter 115, § II.C. According to the ME SIP at Chapter 115, § II.C, in no case shall the exemptions in that subsection apply to any major source or major modification. Any non-exempted new source or modification of an existing source must demonstrate that its emissions are receiving best available control technology. *See* ME SIP at Chapter 115, § VI.B.1.

13. The ME SIP, at ME APC Regulation Chapter 100, Definitions Regulation (“Chapter 100”), defines the term “source” to mean any building, structure, facility, or installation which emits or may emit any regulated pollutant.

14. The ME SIP, at Chapter 100, defines the terms “modification” or “modified source” to include any physical change in or change in the method of operation of a source that

would result in the emission of any regulated pollutant not previously emitted.

15. The ME SIP, at Chapter 100, defines the term “major source” to mean any source which is defined as a Part 70 source that has not been issued a Part 70 license pursuant to ME APC Chapter 140 and which emits or has the potential to emit any regulated pollutant at a rate equal to or greater than the emission rate for “significant emissions,” which includes any rate of emissions that would equal or exceed 50 tons per year of volatile organic compounds (“VOCs”) in the Ozone Transport Region.

16. The ME SIP, at Chapter 100, defines the term “major modification” to include any modification that would result in a “significant emissions increase” of any regulated pollutant at an existing stationary source that emits or has the potential to emit significant emissions (*i.e.*, at least 50 tons per year of VOCs in the Ozone Transport Region) prior to the modification. Chapter 100 defines “significant emissions increase” to mean a major modification which results in a net emissions increase that would equal or exceed 40 tons per year of VOCs.

17. According to the ME SIP, at Chapter 115; § VI.B.2, any new source with significant emissions of a nonattainment pollutant or any emissions from a modification of an existing source which results in a significant emissions increase of a nonattainment pollutant located within the Ozone Transport Region must demonstrate that the emissions of the nonattainment pollutant are receiving Lowest Achievable Emissions Rate, as defined at Chapter 100 (“LAER”). According to the SIP, at Chapter 100, the “Ozone Transport Region” includes all counties in the State of Maine.

18. According to the ME SIP, at Chapter 115, § V.B.2.b, an owner or operator seeking a license for a new source or modification must demonstrate that the owner or operator

has complied with the applicable provisions of the Growth Offset Regulation found at Chapter 113 of the SIP.

19. The Maine Department of Environmental Protection's ("MEDEP's") Title V operating permit program, at ME APC Regulation Chapter 140, Part 70 Air Emission License Regulation, applies to any facility that has the potential to emit 50 tons per year or more of VOCs.

20. Section 503(c) of Title V of the CAA and EPA regulations at 40 C.F.R. § 70.5 require that a major stationary source submit a timely and complete Title V operating permit application within 12 months of commencing operation as a major source.

21. Under Section 502(a) of the CAA and EPA regulations at 40 C.F.R. § 70.7(b), no person shall operate a major stationary source after the date it was required to submit an application for a Title V operating permit, except in compliance with a permit issued under the state's operating program.

22. Forty C.F.R. § 70.2 defines "major source" to include major stationary sources located in designated ozone non-attainment areas or in the Ozone Transport Region.

23. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), as amended by EPA's Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, promulgated in accordance with the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. §§ 3701 *et seq.*, provide for the assessment of civil penalties in amounts up to \$32,500 per day for violations of the CAA occurring between March 16, 2004 and January 12, 2009, and up to \$37,500 per day for violations of the CAA occurring after January 12, 2009.

24. Section 113(d) of the CAA limits EPA's authority to issue administrative penalty orders to matters where the total penalty sought does not exceed \$200,000 and the first date of

violation occurred no more than 12 months prior to the initiation of the action, unless EPA and the U.S. Department of Justice (“DOJ”) jointly determine that a matter involving a larger penalty amount or longer period of violation is appropriate for an administrative penalty action.

Pursuant to the DCIA and its implementing regulations, the above-described penalty cap has been raised to \$320,000. Although this CAFO alleges violations that commenced more than 12 months ago, EPA and DOJ have jointly determined that this matter is appropriate for an administrative penalty action.

25. EPA has provided notice to Respondent and to MEDEP of EPA’s findings of violations described in this CAFO, at least 30 days prior to the issuance of an administrative penalty order pursuant to Section 113(d) of the CAA.

**C. EPA’S FINDINGS**

**General Findings**

26. Respondent is a corporation organized under the laws of the Commonwealth of Massachusetts.

27. Respondent operates industrial laundries that process soiled articles, many of which contain substances, such as solvents and oil, which emit VOCs.

28. On February 3, 2010, an EPA inspector performed an inspection at the Portland Facility.

29. On April 13, 2011, and June 28, 2012, EPA issued Clean Air Act Reporting Requirements to UniFirst.

30. UniFirst submitted responses to the Reporting Requirements on August 23, 2011, and August 24, 2012.

31. On April 27, 2012, EPA issued a Clean Air Act Testing Order and Reporting



Requirement to UniFirst.

32. In response to the Testing Order and Reporting Requirement, UniFirst submitted a Test Protocol that was conditionally approved by EPA on November 14, 2012.

33. UniFirst conducted a VOC emissions test at its Portland, Maine industrial laundry facility on December 15, 2012, and submitted a test report on February 15, 2013.

34. On June 21, 2013, EPA issued a Notice of Violation to Respondent for the Bangor Facility and the Portland Facility.

### Specific Findings

#### Alleged Violations of Nonattainment New Source Review Requirements (Bangor Facility)

35. Since at least July 2004, the Bangor Facility has been a major source with significant emissions of a nonattainment pollutant (*i.e.*, a source located in the Ozone Transport Region with the potential to emit more than 50 tons per year of VOCs).

36. By installing and operating new washers and dryers capable of laundering shop and print towels at the Bangor Facility since July 2004, Respondent constructed and operated modifications that resulted in a significant emissions increase of VOCs (*i.e.*, major modifications which resulted in a net emissions increase of at least 40 tons per year of VOCs). Accordingly, Respondent was required to apply for and obtain air emission licenses that included LAER and VOC offsets under Chapter 115, Section VI.B.2 of the ME SIP, and to operate the Bangor Facility in accordance with those licenses.

37. Respondent did not apply for air emission license modifications for the major modifications at the Bangor Facility described above until May 2013.

38. Accordingly, Respondent's failures to apply for air emission license modifications under Chapter 115 of the ME SIP and to operate the Bangor Facility in accordance with such

license requirements from at least July 2004 until the effective date of this CAFO constitute violations of Chapter 115 of the ME SIP.

Alleged Violations of Title V Operating Permit Program (Bangor Facility)

39. The Bangor Facility was a “major source,” as defined by 40 C.F.R. § 70.2, from at least July 2004 through June 18, 2013.

40. Pursuant to Section 503(c) of the CAA and 40 C.F.R. § 70.5, Respondent was required to apply for a Title V permit for the Bangor Facility within 12 months of becoming subject to Title V permit requirements (*i.e.*, since at least July 2004).

41. Respondent did not apply for a Title V permit for the Bangor Facility from at least July 2004 through the effective date of this CAFO. Respondent violated Sections 502(a) and 503(c) of the CAA and 40 C.F.R. §§ 70.5 and 70.7(b) from at least July 2004 through June 18, 2013 by failing to make a timely application for and failing to operate in compliance with a Title V operating permit at the Bangor Facility.

Alleged Violations of Nonattainment New Source Review Requirements (Portland Facility)

42. Since at least August 2003, the Portland Facility has been a major source with significant emissions of a nonattainment pollutant (*i.e.*, a source located in the Ozone Transport Region with the potential to emit more than 50 tons per year of VOCs).

43. By installing and operating new washers and dryers capable of laundering shop and print towels at the Portland Facility since August 2003, Respondent constructed and operated modifications that resulted in a significant emissions increase of VOCs (*i.e.*, major modifications which resulted in a net emissions increase of at least 40 tons per year of VOCs). Accordingly, Respondent was required to apply for and obtain air emission licenses that included LAER and VOC offsets under Chapter 115, Section VI.B.2 of the ME SIP, and to operate the Portland

Facility in accordance with those licenses.

44. Respondent did not apply for air emission license modifications for the major modifications at the Portland Facility described above until May 2013.

45. Accordingly, Respondent's failures to apply for air emission license modifications under Chapter 115 of the ME SIP and to operate the Portland Facility in accordance with such license requirements from at least August 2003 until the effective date of this CAFO constitute violations of Chapter 115 of the ME SIP.

Alleged Violations of Title V Operating Permit Program (Portland Facility)

46. The Portland Facility was a "major source," as defined by 40 C.F.R. § 70.2, from at least August 2003 through June 3, 2013.

47. Pursuant to Section 503(c) of the CAA and 40 C.F.R. § 70.5, Respondent was required to apply for a Title V permit for the Portland Facility within 12 months of becoming subject to Title V permit requirements (*i.e.*, since at least August 2003).

48. Respondent did not apply for a Title V permit for the Portland Facility from at least August 2003 through the effective date of this CAFO. Respondent violated Sections 502(a) and 503(c) of the CAA and 40 C.F.R. §§ 70.5 and 70.7(b) from at least August 2003 through June 3, 2013 by failing to make a timely application for and failing to operate in compliance with a Title V operating permit at the Portland Facility.

**D. TERMS OF SETTLEMENT**

49. As a condition of settlement, Respondent agrees to the non-penalty provisions in paragraph 50 below and Appendix I to this CAFO.

50. Compliance.

a. Respondent shall comply with all of the terms and conditions of Appendix

I (Terms of Compliance), which is incorporated herein by reference, at the Bangor Facility until MEDEP issues air emission license modifications to Respondent for the Bangor Facility containing provisions at least as stringent as the terms and conditions of Appendix I.

b. Respondent shall comply with all of the terms and conditions of Appendix I (Terms of Compliance), which is incorporated herein by reference, at the Portland Facility until MEDEP issues air emission license modifications to Respondent for the Portland Facility containing provisions at least as stringent as the terms and conditions of Appendix I.

c. Within 60 days of the effective date of the CAFO, but before any draft air emission license application or modification is prepared, submitted, or due, EPA and UniFirst will discuss with MEDEP the processing of any air emission license application or modification contemplated by this CAFO.

d. Within 120 days of the effective date of the CAFO, UniFirst shall submit to EPA for review and approval draft applications for an air emission license, or proposed modifications to existing air emission licenses, for the Bangor Facility and for the Portland Facility, that incorporate terms and conditions no less stringent than those described in Appendix I.

e. Within 30 days of EPA approval of the draft air emission license applications or modifications for the Bangor Facility, UniFirst shall submit it to MEDEP.

f. Within 30 days of EPA approval of the draft air emission license applications or modifications for the Portland Facility, UniFirst shall submit it to MEDEP.

g. Within 7 days after each of the following dates, Respondent shall submit to EPA a written report in which Respondent describes the steps it took during the previous

quarter to comply with the terms of this CAFO, including a report on each instance of noncompliance with the provisions of Appendix I:

- i. June 30, 2014;
- ii. September 30, 2014;
- iii. December 31, 2014; and
- iv. March 31, 2015.

51. Approval of Deliverables.

a. After review of any document that is required to be submitted to EPA pursuant to paragraph 50 of this CAFO (the "Submission"), EPA shall in writing (i) approve the Submission; (ii) approve the Submission with specified conditions; or (iii) disapprove the Submission. For purposes of this paragraph, the term "approval" means that the Submission complies with the requirements in Appendix I, which is incorporated herein by reference. EPA may not disapprove or condition approval based on any requirements beyond those specified in Appendix I.

b. If the Submission is disapproved, Respondent shall, within thirty (30) days or such other time as the Parties agree to in writing, revise and resubmit the Submission, or disapproved portion thereof, for approval in accordance with the preceding subparagraphs.

c. If a resubmission or portion thereof is disapproved, EPA may again require Respondent to revise and resubmit the Submission, in accordance with the preceding subparagraphs.

52. Stipulated Penalties. Respondent shall be liable for stipulated penalties in the amount of \$500 per day for each instance of noncompliance with paragraphs 50.e-50.g of this CAFO and with sections 2)a, 3)a, and 4)a of Appendix I.

53. In accordance with Section 113(d)(2)(B) of the Act, EPA has compromised the maximum civil penalty of \$37,500 per day per violation authorized in this matter by applying the penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), and in the 1991 Clean Air Act Civil Penalty Policy to the facts and circumstances of this case, including Respondent's significant cooperation in agreeing to expeditiously perform the non-penalty obligations in paragraph 50 above and Appendix I to this CAFO and EPA's settlement of three other CAA enforcement actions with Respondent involving industrial towel laundering facilities in Connecticut, Massachusetts, and New Hampshire. Accordingly, EPA has determined that it is appropriate to assess a civil penalty for the violations alleged in this CAFO in the amount of eighty-six thousand six hundred sixty dollars (\$86,660), and Respondent consents to payment of this penalty.

54. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay the civil penalty set forth in paragraph 53 by submitting a bank, cashier's, or certified check, payable to the order of the "Treasurer, United States of America," to:

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

Respondent shall note the case name and docket number of this matter ("In the matter of UniFirst Corporation, Docket No. CAA-01-2014-0011") on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Suite 100 (ORA18-1)  
Boston, MA 02109-3912

and

Laura J. Berry  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Suite 100 (OES04-2)  
Boston, MA 02109-3912

55. In the event that any portion of the civil penalty amount described in paragraph 53 is not paid when due without demand, pursuant to Section 113(d)(5) of the CAA, Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid when due. In that event, interest will accrue from the due date at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorney’s fees and collection costs as provided in 42 U.S.C. § 7413(d). In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent’s outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

**E. GENERAL PROVISIONS**

56. Submissions/Notifications. Submissions required by this CAFO shall be in writing and shall be mailed or emailed to the following address:

Susan Studlien, Director  
Director, Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (Mail Code: OES04-5)  
Boston, Massachusetts 02109-3912  
Attention: Elizabeth Kudarauskas  
Kudarauskas.Beth@epa.gov

EPA will send all written communications to the following representative(s) for Respondent:

Tim Cosgrave  
Senior Manager – Environmental, Health & Safety  
UniFirst Corporation  
68 Jonspin Road  
Wilmington, Massachusetts 01887  
timothy\_cosgrave@unifirst.com

Either party may, by notice given in accordance with this paragraph 56, designate another person or address for receipt of submissions or other communications hereunder.

57. Dispute Resolution. If Respondent objects to any EPA action taken pursuant to paragraphs 50-52 of this CAFO, including a demand for stipulated penalties as provided in paragraph 52, Respondent may employ the dispute resolution provisions set out in this paragraph.

a. Respondent shall notify EPA in writing of its objection(s) within ten (10) days of the disputed EPA action or within ten (10) days of Respondent's receipt of EPA's written demand for the disputed stipulated penalty. Respondent's written notice ("Objection Letter") shall describe the substance of the objection(s) and shall invoke this paragraph of the CAFO.

b. Upon EPA's receipt of Respondent's Objection Letter, the parties shall conduct informal negotiations for up to fifteen (15) business days. By agreement of the parties, a neutral facilitator or mediator may assist in the conduct of these negotiations. Respondent's obligation to perform the disputed action or pay the disputed stipulated penalty shall be suspended for the duration of this fifteen-day period. If there is no agreement at the conclusion



of this fifteen-day period, but both parties agree that further negotiations would be fruitful, the parties may agree to continue dispute resolution (which can include more informal negotiations, mediation, or any other appropriate dispute resolution technique) for a period of time specified in writing. This written agreement to extend negotiations shall specify whether Respondent's obligation to perform the disputed action or pay the disputed stipulated penalty will be further suspended.

c. Any mutual resolution reached by the parties pursuant to paragraph 57.b shall be memorialized in writing, signed by both parties, and be incorporated as an enforceable provision of this CAFO. If the parties have not resolved the dispute by the conclusion of the dispute resolution period specified in paragraph 57.b (including any agreed-upon extensions), then Respondent shall abide by EPA's position regarding the disputed action or stipulated penalty unless Respondent, within five (5) business days after the end of the period, notifies EPA in writing that it seeks further dispute resolution of the matter.

d. In such written notice, Respondent may supplement its original Objection Letter by providing further details or additional arguments regarding the substance of the dispute, and may also request a meeting with the Manager of the Legal Enforcement Office in EPA Region 1's Office of Environmental Stewardship, or with his or her designee, in order for Respondent to make an oral presentation of its position. Within fifteen (15) business days of receiving Respondent's written notice, the Legal Enforcement Office Manager or his or her designee shall issue a written decision to Respondent regarding the disputed issue. Such decision shall be final, incorporated as an enforceable provision of this CAFO, and followed by both parties.

58. The civil penalty provided under this CAFO, and any interest, nonpayment

penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

59. Subject to the Dispute Resolution procedures set forth in paragraph 57 herein, Respondent shall pay stipulated penalties plus interest due thereupon within fifteen (15) days of receipt of a written demand by Complainant for such penalties. The method of payment shall be in accordance with the provisions of paragraph 54 herein. Subject to the Dispute Resolution procedures set forth in paragraph 57 herein, if any such demanded stipulated penalties are not paid in full when due, Respondent shall pay the unpaid penalties and interest thereon. Such interest shall accrue from the date the penalties were due, and shall be assessed in accordance with the provisions of paragraph 55 herein.

60. Complainant may, in its sole discretion, elect not to seek stipulated penalties or to compromise any portion of stipulated penalties that accrue pursuant to this CAFO.

61. Payment of the civil penalty, and any interest, non-payment penalties, and/or other charges set forth in this CAFO does not waive, suspend, or modify the responsibility of Respondent to comply with the requirements of all federal laws and regulations administered by EPA and shall not be a defense to any actions subsequently commenced pursuant to said laws and regulations.

62. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the CAA for the violations alleged in Section C of this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced

pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law.

63. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

64. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

65. Except as described in paragraph 55, the parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

66. Appendix I (Terms of Compliance) is attached hereto and incorporated herein as an enforceable part of this CAFO.

67. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

FOR UNIFIRST CORPORATION

John A. Bady  
John Bady, Vice President  
UniFirst Corporation

5/13/2014  
Date

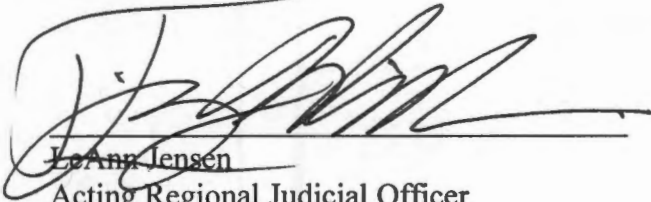
FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Susan Studien  
Susan Studien, Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

05/20/14  
Date

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

5/21/2014  
Date

Timothy Williamson  
R LAF

## APPENDIX I

### Terms of Compliance Consent Agreement and Final Order UniFirst Corporation

#### 1) Definitions

- a. Terms defined in the attached CAFO shall have the same meaning when used in this Appendix I. The following words and phrases shall have the following meaning as they appear in this Appendix I. Where a term is defined in the attached CAFO and also appears in this Appendix I section ("Definitions"), the definition in Appendix I controls.
- b. "Facilities" means UniFirst's facilities located at 70 Godsoe Road in Bangor, Maine, and at 430 Riverside Industrial Parkway in Portland, Maine.
- c. "Shop towel" definition: A shop towel is a piece of fabric or other material that is used in the process of cleaning mechanical parts or devices of general soil, grease, or oil and for general cleaning in the food service industry.
- d. "Print towel" definition: A print towel is a piece of fabric or other material used in the process of cleaning printing or graphic arts equipment, including but not limited to printing presses.
- e. "Furniture towel" definition: A furniture towel is a piece of fabric or other material used in the process of stripping or finishing wood furniture.

#### 2) Prohibition on Laundering Print and Furniture Towels

- a. The Facilities may launder shop towels but shall not launder print or furniture towels.
- b. Within 60 days of the effective date of this CAFO, each Facility shall develop and maintain on site a written standard operating procedure for determining whether a customer is generating shop, print, and/or furniture towels.
- c. The Facilities shall not retrieve from a customer's location shop, print, or furniture towels that contain free liquids.

#### 3) VOC Emission Cap

- a. Each Facility's total VOC emissions from all sources are limited to less than 10 tons per year on a 12 month rolling total.

#### **4) Shop Towel Throughput Limit**

- a. Each Facility's towel throughput is limited to 2,160,000 pounds of soiled shop towels per year on a 12 month rolling total, based on a shop towel emission factor of 8.3 pounds VOC per 1,000 pounds of towels.

#### **5) Print and Furniture Towel Handling Procedures**

- a. Within 60 days of the effective date of this CAFO, customers will be provided with towels to be used as print and furniture towels that are different in color from towels to be used as shop towels. The Facilities shall ask customers to use the appropriate color towel for its intended purpose, as determined for that customer.
- b. Print and furniture towels received from customers must be separated from shop and other towels at the customer location, kept in closed containers or sealed bags during transport, and stored in closed containers at the Facilities while awaiting transport to a third party location for laundering.

#### **6) Pre-Laundering Procedures for Shop Towels**

- a. Soiled shop towels received at the Facilities shall be kept in sealed bags or covered containers until the towels are sorted for washing.
- b. Sorted shop towels shall be kept in sealed bags or covered containers until the day that they will be washed.

#### **7) Shop Towel Washing**

- a. Each Facility must limit shop towel load size to no more than the following ratio of soiled towels to manufacturer's rated washer capacity on a 12 month rolling average: 1.7 to 1.
  - i. For example, each Facility must limit shop towel load size to 1,020 pounds on a 12 month rolling average for a washer with a manufacturer's rated capacity of 600 pounds.
- b. Each Facility must limit shop towel load size to no more than the following ratio of soiled towels to manufacturer's rated washer capacity in any single load: 2.0 to 1.
  - i. For example, each Facility must limit the maximum shop towel load size in any one load to 1,200 pounds for a washer with a manufacturer's rated capacity of 600 pounds.

## 8) Wastewater

- a. Within 180 days of the effective date of this CAFO, the Facilities must keep wastewater trenches (beyond the discharge point for washing machines), settling pits, and equalization tanks covered, except when access is required for activities such as maintenance or sampling.

## 9) Training

- a. Within 60 days of the effective date of this CAFO, each Facility shall develop written standard operating procedures describing these procedures for plant staff who handle towels and for managers.
- b. Within 120 days of the effective date of this CAFO, each Facility shall develop written training materials and provide training for all employees who handle shop towels regarding proper procedures appropriate to that Facility for sorting, transporting, receiving, storing, processing, washing, and drying shop towels.
- c. Within 120 days of the effective date of this CAFO, each Facility shall develop written training materials and provide training for all employees who handle print and furniture towels regarding proper procedures appropriate to that Facility for sorting, transporting, receiving, and storing print and furniture towels.

## 10) Recordkeeping

- a. Each Facility or its Corporate Training Department's learning management system must make copies of the following records available for EPA or state environmental agency inspection upon request (following expiration of the applicable deadline set forth above):
  - i. Definitions of shop, print and furniture towels, and a current written standard operating procedure that the Facilities are using for determining whether a customer is generating shop, print, and/or furniture towels.
  - ii. Current written standard operating procedures for Facility employees and managers who handle or are otherwise responsible for towel sorting and laundering.
  - iii. Current training materials and records demonstrating that all employees who handle or are otherwise responsible for print, furniture, or shop towels have been trained on standard operating procedures.
  - iv. Soiled shop towel throughput records, including washer load size records.

\*\*\*END\*\*\*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND

IN THE MATTER OF )  
)  
)

UniFirst Corporation )  
68 Jonspin Road )  
Wilmington, MA 01880 )  
)  
)

Docket No. CAA-01-2014-0011

Proceeding under Section )  
113 of the Clean Air Act )  
)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

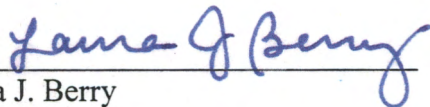
Original and one copy,  
hand-delivered:

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1 (ORA18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy, by Certified Mail,  
Return Receipt Requested:

Gregory A. Bibler, Esq. (Counsel for Respondent)  
Goodwin Procter LLP  
Exchange Place  
53 State Street  
Boston, MA 02109

Dated: 5/21/14

  
\_\_\_\_\_  
Laura J. Berry  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02109-3912  
Tel (617) 918-1148  
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