

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2022-0214(b)

This ESA is issued to: Dothan Warehouse Investors, LLC d/b/a

**Dothan Warehouse
3570 Westgate Parkway
Dothan, Alabama 36303**

for violating 40 C.F.R. § 68.65(d)(2), 40 C.F.R. § 68.73(d)(2), 40 C.F.R. § 68.81(d)(2) 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, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Dothan Warehouse Investors, LLC d/b/a Dothan Warehouse (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) and 22.18(b)(2).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent’s Freezer Storage facility located at 3570 Westgate Parkway, Dothan, Alabama, on March 01, 2022, the EPA alleges that the Respondent violated the Act’s Section 112(r)(7), Chemical Accident Prevention Provisions, 42 U.S.C. § 7412(r)(7), when at the time of inspection, Respondent did not provide evidence that:

It documented that equipment complies with recognized and generally accepted good engineering practices as required by 40 C.F.R. § 68.65(d)(2), because there was frost build-up observed around piping in the engine room where valve groups were present. ANSI/IIAR 2-2014 section 5.10.1 (Condensation and Frost Control) states, “Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate condensation and excessive frost buildup where the surface temperature is below the dew point of the surrounding air during normal operation and in an area where condensation and frost could develop and become a hazard to occupants or cause damage to the structure, electrical equipment, or refrigeration system.”

The inspection and testing procedures followed recognized and generally accepted good engineering practices as required by 40 C.F.R. § 68.73(d)(2), because ammonia piping associated with the condensers that are located outside on the roof had paint peeling off in certain areas, which could lead to corrosion and pitting. ANSI/IIAR 6-2019, Chapter 11, Table 11.1 Piping Inspection, Testing, and Maintenance Tasks indicates, “Visual

inspections for indications of degradation of the protective coating (i.e., paint) should occur annually.”

The owner or operator included the date the investigation began in the prepared incident investigation report, as required by 40 C.F.R. § 68.81(d)(2).

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 parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$1,620**.

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 and Final Order 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 **\$1,620**. 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 **\$1,620** 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
R4_Regional_Hearing_Clerk@epa.gov, and

Jordan Noles
U.S. EPA Region 4
North Air Enforcement Section
Air Enforcement Branch
61 Forsyth Street S.W.
Atlanta, Georgia 30303
noles.jordan@epa.gov

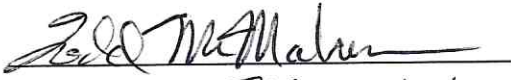
The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

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.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

FOR RESPONDENT:



Date: 1/11/2023

Name (print): Todd McMahon

Title (print): General Manager
Dothan Warehouse Investors, LLC d/b/a Dothan Warehouse

FOR COMPLAINANT:

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

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

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of Dothan Warehouse Investors, LLC d/b/a Dothan Warehouse Docket No. CAA-04-2022-0214(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Guy Woodall, General Manager
Dothan Warehouse
Email: guy@dothanwarehouse.com
Phone number: (334) 661-5042
3570 Westgate Parkway
Dothan, Alabama 36303

To EPA: Jordan Noles, Case Development Officer
Noles.Jordan@epa.gov
Phone number: (404) 562-9105

Marirose Pratt, Associate Regional Counsel
Pratt.Marirose@epa.gov
Phone Number: (404) 562-9023

U.S EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Shannon L. Richardson, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960