

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2022-0203(b)

**This ESA is issued to: Seonus Refrigerated Services Mobile LLC
1000 S State Docks Road
Mobile, Alabama 36602**

for violating 40 C.F.R. § 68.36(a), 40 C.F.R. § 68.65(d)(2), 40 C.F.R. § 68.67(e), 40 C.F.R. § 68.79(d), 40 C.F.R. § 68.195(b) 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 Seonus Refrigerated Services Mobile LLC (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 facility located at 1000 S State Docks Road, Mobile, Alabama 36602 on July 21, 2021, 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 reviewed and updated the offsite consequence analysis at least once every five years, as required by 40 C.F.R. § 68.36(a).

It ensured that the equipment complies with recognized and generally accepted good engineering practices (RAGAGEP), as required by 40 C.F.R. § 68.65(d)(2) when:

- The ammonia piping exterior to the Ammonia Machinery Room at the base of the V1 Thermosyphon Receiver, piping at the base of the accumulators at the rear of the Ammonia Machinery Room, and sections of piping located on the roof of the building had visible corrosion, rusting, and degradation which is inconsistent with the requirements of International Institute of Ammonia Refrigeration (IIR) Standard 6, Section 11.1.1;
- The entry doors into the Ammonia Machinery Room did not have National Fire Protection Association (NFPA) diamonds reflecting the degree of health hazard (blue), flammability hazard (red), and reactivity hazard (yellow) as required by IIR Standard 9, Section 7.2.9.1;
- The Emergency Stop was not labelled as required by IIR Standard 9, Section 7.3.11.1; and

- The egress doors from the Ammonia Machinery Room were not properly equipped with panic hardware to facilitate exit in case of emergency, as required by IIAR Standard 9, Section 7.3.9.2.

It established a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions as required by 40 C.F.R. § 68.67(e), when the 2018 Process Hazard Analysis was missing the tracking sheet documenting the findings, recommendations and timelines.

It promptly determined and documented an appropriate response to each of the findings of the compliance audit and documented that the deficiencies have been corrected as required by 40 C.F.R. § 68.79(d) when the 2019 Compliance Audit Report was not accompanied by a corresponding report and did not identify any findings.

It submitted, in accordance with 40 C.F.R. § 68.195(b), a correction of the emergency contact information within one month of any change in the emergency contact information required under 40 C.F.R. § 68.160(b)(6), when present or current emergency contact information was not updated for more than one year of the change.

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 **\$5,500**.

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 **\$5,500**. 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 **\$5,500** 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

Chetan Gala
Air Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Gala.Chetan@epa.gov

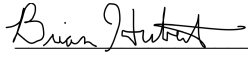
The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

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: 8/17/2022

Name (print): Brian Hubert

Title (print): President
Seaonus Refrigerated Services Mobile LLC

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 Seaonus Refrigerated Services Mobile LLC, Docket No. CAA-04-2022-0203(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: Mr. Everette P. Nichols, Maintenance Manager
Seaonus Refrigerated Services Mobile LLC
Email: Everette.Nichols@seaonus.com
Phone number: (251) 234-7138
1000 S State Docks Road
Mobile, Alabama 36602

To EPA: Chetan Gala, Case Development Officer
Gala.Chetan@epa.gov
Phone Number: (404) 562-9746

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