

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**U.S. EPA-REGION 3-RHC  
FILED-30DEC2019PM1:39**

<b>In the Matter of:</b>	:	
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<b>Sysco Eastern Maryland, LLC</b>	:	<b>U.S. EPA Docket No. CAA-03-2020-0047</b>
<b>33239 Costen Road</b>	:	
<b>Pocomoke City, MD 21851,</b>	:	
<b>Respondent.</b>	:	<b>Proceeding under Sections 112(r) and 113 of the Clean Air Act, 42 U.S.C. §§ 7412(r) and 7413</b>
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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Sysco Eastern Maryland, LLC (“Respondent”) (collectively the “Parties”), pursuant to Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 113(d) of the CAA authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

**GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is a limited liability company organized in the State of Delaware, with its headquarters located at 33239 Costen Road, Pocomoke City, Maryland.
14. Respondent is the owner of a food transfer and storage facility located at 33239 Costen Road, Pocomoke City, Maryland (the "Facility").

15. As a limited liability company, Respondent is a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and is subject to the assessment of civil penalties for the violations alleged herein.
16. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. Section 112(r)(5), 42 U.S.C. § 7412(r)(5), mandates the Administrator to establish threshold quantities for any substance listed pursuant to Section 112(r)(3), 42 U.S.C. § 7412(r)(3). The list of regulated substances and threshold quantities are codified at 40 C.F.R. § 68.130.
17. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68 (referred to as the “Risk Management Plan Regulations” or “RMP Regulations”), which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The RMP Regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program must be described in a risk management plan that must be submitted to EPA. The risk management plan must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of regulated substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.
18. “Stationary source” is defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3, as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”
19. “Regulated substance” is defined at 40 C.F.R. § 68.3 as any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), in 40 C.F.R. § 68.130.
20. “Threshold quantity” is defined at 40 C.F.R. § 68.3 as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.
21. “Process” is defined at 40 C.F.R. § 68.3 as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

22. According to the risk management plan for the Facility, Respondent uses approximately 25,225 pounds of anhydrous ammonia (Chemical Abstract Service No. 7664-41-7) in its process at the Facility within a closed loop industrial ammonia refrigeration system.
23. Anhydrous ammonia is a regulated substance under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and is listed at 40 C.F.R. § 68.130, Table 1.
24. The amount of anhydrous ammonia present at the Facility exceeds the regulatory threshold quantity of 10,000 pounds set forth in 40 C.F.R. 68.130.
25. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its regulations at 40 C.F.R. §§ 68.10(a) and 68.150(a), Respondent, as the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity, must submit a risk management plan to EPA.
26. On October 2, 2018, EPA conducted an inspection of the Facility to determine whether Respondent was in compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the RMP Regulations (the “CAA Inspection”). EPA’s CAA Inspection revealed the following instances in which Respondent has not complied with Section 112(r)(7) of the CAA, and the RMP Regulations.

**Count I**  
**Failure to Comply with Process Safety Information Requirements**

27. The allegations of Paragraphs 1 through 26 of this Consent Agreement are incorporated herein by reference.
28. Section 68.65(a) of the RMP Regulations requires Respondent to complete a compilation of written process and safety information, which shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. Information pertaining to the equipment in the process includes information pertaining to the ventilation system design, pursuant to Section 68.65(d)(1)(v) of the RMP Regulations.
29. EPA’s review of the Facility’s ventilation system design information, which included Respondent’s “Report on Machine Room Ventilation for Lankford Sysco,” dated August 22, 2005, indicated that Respondent failed to adequately maintain the information because the design information was not consistent with the system as observed by EPA inspectors at the time of the CAA Inspection.
30. Section 68.65(d)(2) of the RMP Regulations requires respondent to document that the equipment in the process complies with recognized and generally accepted good engineering practices (“RAGAGEPs”).



31. Industry codes relevant to the safe design of ammonia refrigeration systems are RAGAGEPs and include the following:
- American National Standard Institute/International Institute of Ammonia Refrigeration, Standard 2, *Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigerating Systems* (2008) (“ANSI/IIAR 2”);
  - American National Standard Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 15-2007 and 2013, *Safety Standard for Refrigeration Systems* (“ANSI/ASHRAE Standard 15”);
  - International Institute of Ammonia Refrigeration Bulletin No. 110, *Start-up, Inspection, and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, revised 2004) (“IIAR Bulletin 110”);
  - International Institute of Ammonia Refrigeration Bulletin No. 109, *Minimum Safety Criteria for a Safe Ammonia Refrigeration System* (1997) (“IIAR Bulletin 109”).
32. Subsection 13.3.3 of ANSI/IIAR 2, entitled “Inlet Air,” provides that openings for inlet air shall be positioned to be near the machinery, to avoid recirculation of exhausted air, and to avoid inducing anything except for clean uncontaminated ambient air. Additionally, Subsection 8.11.4 of ANSI/ASHRAE Standard 15 states that “[p]rovision shall be made for inlet air to replace that being exhausted. Openings for inlet air shall be positioned to avoid recirculation. Air supply and exhaust ducts to the machinery room shall serve no other area....”
33. At the time of the CAA Inspection, EPA inspectors observed inlet air into the machinery room being provided through louvers along the upper south wall. The location of the louvers did not prevent short-circuiting of the make-up air. As installed, intake air from the upper south wall louvers is directly exhausted through the exhaust fans on the roof, which does not allow for air flow in the lower area of the machinery room.
34. Subsection 13.2.1.2 of ANSI/IIAR 2 states that “detectors shall activate visual and audible alarms inside the refrigerating machinery room and outside each entrance to the refrigerating machinery room.” See also ANSI/ASHRAE Standard 15, Section 8.11.2.1 which states “[t]he alarm shall annunciate visual and audible alarms inside the refrigerating machinery room and outside each entrance to the refrigerating room.”
35. At the time of the CAA Inspection, EPA inspectors observed that ammonia detectors in the machinery room did not have audible/visual alarms inside the machinery room or at each entrance to the machinery room in accordance with industry standards.
36. Subsection 13.1.5.2 of ANSI/IIAR 2 states that “[a]ll pipes piercing the interior walls, ceiling or floor of the machinery room shall be tightly sealed to the walls, ceiling or floor through which they pass.” See also ANSI/ASHRAE Standard 15, Section 8.12(f).

37. At the time of the CAA Inspection, EPA inspectors observed that pipe penetrations from the machinery room to adjacent spaces were not properly sealed in accordance with industry standards.
38. Subsection 13.1.10.1 of ANSI/IIAR 2 states that “[e]ach refrigerating machinery room shall have a tight-fitting door or doors opening outward, self-closing if they open into the building, and adequate in number to ensure freedom for persons to escape in an emergency.” See also ANSI/ASHRAE Standard 15, Section 8.11.2.
39. At the time of the CAA Inspection, EPA inspectors observed that a garage door leading from the machinery room to an interior space along the south wall of the machinery room was not tightly sealed to the floor.
40. Subsection 15.5.1.3 of ANSI/IIAR 2 states that “[t]he discharge termination from pressure relief devices relieving to atmosphere shall not be less than 7.25 ft above a roof that is occupied solely during service and inspection.”
41. At the time of the CAA Inspection, EPA inspectors observed that the refrigeration system’s vent pipe was less than 7.25 feet above the upper roof surface.
42. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. §§ 68.65(a) and (d)(2), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

## **Count II**

### **Failure to Comply with Process Hazard Analysis Requirements**

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated herein by reference.
44. Section 68.67(a) of the RMP Regulations requires that Respondent perform an initial process hazard analysis (“PHA”) on processes covered by the RMP Regulations.
45. Section 68.67(e) of the RMP Regulations requires Respondent to, among other things, “promptly address the [PHA] 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 ....”
46. EPA inspectors observed that the PHA was documented in a PHA report dated April 15, 2016.
47. At the time of the CAA Inspection, EPA inspectors observed that Respondent had not documented completion of the following action items from the PHA report:
  - Relocate secondary isolation valve on ammonia fill port to floor level. Add a

- manual bleed valve (Items 8.02 and 13.10).
  - Install new louvers for intake from the dry warehouse that would fail closed. (Item 12.05).
  - Replace door knob leaving machinery room (Item 16.12).
  - Provide prominent signage for emergency ventilation switch (Item 16.14).
48. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. §§ 68.67(a) and (e), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

**Count III**  
**Failure to Comply with Mechanical Integrity Requirements**

49. The allegations of Paragraphs 1 through 49 of this Consent Agreement are incorporated herein by reference.
50. Section 68.73(e) of the RMP Regulations requires Respondent to correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information required by 40 C.F.R. § 68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.
51. Section 6.7.2 of IIAR Bulletin 110 states that “[a]ny mechanical damage to insulation should be repaired immediately and the vapor seal reinstated to prevent access of water or water vapor which will lead to the breakdown of insulation and corrosion of the pipework... Sections of insulation which are obviously in poor condition shall be removed and the integrity of the exposed piping determined with the aid of non-destructive testing techniques, as appropriate. Piping shall be replaced as necessary, and protective coatings, insulation, vapor seal reapplied.” See also Section 5.10.1 of ANSI/IIAR 2.
52. Additionally, Section 4.10.7 of IIAR Bulletin 109 states that “[i]ce formation that could endanger refrigerant piping or other components should be removed and the condition(s) that cause the ice buildup corrected.”
53. At the time of the CAA Inspection, EPA inspectors observed ice build-up on the -20 degree pump package and vapor barrier damage on the associated piping and oil pot. The ice buildup has the potential to cause corrosion under insulation and has the potential to impact the valve’s proper operation. Therefore, Respondent had failed to investigate and correct ice buildup/vapor barrier failure in the machine room.
54. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. §§ 68.73(e), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

**CIVIL PENALTY**

55. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Fifty-Two Thousand One Hundred and Seventy Dollars (\$52,170)** which Respondent shall be liable to pay in accordance with the terms set forth below.
56. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012) which reflects the statutory penalty criteria and factors set forth at Section 113(e) of the CAA and the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
57. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **U.S. EPA Docket No. CAA-03-2020-0047**;
  - b. All checks shall be made payable to the "United States Treasury;"
  - c. All payments made by check and sent by regular mail shall be addressed and mailed to:  

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:  

<https://www.epa.gov/financial/makepayment>
  - e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Manuel Ronquillo  
Senior Assistant Regional Counsel



U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[ronquillo.manuel@epa.gov](mailto:ronquillo.manuel@epa.gov)

58. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
59. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
60. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
61. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
62. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
63. If Respondent fails to make a full and complete payment of the civil penalty in accordance with this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. Failure by Respondent to pay the civil penalty assessed by the Final Order in full in accordance with this CAFO may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA,

42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

64. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

#### **GENERAL SETTLEMENT CONDITIONS**

65. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
66. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this CAFO, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **CERTIFICATION OF COMPLIANCE**

67. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement, except with regards to the violations alleged in Count III – Failure to Comply with Mechanical Integrity Requirements.
68. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it is currently working towards attaining compliance with regards to the violations alleged in Count III – Failure to Comply with Mechanical Integrity Requirements. Respondent has begun repairs, expects those repairs to be completed by June 30, 2020, will provide EPA updates on the progress of repairs no later than the 30<sup>th</sup> day of each month until the work is completed, and will provide EPA with photographic proof of the work's completion within fourteen (14) days of its completion.

#### **OTHER APPLICABLE LAWS**

69. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be



construed to be a ruling on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of the CAA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

70. This CAFO resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

### **EXECUTION /PARTIES BOUND**

71. This CAFO shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

### **EFFECTIVE DATE**

72. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

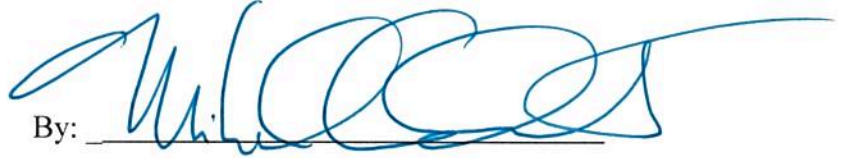
### **ENTIRE AGREEMENT**

73. This CAFO constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this CAFO.

In Re: Sysco Eastern Maryland, LLC  
U.S. EPA Docket No. CAA-03-2020-0047

For Respondent: SYSCO EASTERN MARYLAND, LLC

Date: 12/6/19

By: 


Michael Gershenfeld  
President  
Sysco Eastern Maryland, LLC

In Re: Sysco Eastern Maryland, LLC  
U.S. EPA Docket No. CAA-03-2020-0047

For the Complainant:

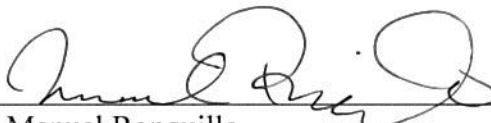
After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: DEC 13 2019

By:   
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: 12/11/19

By:   
Manuel Ronquillo  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III



U.S. EPA-REGION 3-RHC  
FILED-30DEC20 10:41:09

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

**Sysco Eastern Maryland, LLC  
33239 Costen Road  
Pocomoke, MD 21851**

**Respondent.**

**EPA Docket No. CAA-03-2020-0047**

**FINAL ORDER**

**Proceeding under Sections 112(r) and  
113 of the Clean Air Act, 42 U.S.C. §§  
7412(r) and 7413**

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Sysco Eastern Maryland, LLC have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Sections 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.


Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012), and the statutory factors set forth in Section 113(e) of the Clean Air Act.

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the Clean Air Act, 42 U.S.C. Section 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIFTY-TWO THOUSAND ONE HUNDRED AND SEVENTY DOLLARS (\$52,170)** in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Dec. 30, 2019  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC  
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In the Matter of: )  
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Sysco Eastern Maryland, LLC )  
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) Proceeding under Sections 112(r) and 113 of  
) the Clean Air Act, 42 U.S.C. §§ 7412(r) and  
RESPONDENT. ) 7413

CERTIFICATE OF SERVICE

I certify that on DEC 30 2019, the original and one (1) copy of foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Robert Thomas  
Director, Environmental Compliance  
Sysco Corporation  
1390 Enclave Pkwy  
Houston, TX 77077

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Dated: DEC 30 2019

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