



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

May 24, 2018

Via Overnight Mail

Brian Patient, Esquire
US Foods, Inc.
9399 West Higgins Road
Rosemont, IL 60018

Re: **In the Matter of US Foods, Inc.**
U.S. EPA Docket No. CAA-03-2018-0096DA

Dear Mr. Patient:

Enclosed please find a copy of the Administrative Settlement Agreement and Order on Consent, which has been filed with the Regional Hearing Clerk today.

Sincerely yours,

A handwritten signature in cursive script that reads "Cynthia T. Weiss".

Cynthia T. Weiss
Senior Assistant Regional Counsel

Enclosure

cc: Ashley Nilsen (3HS61)
(email) Jill Tubbs, US Foods, Inc., jill.tubbs@usfoods.com
(email) Wayne Dubasak, wayne.dubasak@usfoods.com





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029

IN THE MATTER OF:

US Foods, Inc.
9399 West Higgins Road, Suite 500
Rosemont, Illinois 60018,

Respondent.

US Foods of Allentown
1200 Hoover Avenue
Allentown, Pennsylvania 18109,

Facility.

EPA Docket Number
CAA-03-2018-0096DA

Proceeding Pursuant to
Section 113(a)(3)(B) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(3)(B)

U.S. EPA-REGION 3-RHC
FILED-24MAY2018pm2:11

ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT

The parties to this Administrative Settlement Agreement and Order on Consent (“Order”), US Foods, Inc. (“Respondent” or “US Foods”) and the United States Environmental Protection Agency (“EPA” or “the Agency”), having agreed to the entry of this Settlement Agreement, it is therefore ordered, that:

I. JURISDICTION AND GENERAL PROVISIONS

1. This Order is issued pursuant to Section 113(a)(3) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7413(a)(3)(B). Under Section 113(a)(3)(B) of the Act, the Administrator of EPA has the authority to issue orders requiring any person who is in violation of certain sections of the CAA, including Section 112(r)(7), 42 U.S.C. § 7412(r)(7), to comply with such requirements of the CAA. Under Delegation No. 7-6-A, the Administrator has delegated this authority to issue orders within the geographical jurisdiction of EPA Region III to the Regional Administrator of EPA Region III, and the Regional Administrator has re-delegated this authority to the Director of Region III’s Hazardous Site Cleanup Division. For purposes of this Order, the geographical jurisdiction of EPA Region III includes the Commonwealth of Pennsylvania.

2. All terms and conditions, including any modifications hereto, are required by this Order. The Respondent agrees to undertake all actions required by the terms and conditions of this Order and to comply with all such terms and conditions.

3. The Respondent consents to and will not contest EPA's authority or jurisdiction to issue or to enforce this Order. The Respondent neither admits nor denies the factual and legal allegations in this Order.

4. This Order requires Respondent to comply with the requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68, as specifically set forth herein, by ensuring that the equipment at the facility identified in the caption of this Order complies with recognized and generally accepted good engineering practices.

II. STATUTORY AND REGULATORY BACKGROUND

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3).

6. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances. The list of regulated substances and threshold levels are codified at 40 C.F.R. § 68.130.

7. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), ("Regulations"). The 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 is described in a risk management plan ("RMP") for the facility that must be submitted to EPA. The RMP 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 hazardous substances, and a response program providing for specific actions to be taken in the event of an accidental release of a regulated substance, to protect human health and the environment.

8. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and the Regulations at 40 C.F.R. §§ 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit an RMP to EPA no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

III. DEFINITIONS

9. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source” as, *inter alia*, any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur.

10. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

11. The Regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, 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.

12. The Regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA in 40 C.F.R. § 68.130.

13. As used herein, the term “day” shall mean calendar day.

14. The term “process” is defined at 40 C.F.R. § 68.3 to mean, in relevant part, “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances or combination of these activities.”

15. “Effective Date” shall mean the date upon which Respondent receives a fully executed copy of this Order as set forth in Section XII of this Order.

IV. FINDINGS OF FACT

16. Respondent, US Foods, Inc., is a Delaware Corporation, organized in the State of Delaware in 1989.

17. Respondent owns and operates a food service distribution facility located at 1200 Hoover Avenue in Allentown, Lehigh County, Pennsylvania ("Facility").

18. At all times relevant to this Order, as stated in Respondent's RMP for the Facility, Respondent has handled and handles approximately 12,000 pounds of anhydrous ammonia at the Facility.

19. EPA believes that anhydrous ammonia, Chemical Abstracts Service ("CAS") Number 7664-41-7, is an irritant and is corrosive to the skin, eyes, respiratory tract and mucous membranes. Exposure to liquid ammonia or rapidly expanding gases may cause severe chemical burns and frostbite to the eyes, lungs and skin. Skin and respiratory diseases could be aggravated by exposure.

20. EPA conducted an inspection of the Facility on October 18, 2017 ("Inspection") to determine Respondent's compliance with CAA Section 112(r)(7) and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68.

21. Respondent submitted an initial RMP for the Facility in 2003. Several resubmissions and corrections have been made since the original submission, with the latest update submitted to EPA in 2016.

22. According to Respondent's RMP for the Facility, anhydrous ammonia has been present in its ammonia refrigeration system at the Facility since at least 2003.

23. The Chemical Accident Prevention Provisions require an owner or operator to comply with process safety information requirements at 40 C.F.R. § 68.65(d)(1)(vi) and (d)(2), *i.e.*, to compile process safety information pertaining to design codes and standards relevant to the equipment and to document that the equipment in the process complies with recognized and generally accepted good engineering practices.

24. Based on information collected by EPA during the Inspection, EPA determined that Respondent did not comply with the Regulations as follows: failure to ensure that its anhydrous ammonia refrigeration equipment complies with recognized and generally accepted good engineering practices, in violation of 40 C.F.R. § 68.65(d)(2); failure to timely address findings and recommendations identified in a process hazard analysis, in violation of 40 C.F.R. § 68.67(e); failure to annually certify standard operating procedures, in violation of 40 C.F.R. § 68.69(c); failure to perform and document inspections and tests, in violation of 40 C.F.R. § 68.73(d); failure to timely address mechanical integrity problems including equipment deficiencies outside of acceptable limits, in violation of 40 C.F.R. § 68.73(e); and failure to establish a system to address findings and recommendations of compliance audit, in violation of 40 C.F.R. § 68.79(d).

25. Before the Inspection, during a corporate review of the Facility, Respondent had identified some of the compliance issues itself identified in the preceding paragraph, and had taken steps to correct them. Respondent has also taken steps after the Inspection to correct other compliance issues identified by EPA during and Inspection and listed in the preceding paragraph.

26. As of the date of this Order, the following compliance issues remain to be addressed at the Facility:

- a. Section 68.65(d)(2) of the Regulations requires that owners or operators comply with recognized and generally accepted good engineering practices, one of which is the International Institute of Ammonia Refrigeration 2, *Standard for the Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration Components* (2014) (“IIAR 2”). Section 5.17.1 of IIAR 2 states that “where ammonia-containing equipment is installed in a location subject to physical damage, guarding or barricading shall be provided.” At the time of the Inspection, Respondent had numerous pieces of ammonia-containing equipment, namely evaporators, at the Facility in locations subject to forklift hazards. Respondent developed and has begun to implement a corrective action plan to install barricades at the Facility for this item.
- b. Section 68.73(e) of the Regulations requires that owners or operators correct deficiencies in equipment that are outside acceptable limits as defined by the process safety information in 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. 40 C.F.R. § 68.73(e). During the Inspection, EPA identified several mechanical integrity deficiencies documented in the Facility’s 2013 System Mechanical Integrity Evaluation that had not been corrected, including the needed repair of rusted piping under condensers, and the cleaning and repair of ammonia piping.

V. CONCLUSIONS OF LAW

27. As a corporation, Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the owner and operator of the Facility.

28. The Facility is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

29. Respondent has been the owner and operator of a “stationary source” at all times relevant to this Order.

30. Anhydrous ammonia is a “regulated substance” for purposes of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), because it is listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130.

31. The threshold quantity for anhydrous ammonia is 10,000 pounds, pursuant to 40 C.F.R. § 68.130, Table 1.

32. More than a threshold quantity of a regulated substance is present in a process at the Facility.

33. Respondent is subject to the requirements of Section 112(r)(7) of the CAA, 40 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, at the Facility because Respondent is the owner and operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.

VI. FINDINGS OF VIOLATION

34. Based on information available to EPA, including information gathered during the Inspection performed by EPA at the Facility, and the Findings of Fact and Conclusions of Law set forth above, EPA has determined that Respondent violated Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, with respect its storage and handling of anhydrous ammonia in the refrigeration system at the Facility, as detailed above.

VII. ORDER

35. EPA hereby issues this Order to Respondent under the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), to address the outstanding violations of the Chemical Accident Prevention Provisions alleged in Section IV, Findings of Fact and Section V, Conclusions of Law. Respondent neither admits nor denies the Findings of Fact and Conclusions of Law stated above, and will not contest EPA’s authority to enforce provisions of this Order. However, Respondent agrees to undertake the actions and provide the information specified below.

36. Respondent shall undertake the following requirements (“Work”):

- a. Within twenty (20) days of the Effective Date of this Order, Respondent shall submit to EPA a workplan and schedule for the performance of improvements for the Facility identified in Paragraph 26, above (“Workplan and Schedule”);

- b. EPA will review the Workplan and Schedule submitted pursuant to subparagraph 36.a, and will either accept it or direct Respondent to make changes and resubmit the document within twenty (20) days;
- c. Within seven (7) days of receipt of EPA's written acceptance of the Workplan and Schedule, submitted pursuant to subparagraph 36.b, Respondent shall initiate implementation of the EPA-accepted Workplan and complete the Workplan in accordance with the EPA-accepted Schedule;
- d. On the one-month anniversary of the Effective Date of this Order, and thirty (30) days thereafter, Respondent shall submit a written monthly progress report to EPA detailing steps taken during the preceding month to implement the EPA-accepted Workplan in accordance with the EPA-accepted Schedule;
- e. Within thirty (30) days after completing the work in accordance with the EPA-accepted Workplan and Schedule at the Facility, Respondent shall submit to EPA, for EPA's approval, a written report verifying that Respondent has complied with the requirements of subparagraph 36.c at the Facility ("Completion Report"). The Completion Report, with the following certification, shall be signed by a responsible official of Respondent, as such term is defined in paragraph 37, below:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

- f. EPA will review the Completion Report submitted pursuant to subparagraph 36.e, above, and will either approve it in writing or identify deficiencies in writing ("Notice of Work Deficiencies") and direct Respondent to correct and/or re-perform any or all Work disapproved by EPA and resubmit the report for EPA approval within thirty (30) days of receiving the Notice of Work Deficiencies associated with the Completion Report.

37. Any notice, report, plan, certification, data presentation or other document submitted by Respondent under or pursuant to this Order which discusses, describes, demonstrates or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirement(s) of this Order shall be certified by a

responsible official of said Respondent. The term “responsible official” means: (i) the president, secretary or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The responsible official of a partnership or sole proprietorship means the general partners or the proprietor, respectively.

38. Respondent shall provide EPA and its representatives, including contractors and grantees, with access to the Facility for the purpose of assessing Respondent’s compliance with this Order and with the CAA. Respondent shall also provide EPA and its representatives, including contractors and grantees, with access to all records relating to Respondent’s implementation of this Order, and shall comply with all requests for information pertaining to this Order.

39. Respondent shall preserve all documents and information relating to the activities carried out pursuant to this Order for six (6) years after completion of the Work required by this Order. Upon request, Respondent shall provide EPA with copies of such documents and information.

40. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by the Respondent pursuant to 40 C.F.R. Part 2, Subpart B, and determined by EPA to require treatment as confidential business information in accordance with applicable law.

VIII. PARTIES BOUND

41. This Order shall apply to and be binding upon Respondent, its agents, successors, and assigns and upon all persons, contractors and consultants acting under or for the Respondent, or persons acting in concert with Respondent who have actual knowledge of this Order or any combination thereof with respect to matter addressed in this Order. No change in ownership or corporate or partnership status of the Respondent will in any way alter the status of the Respondent or its responsibilities under this Order.

IX. WRITTEN NOTICES

42. Information required to be submitted to EPA under this Order must be sent to:

Ashley Nilsen, E.I.T., Risk Management Program Coordinator
U.S. Environmental Protection Agency, Region III
1650 Arch Street

US Foods, Inc.

Docket No. CAA-03-2018-0096DA

Philadelphia, Pennsylvania 19103-2029
Phone: (215) 814-3269
nilsen.ashley@epa.gov

Copies shall be sent to:

Cynthia T. Weiss, Esq.
Office of Regional Counsel (3RC42)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
Phone: (215) 814-2659
weiss.cynthia@epa.gov

43. Information required to be submitted to Respondent under this Order must be sent to:

Jill Tubbs, Director of Environmental Compliance
US Foods, Inc.
9399 West Higgins Road, Suite 500
Rosemont, IL 60018
(402) 212-5976
jill.tubbs@usfoods.com

Copies shall be sent to:

Wayne Dubasak
US Foods of Allentown
1200 Hoover Road
Allentown, PA 18109
Phone: (610) 776-2149
wayne.dubasak@usfoods.com

X. EFFECT OF ORDER

44. As set forth in Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), nothing in this Order shall prevent EPA from assessing any penalties, or otherwise affect or limit the United States' authority to enforce other provisions of the CAA, or affect any person's obligations to comply with any Section of the CAA, or with any regulation, term or condition of any permit, or applicable implementation plan promulgated, issued or approved under the CAA. Further, nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against the Respondent or any third parties with regard to the Facility pursuant to any federal or state law, regulation or permit condition. Nothing in this Order shall limit or otherwise preclude the United States from taking

criminal or additional civil judicial or administrative enforcement action against the Respondent for Respondent's failure to comply with any of the requirements of this Order.

XI. ENFORCEMENT

45. Failure to comply with this Order may result in a civil judicial or administrative action for an injunction and/or civil penalties of up to \$46,162 per day of violation, pursuant to Section 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, et seq., as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, et seq., and Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Parts 19. EPA retains full authority to enforce the requirements of the Act, 42 U.S.C. §§ 7401-7642, and nothing in this Order shall be construed to limit this authority.

46. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of the Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-708. This Order shall not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws, regulations and other legal requirements, including but not limited to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

47. As set forth in Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), nothing in this Order shall prevent EPA from assessing any penalties, or otherwise affect or limit the United States' authority to enforce other provisions of the CAA, or affect any person's obligations to comply with any Section of the CAA, or with any regulation, term or condition of any permit, or applicable implementation plan promulgated, issued or approved under the CAA. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, extremely hazardous substance, or other hazardous substance on, at, or from the Facility. This Order shall not constitute or be construed as a release of any liability that the Respondent or any other person may have under the CAA, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, or any other law.

48. Neither EPA nor the United States, by issuance of this Order, assumes any liability for any acts or omissions by Respondent or Respondent's employees, agents, contractors, or consultants engaged to carry out any action or activity pursuant to this Order, nor shall EPA or the United States be held as a party to any contract entered into by Respondent or by Respondent's employees, agents, contractors, or consultants engaged to carry out the requirements of this Order.

XII. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

49. This Order shall be effective upon receipt by the Respondent of a fully executed copy of the Order.

50. Any reports, plans, specifications, schedules, or other submissions required by this Order are, upon acceptance by EPA, incorporated into this Order. Any non-compliance with such EPA-accepted reports, plans, specifications, schedules, or other submissions shall be considered non-compliance with the requirements of this Order.

51. No informal advice, guidance, suggestions or comments by EPA regarding reports, plans, specifications, schedules, or other submissions by the Respondent or the requirements of this Order will be construed as relieving the Respondent of its obligation to obtain formal acceptance when required by this Order, and to comply with the requirements of this Order unless formally modified.

52. This Order may be modified or amended in a writing executed by the Director of the Hazardous Site Cleanup Division and Respondent. Such modifications or amendments shall be effective on the date they are fully executed by Respondent and the Director of the Hazardous Site Cleanup Division or such other date as set by the Director of the Hazardous Site Cleanup Division. Minor modifications to the Order and/or schedule thereto may be approved by EPA's Risk Management Program Coordinators Michael Welsh, P.E., or Ashley Nilsen, E.I.T.

XIII. CALCULATION OF TIME

53. Any reference to "days" in this Order shall mean calendar days, unless otherwise specifically provided herein. Any reference to "business days" shall mean every day of the week except Saturdays, Sundays and federal holidays.

XIV. FAILURE TO PERFORM/PERFORMANCE EVENTS

54. In the event of an inability or anticipated inability on the part of the Respondent to perform any of the actions required by this Order in the time and manner required herein, the Respondent shall notify EPA orally within twenty-four (24) hours of such event (or, if the event occurs on a Friday or Saturday, Sunday, or legal holiday, no later than the following business day) and in writing as soon as possible, but in no event more than three (3) days after such event. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Respondent to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such

notification shall not relieve Respondent of any obligation of this Order. Respondent shall take all reasonable actions to prevent and minimize any delay.

55. Failure by Respondent to carry out any requirement of this Order in accordance with the terms and conditions specified herein may result in the initiation of an enforcement action against Respondent to require Respondent to perform such actions, in addition to any other relief that may be available to EPA pursuant to applicable law. Respondent reserves all rights, claims and defenses to respond to any enforcement by EPA pursuant to this paragraph or under any authority.

56. Nothing in this Section or any other provision of this Order shall be construed so as to limit any powers EPA may have under the CAA or any other law or regulation, nor shall they be construed so as to limit any defenses that Respondent may have under the CAA or otherwise.

XV. SEVERABILITY

57. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in full force and not be affected thereby.

XVI. TERMINATION AND SATISFACTION

58. When EPA determines, after EPA's review and approval of the Completion Report required pursuant to this Order, that all Work specified in Section VII of this Order has been fully performed, EPA will provide a notice of termination to the Respondent.

59. The provisions of this Order shall be deemed terminated upon Respondent's completion of all actions specified in Section VII. Termination of this Order shall not, however, terminate Respondent's obligation to comply with any continuing obligations of any federal, state or local law, statute, ordinance, rule or regulation, and all continuing obligations shall continue as they did before the termination of the Order.

XVII. COPIES OF SETTLEMENT AGREEMENT AND ADMINISTRATIVE ORDER ON CONSENT

60. Copies of this Order will be provided to:

Muhammad Zaman
Environmental Program Manager, Air Quality Program,
Pennsylvania Department of Environmental Protection

US Foods, Inc.

Docket No. CAA-03-2018-0096DA

Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

Mark Wejkszner
Environmental Program Manager, Air Quality Program
Pennsylvania Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18701-1915

Krish Ramamurthy, Acting Director
Bureau of Air Quality
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building, 12th Floor
P.O. Box 8468
Harrisburg, Pennsylvania 17105-8468

US Foods, Inc.

Docket No. CAA-03-2018-0096DA

FOR US FOODS, INC.


Tim O'Donnell
Vice President, Operations

21 MAY 2018
Date

US Foods, Inc.

Docket No. CAA-03-2018-0096DA

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



Karen Melvin, Director
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency, Region III

Date: MAY 24 2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029

IN THE MATTER OF:

US Foods, Inc.
9399 West Higgins Road, Suite 500
Rosemont, Illinois 60018,

Respondent.

US Foods of Allentown
1200 Hoover Avenue
Allentown, Pennsylvania 18109,

Facility.

EPA Docket Number
CAA-03-2018-0096DA

Proceeding Pursuant to
Section 113(a)(3)(B) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(3)(B)

U.S. EPA-REGION 3-RHC
FILED-24MAY2018pm2:12

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Complainant's, the United States Environmental Protection Agency's, Administrative Settlement Agreement and Order on Consent ("Order") with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Order, along with its enclosures and/or attachments, were sent via overnight mail to:

Brian Patient, Esquire
US Foods, Inc.
9399 West Higgins Road
Rosemont, IL 60018

Date: May 24, 2018

Cynthia T. Weiss
Cynthia T. Weiss
Senior Assistant Regional Counsel
Counsel for Complainant
(215) 814-2659

