

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

FILED

Aug 27, 2026

3:07 pm

**U.S. EPA REGION 3
HEARING CLERK**

IN THE MATTER OF:

**BJ's Wholesale Club, Inc.
451 Fletchwood Road
Elkton, Maryland 21921**

Respondent

**BJ's Distribution – Elkton, MD
451 Fletchwood Road
Elkton, Maryland 21921**

Facility

DOCKET NO.: CAA-03-2026-0278

**EXPEDITED SETTLEMENT AGREEMENT
AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. BJ's Wholesale Club ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement (the "Agreement") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act" or "CAA"), 42 U.S.C. § 7413(a)(3), and (d), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination of Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated the authority to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d), and 40 C.F.R. §§ 22.1(a)(2) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was a "person" as defined in Section 302(e) of the CAA, 42

U.S.C. § 7602(e), and the owner and operator of a “stationary source,” as the term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.

4. On July 8, 2025, an authorized representative of EPA conducted an inspection of Respondent's facility known as BJ's Distribution – Elkton, MD (the “Facility”) located at 451 Fletchwood Road in Elkton, Maryland to determine compliance with Section 112(r) of the Act, 42 U.S.C. § 7412(r), and the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68, and observed that during the violation period set forth in the ESA, Respondent was handling more than 10,000 pounds of ammonia at the Facility.
5. Ammonia is a regulated toxic 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. The threshold quantity for the regulated toxic substance is 10,000 pounds for ammonia, pursuant to 40 C.F.R. § 68.130, Tables. Thus, more than a threshold quantity of a regulated substance is present in a process at the Facility.
6. Based on EPA's inspection and subsequent investigation, Complainant has identified the following violations of the RMP regulations:
 - a. From at least 7/8/2024 until 7/8/2025, Respondent failed to maintain correct amount of ammonia maximum inventory on site, as required by 40 C.F.R. §68.65(c)(iii).
 - b. From at least 8/2/2024 to 7/8/2025, Respondent failed to update emergency contact information listed on cdx within 30 days of change, as required by 40 C.F.R. §68.195(b).
 - c. From at least 7/8/2024 until 7/8/2025, Respondent failed to ensure that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP), as required by 40 C.F.R. §68.65(d)(2);
 - I. No caution signage on Fire Shed entrance door. NFPA 704 4.3, requires signage to be placed at each access point or doorway leading into a specific room containing hazardous materials, in this case, at the fire shed entrance.
 - II. Missing valve tags throughout the facility. IIAR 6-2019 5.3.3, requires identification tags on valves.
 - III. Excessive ice build up on essential components of ammonia system. IIAR 2-2021 5.10.1, requires elimination of excessive frost buildup that interferes with valve operation.

- IV. Pipe supports failing and waving throughout the facility. ASME B31.5-2022 501.6.1, requires proper design taking into account loads and forces for pipe supports.
 - V. No pipe bracing on pipe supports. ASCE7-10 13.6.8, requires proper design for seismic forces and seismic relative displacements.
 - VI. Corrosion on valves. IIAR 6-2019 10.1.1.1.1, requires cleaning or recoating on surfaces where corrosion is beyond the permitted amount.
- d. From at least 7/8/2024 until 7/8/2025, Respondent failed to identify all hazards on the Process Hazard Analysis, as required by 40 C.F.R. § 68.67(c)(1). Specifically, not identifying the hazard of missing protective balusters on roof catwalk.
 - e. From at least 7/8/2024 until 7/8/2025, Respondent failed to complete Process Hazard Analysis task items in a timely manner, as required by 40 C.F.R. § 68.67(e).
 - f. From at least 7/8/2024 until 7/8/2025, Respondent failed to annually certify operating procedures, as required by 40 C.F.R. § 68.69(c).
 - g. From at least 7/8/2024 until 7/8/2025, Respondent failed to correct equipment deficiencies in a timely manner, as required by 40 C.F.R. § 68.73(e).
 - h. From at least 7/8/2024 until 7/8/2025, Respondent failed to correct promptly correct action items found in Compliance Audit, as required by 40 C.F.R. § 68.79(d).
 - i. From at least 7/8/2024 until 7/8/2025, Respondent failed to certify they evaluated compliance at least every three years, as required by 40 C.F.R. § 68.79(a).
- 7. Complainant and Respondent agree that settlement of this matter for a penalty of **\$8,800.00** (EIGHT THOUSAND EIGHT HUNDRED DOLLARS) is in the public interest. In calculating this amount, Complainant considered the factors provided in CAA Section 113(e)(1), 42 U.S.C. Section 7413(e)(1).
 - 8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$8,800.00** (the Assessed Penalty). Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional->

[instructions-making-payments-epa](#). Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

9. Within 24 hours of payment, the Respondent shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Kyung Min
U.S. EPA, Region 3
Min.kyung@epa.gov

and

Regional Hearing Clerk
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondent admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
11. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the violations alleged in this Agreement, and (2) any documentation or information that he or she provided to EPA was true and accurate.
12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
13. 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. In

addition, 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) and Section 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement, following its filing with the Regional Hearing Clerk.

14. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
15. COST OF COMPLIANCE: Respondent certifies that it has expended \$_____ to correct the alleged violation(s) and to come into compliance.
16. This Agreement is binding on the parties signing below and is effective upon filing of the ESA and Final Order by the Regional Hearing Clerk, in accordance with 40 C.F.R. § 22.31(b).
17. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
18. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind BJ's Wholesale Club, Inc.
19. As permitted under 40 C.F.R. § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: min.kyung@epa.gov (for Complainant), and _____(for Respondent).
20. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
21. **For Respondent:** BJ's Wholesale Club, Inc.

Date: _____

By: _____

William Peters
Sr. Director, Safety & Asset Protection
Operations

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Acting Director

Enforcement and Compliance Assurance Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

FILED

Aug 27, 2026

3:07 pm

**U.S. EPA REGION 2
HEARING CLERK**

In the Matter of:

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:

BJ's Wholesale Club, Inc.

:

U.S. EPA Docket No. CAA-03-2026-0278

:

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Proceeding under [Section CAA 112(r)(1)(7),

:

Act, 42 U.S.C. § 7412(r)(7)]

:

:

FINAL ORDER

Pursuant to 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 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

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

By:

Regional Judicial and Presiding Officer
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
BJ's Wholesale Club, Inc.	:	
451 Fletchwood Road	:	U.S. EPA Docket No. CAA-03-2026-0278
Elkton, Maryland 21921	:	
	:	
Respondent	:	Proceeding under [Section CAA 112(r)(1)(7), Act, 42 U.S.C. § 7412(r)(7)]
	:	
BJ's Distribution – Elkton, MD	:	
451 Fletchwood Road	:	
Elkton, Maryland 21921	:	
	:	
	:	
Facility	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

William Peters
BJ's Wholesale Club
bpeters@bjs.com
350 Campus Drive
Marlborough, Massachusetts 01752

Kyung Min
RMP Inspector
U.S. EPA, Region 3
min.kyung@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3