

FILED

Jul 22, 2026

3:55 pm

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

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

IN THE MATTER OF:

**Performance Foodservice-Virginia
7422 Ranco Road
Richmond, VA 23228**

Respondent

**Performance Foodservice-Virginia
7422 Ranco Road
Richmond, VA 23228**

Facility

DOCKET NO.: CAA-03-2026-0137

**EXPEDITED SETTLEMENT AGREEMENT
AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. Performance Foodservice-Virginia ("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 April 22, 2025, an authorized representative of EPA conducted an inspection of Respondent’s facility known as Performance Foodservice-Virginia (the “Facility”) located at 7422 Ranco Road in Richmond, Virginia 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 anhydrous ammonia at the Facility.
5. Anhydrous 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 anhydrous 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 August 3, 2021 until April 22, 2025, Respondent failed to ensure that several valve identification tags were present on a compressor located in the ammonia engine room, in violation of 40 C.F.R. § 68.65(d)(2), which requires owners and operators to ensure that equipment complies with recognized and generally accepted good engineering practices (“RAGAGEPs”). International Institute of Ammonia Refrigeration (“IIAR”) Bulletin No. 114, *Guidelines for: Identification of Ammonia Refrigeration Piping and System Components*, Sections 4 and 4.2, requiring clear and consistent identification of valves and system components to facilitate safe operation and effective emergency response, is the applicable RAGAGEP;
 - b. From at least August 3, 2021 until April 22, 2025, Respondent failed to maintain ammonia hazard warning labels and National Fire Protection Association (“NFPA”) hazard placards on a door adjacent to the primary entrance to the ammonia machinery room, in violation of 40 C.F.R. § 68.65(d)(2), which requires owners and operators to ensure that equipment complies with RAGAGEPs. American National Standards Institute/International Institute of Ammonia Refrigeration (“ANSI/IIAR”) 2, *American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems*, Section 6.6.2, requiring that

entrances to ammonia machinery rooms be clearly marked to notify personnel and emergency responders of the presence of ammonia hazards, is the applicable RAGAGEP;

- c. From at least August 3, 2021 until April 22, 2025, Respondent failed to prevent or correct excessive ice accumulation on the low-temperature recirculator, in violation of 40 C.F.R. § 68.65(d)(2), which requires owners and operators to ensure that equipment complies with RAGAGEPs. IIAR Bulletin No. 110, *Guidelines for: Start-Up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems*, Section 5, identifying such conditions as indicators of potential insulation deficiencies, system inefficiencies, or leaks that require inspection and corrective maintenance, is the applicable RAGAGEP; and
 - d. From at least August 3, 2021 until April 22, 2025, Respondent failed to prevent or correct corrosion on multiple piping components, flanges, and metal-to-metal contact supports within the ammonia refrigeration system, in violation of 40 C.F.R. § 68.65(d)(2), which requires owners and operators to ensure that equipment complies with RAGAGEPs. ANSI/IIAR 2, *American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems*, Section 5.3, requiring that system components be maintained in a condition that preserves structural integrity and minimizes the risk of ammonia releases, is the applicable RAGAGEP.
7. 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.
 8. Complainant and Respondent agree that settlement of this matter for a penalty of **\$1,500.00 (ONE THOUSAND FIVE 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. § 7413(e)(1).
 9. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$1,500.00** (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.

10. 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:

Om P. Devkota
U.S. EPA, Region 3
Devkota.om@epa.gov

and

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

11. The Respondent certifies that, since its last Risk Management Plan update required pursuant to 40 C.F.R. § 68.190, it has not done either of the following: (a) introduced a new regulated substance at the Facility in an amount greater than its threshold quantity; or (b) introduced a new process which uses a regulated substance in an amount greater than its threshold quantity.
12. 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 of 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. COST OF COMPLIANCE: Respondent certifies that it has expended **\$290,379.55** to correct the alleged violation(s) and to come into compliance.
18. 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).
19. 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.
20. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Performance Foodservice-Virginia.
21. 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: Devkota.om@epa.gov (for Complainant), and Steve.Fasulka@pfgc.com (for Respondent).
22. 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.

In the Matter of: Performance Foodservice-Virginia

Docket No: CAA-03-2026-0137

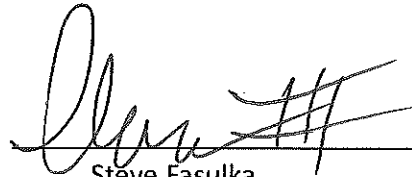
For Respondent:

Performance Foodservice-Virginia

Date:

5/28/26

By:

A handwritten signature in black ink, appearing to read 'Steve Fasulka', written over a horizontal line.

Steve Fasulka

Director of Facilities and Safety

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.

Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

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

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

In the Matter of:

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Performance Foodservice-Virginia

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U.S. EPA Docket No. CAA-03-2026-0137

:

: Proceeding under Sections 112(r)(7) and 113(a)

: and (d) of the Clean Air Act, 42 U.S.C. §§

: 7412(r)(7) and 7413(a) and (d)

:

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:	:	
	:	
Performance Foodservice-Virginia	:	U.S. EPA Docket No. CAA-03-2026-0137
7422 Ranco Road	:	
Richmond, VA, 23228	:	
	:	
	:	Proceeding under Sections 112(r)(7) and
	:	113(a) and (d) of the Clean Air Act,
Respondent	:	42 U.S.C. §§ 7412(r)(7) and 7413(a) and (d)
	:	
Performance Foodservice-Virginia	:	
7422 Ranco Road	:	
Richmond, VA, 23228	:	
	:	
	:	
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:

Steve Fasulka
Director of Facilities and Safety
Performance Foodservice-Virginia
7422 Ranco Road
Richmond, VA 23228
Steve.Fasulka@pfgc.com

Om P. Devkota
Inspector, Case Development Officer
U.S. EPA, Region 3
Devkota.om@epa.gov

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