



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 01 2018

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Doug Rollo  
Corporate Environmental Safety Manager  
Gordon Food Service, Inc.  
6200 Gordon Food Service Drive  
Kannapolis, North Carolina 28027

Re: Gordon Food Service, Inc.  
Expedited Settlement Agreement  
CAA-04-2018-8002(b)

Dear Mr. Rollo:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2018-8002(b)) involving Gordon Food Service, Inc. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. Payment instructions are included in the ESA and should be submitted within fifteen days of receipt of this letter.

Also, enclosed please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice. If you need additional information in this matter, please call Erika White at (404) 562-9195.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Toney", with a long horizontal flourish extending to the right.

Anthony G. Toney  
Chief  
Chemical Safety and Enforcement Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

2018 MAR 17 AM 10:00

HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO: CAA-04-2018-8002(b)**

**This ESA is issued to: Gordon Food Service, Inc.  
6200 Gordon Food Service Drive  
Kannapolis, North Carolina**

**for violating 40 CFR § 68.69, 40 CFR § 68.75, 40 CFR § 68.77, and Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by the Gordon Food Service, Inc., facility (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

**ALLEGED VIOLATIONS**

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 6200 Gordon Food Service Drive, Kannapolis, North Carolina, 28027, April 25, 2017, the EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

It developed and implemented written operating procedures that address emergency shutdown including conditions under which an emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner as required by 40 CFR § 68.65(d)(1)(iv);

It established and implemented written procedures to manage changes ("except for replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to stationary sources that affect a covered process as required by 40 CFR § 68.75(a);

Its pre-startup safety review confirmed that prior to the introduction of regulated substances to a process, safety, operating, maintenance, and emergency procedures are in place and are adequate as required by 40 CFR § 68.77(b)(2); and

Its pre-startup safety review confirmed that prior to the introduction of regulated substances to a process, training of each employee involved in operating a process has been completed as required by 40 CFR § 68.67(b)(4).

## SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$1,980**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$1,980**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,980**, in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

**The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.**

For payment sent via Standard Delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, Missouri 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)  
U.S. Environmental Protection Agency  
Cincinnati Finance Center Box 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
Delivery Location Phone Number: 314- 425-1819

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303, and

Deanne Grant  
U.S. EPA Region 4  
Chemical Management and Emergency  
Planning Section  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

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

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

**The Remainder of this Page Intentionally Left Blank**

FOR RESPONDENT:

Signature: Douglas R Rollo

Date: 12/29/17

Name (print): Douglas R Rollo

Title (print): Corp Safety  
Gordon Food Service, Inc.

FOR COMPLAINANT:

Beverly H. Banister  
Beverly H. Banister  
Director

Date: 1/26/18

Air, Pesticides and Toxics Management Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Tanya Floyd  
Tanya Floyd  
Regional Judicial Officer

Date: February 22, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement (ESA), in the matter of Gordon Food Service, Inc. CAA-04-2018-8002(b), on the parties listed below in the manner indicated:

Robert W. Bookman  
U. S. EPA, Región 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

(Via EPA's internal mail)

Lucia Mendez  
U. S. EPA, Region 4  
Office of Regional Counsel  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

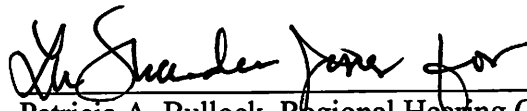
(Via EPA's internal mail)

Mr. Doug Rollo  
Corporate Environmental Safety Manager  
Gordon Food Service, Inc.  
6200 Gordon Food Service Drive  
Kannapolis, North Carolina 28027

(Via Certified Mail -  
Return Receipt Requested)

Date:

3/1/2018



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511