

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for

Laura J. Berry  
Name of Case Attorney

5/27/14  
Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2014-0012

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

UniFirst Corporation (Lebanon and Nashua Facilities)  
68 Jonspin Road  
Wilmington, MA 01880

Total Dollar Amount of Receivable \$ 86,660 Due Date: 6/20/14

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

Phone Number \_\_\_\_\_



United States Environmental Protection Agency  
Region 1 – New England  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

RECEIVED  
2014 MAY 21 P 3:41  
EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

May 21, 2014

BY HAND

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1 (ORA 18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: *In the Matter of UniFirst Corporation*, Docket No.  
CAA-01-2014-0012 (Lebanon and Nashua Facilities)

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Consent Agreement and Final Order; and
2. Certificate of Service.

Kindly file the documents in the usual manner. Thanks very much for your help.

Very truly yours,

A handwritten signature in blue ink that reads "Laura J. Berry".

Laura J. Berry  
Enforcement Counsel

Enclosures

cc: Gregory A. Bibler, Esq. (Counsel for Respondent)  
Elizabeth Kudarauskas, OES, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND**

IN THE MATTER OF ) ) UniFirst Corporation ) 68 Jonspin Road ) Wilmington, MA 01880 ) ) Proceeding under Section ) 113 of the Clean Air Act )	Docket No. CAA-01-2014-0012
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**CONSENT AGREEMENT AND FINAL ORDER**

1. The United States Environmental Protection Agency, Region 1 (“EPA” or “Complainant”) alleges that UniFirst Corporation (“UniFirst” or “Respondent”) violated the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401-7671q, and regulations implementing the CAA, at industrial laundry facilities owned and operated by UniFirst located at 125 Etna Road in Lebanon, New Hampshire (the “Lebanon Facility”) and 8 Industrial Park Drive in Nashua, New Hampshire (the “Nashua Facility”).

2. Complainant and Respondent agree that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter. Pursuant to 40 C.F.R. § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22, Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this CAFO.

3. Therefore, before any hearing, without adjudication of any issue of fact or law, upon the record, and upon consent and agreement of Complainant and Respondent, it is hereby

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2014 MAY 21 3:41  
EPA OFFICE  
REGIONAL HEARING CLERK

ordered and adjudged as follows:

**A. PRELIMINARY STATEMENT**

4. The provisions of this CAFO shall apply to and be binding upon Respondent, its officers, directors, successors, and assigns.

5. The effective date of this CAFO shall be the date it is filed with the Regional Hearing Clerk, in accordance with 40 C.F.R. § 22.31(b).

6. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in this CAFO, consents to its terms.

7. Without admitting or denying the legal or factual allegations contained in this CAFO, Respondent hereby waives its right to contest any issue of law or fact set forth in this CAFO, as well as its right to appeal the Final Order.

**B. EPA'S RECITATION OF STATUTORY AND REGULATORY AUTHORITY**

8. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to prepare a state implementation plan ("SIP") incorporating regulations designed to attain and maintain healthy air quality. A state must submit its SIP and any SIP revisions to EPA for approval. Once EPA has approved a SIP, the federal government may enforce the SIP's requirements and prohibitions pursuant to Sections 113(a) and (b) of the CAA, 42 U.S.C. §§ 7413(a) and (b).

9. The State of New Hampshire has adopted a SIP within the meaning of Section 113(a)(1) of the CAA. The New Hampshire SIP ("NH SIP"), which has been approved by EPA under Section 110 of the CAA, 42 U.S.C. § 7410, contains various federally-approved portions of the State's Air Program Rules, found at Chapter Env-A 600 of the New Hampshire Code of

Administrative Rules, including requirements for New Source Review (“NSR”) in nonattainment areas and in the Ozone Transport Region as required by Sections 172-173 and 184 of the CAA, 42 U.S.C. §§ 7402-7403 and 7511c. These requirements are enforceable by EPA under Section 113 of the CAA.

10. EPA has designated ozone as an ambient air pollutant, and has developed a national ambient air quality standard (“NAAQS”) for ozone. *See* 40 C.F.R. § 50.9. Ozone forms when volatile organic compounds (“VOCs”) react with oxides of nitrogen in the presence of sunlight. Therefore, in order to control ozone formation, EPA and the states have generally sought to control VOC emissions.

11. To address nonattainment with the ozone NAAQS, the NH SIP contains various nonattainment NSR provisions as required by Sections 172 and 173 of the CAA.

12. The NH SIP, at Env-A 610.01(a)(2)(b), which applies to all new major stationary sources and major modifications to existing stationary sources of criteria pollutants located in nonattainment areas or the ozone transport region, defines a major stationary source as one which emits or has the potential to emit 50 tons per year or more of VOCs.

13. Pursuant to the NH SIP at Env-A 610.01(a)(2)(a), a major modification includes any modification to a major stationary source that results in significant increases in emissions of one or more of the applicable pollutants in accordance with the provisions of Env-A 610.03.

14. Pursuant to the NH SIP at Env-A 610.03(e), the significance levels for VOC emissions for the purpose of determining the rule applicability status of major source modifications are (a) 25 tons per year or more of VOCs for sources located within the four-county ozone classified nonattainment region when aggregated with all other net increases in emissions from the source over any period of five consecutive calendar years including the most

recent year in which such increase occurred; or (b) 40 tons per year or more of VOCs for sources located in New Hampshire outside the four-county ozone classified nonattainment region. The four-county ozone classified nonattainment region includes Hillsborough, Merrimack, Rockingham, and Strafford counties.

15. Under the NH SIP, the owner or operator of a major stationary source of VOCs must apply for and obtain permits under Parts Env-A 602, 603, and 610 before the commencement of construction or installation of any new or modified device or the operation of any existing device. These permitting provisions require, among other things, that new major stationary sources or major modifications of existing sources of VOCs obtain a permit with lowest achievable emissions rate (“LAER”) controls for its VOC emissions, and obtain VOC emission reductions or credits sufficient to offset the allowable emissions increase (“VOC emissions offsets”).

16. Effective September 1, 2012, the State of New Hampshire adopted Part Env-A 625, “Limitations on Potential to Emit,” which established a permit-by-rule process to allow certain owners and operators of VOC- or HAP-emitting sources to limit the potential to emit of that operation by submitting written notification stating their intention to operate under the limits established in that Part. For “industrial laundry operations,” Part Env-A 625 establishes an operating limit of less than 1,300 tons of soiled shop towels or 120 tons of soiled print towels, or 120 tons of both soiled shop and print towels. Under Part Env-A 625, an industrial laundry operation that submits the requisite written notification and otherwise complies with the requirements of that Part shall be considered to have a potential to emit for any consecutive 12-month period less than 50 tons of VOCs, 10 tons of any individual HAP, and 25 tons of combined HAPs, unless otherwise determined by a permit or order of the New Hampshire

Department of Environmental Services (“NHDES”).

17. The NHDES Title V operating permit program, at New Hampshire Air Program Rules Part Env-A 609, applies to any facility that has the potential to emit 50 tons per year or more of VOCs.

18. Section 503(c) of Title V of the CAA and EPA regulations at 40 C.F.R. § 70.5 require that a major stationary source submit a timely and complete Title V operating permit application within 12 months of commencing operation as a major source.

19. Under Section 502(a) of the CAA and EPA regulations at 40 C.F.R. § 70.7(b), no person shall operate a major stationary source after the date it was required to submit an application for a Title V operating permit, except in compliance with a permit issued under the state’s operating program.

20. Forty C.F.R. § 70.2 defines “major source” to include major stationary sources located in designated ozone non-attainment areas or in the Ozone Transport Region.

21. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), as amended by EPA’s Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, promulgated in accordance with the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. §§ 3701 *et seq.*, provide for the assessment of civil penalties in amounts up to \$32,500 per day for violations of the CAA occurring between March 16, 2004 and January 12, 2009, and up to \$37,500 per day for violations of the CAA occurring after January 12, 2009.

22. Section 113(d) of the CAA limits EPA’s authority to issue administrative penalty orders to matters where the total penalty sought does not exceed \$200,000 and the first date of violation occurred no more than 12 months prior to the initiation of the action, unless EPA and the U.S. Department of Justice (“DOJ”) jointly determine that a matter involving a larger penalty

amount or longer period of violation is appropriate for an administrative penalty action.

Pursuant to the DCIA and its implementing regulations, the above-described penalty cap has been raised to \$320,000. Although this CAFO alleges violations that commenced more than 12 months ago, EPA and DOJ have jointly determined that this matter is appropriate for an administrative penalty action.

23. EPA has provided notice to Respondent and to NHDES of EPA's findings of violations described in this CAFO, at least 30 days prior to the issuance of an administrative penalty order pursuant to Section 113(d) of the CAA.

### **C. EPA'S FINDINGS**

#### General Findings

24. Respondent is a corporation organized under the laws of the Commonwealth of Massachusetts.

25. Respondent operates industrial laundries that process soiled articles, many of which contain substances, such as solvents and oil, which emit VOCs.

26. On November 18, 2009, an EPA inspector performed an inspection at the Lebanon Facility. The Lebanon Facility is located in Grafton County, which is outside the four-county ozone classified nonattainment region.

27. On January 6, 2010, an EPA inspector performed an inspection at the Nashua Facility. The Nashua Facility is located in Hillsborough County, which is in the four-county ozone classified nonattainment region.

28. On April 13, 2011, and June 28, 2012, EPA issued Clean Air Act Reporting Requirements to UniFirst.

29. UniFirst submitted responses to the Reporting Requirements on August 23, 2011,



and August 24, 2012.

30. On April 27, 2012, EPA issued a Clean Air Act Testing Order and Reporting Requirement to UniFirst.

31. In response to the Testing Order and Reporting Requirement, UniFirst submitted a Test Protocol that was conditionally approved by EPA on November 14, 2012.

32. UniFirst conducted a VOC emissions test at its Portland, Maine industrial laundry facility on December 15, 2012, and submitted a test report on February 15, 2013.

33. On June 21, 2013, EPA issued a Notice of Violation to Respondent for the Lebanon Facility and the Nashua Facility.

#### Specific Findings

##### Alleged Violations of Nonattainment New Source Review Requirements (Lebanon Facility)

34. Since at least June 2002, the Lebanon Facility has been a major stationary source with the potential to emit more than 50 tons per year of VOCs.

35. By installing and operating new washers and dryers capable of laundering shop and print towels at the Lebanon Facility since June 2002, Respondent constructed and operated major modifications that resulted in significant increases in emissions (*i.e.*, more than 40 tons per year of VOCs). Accordingly, Respondent was required to apply for and obtain temporary and operating permits that included LAER and VOC emissions offsets under Env-A 602, 603, and 610, and to operate the Lebanon Facility in accordance with those permits.

36. Respondent submitted a Notification of Intent to Comply with Part Env-A 625 for Industrial Laundry Operations for the Lebanon Facility in June 2013. Respondent's failures to previously submit such Notification of Intent and to previously apply for temporary permits or permits to operate the major modifications described above under Parts Env-A 602 and 603 of

the NH SIP and to operate the Lebanon Facility in accordance with such permits from at least June 2002 until the effective date of this CAFO constitute violations of Parts Env-A 602 and 603 of the NH SIP.

Alleged Violations of Title V Operating Permit Program (Lebanon Facility)

37. The Lebanon Facility is and has been a “major source,” as defined by 40 C.F.R. § 70.2, since at least June 2002.

38. Pursuant to Section 503(c) of the CAA and 40 C.F.R. § 70.5, Respondent was required to apply for a Title V permit for the Lebanon Facility within 12 months of becoming subject to Title V permit requirements (*i.e.*, since at least June 2002).

39. Respondent did not apply for a Title V permit for the Lebanon Facility from at least July 2003 through the effective date of this CAFO. Accordingly, Respondent violated Sections 502(a) and 503(c) of the CAA and 40 C.F.R. §§ 70.5 and 70.7(b) from at least July 2003 through the effective date of this CAFO by failing to make a timely application for and failing to operate in compliance with a Title V operating permit at the Lebanon Facility.

Alleged Violations of Nonattainment New Source Review Requirements (Nashua Facility)

40. Since at least December 2001, the Nashua Facility has been a major stationary source with the potential to emit more than 50 tons per year of VOCs.

41. By installing and operating new washers and dryers capable of laundering shop and print towels at the Nashua Facility since December 2001, Respondent constructed and operated major modifications that resulted in significant increases in emissions (*i.e.*, more than 25 tons per year of VOCs). Accordingly, Respondent was required to apply for and obtain temporary and operating permits that included LAER and VOC emissions offsets under Env-A 602, 603, and 610, and to operate the Nashua Facility in accordance with those permits.

42. Respondent submitted a Notification of Intent to Comply with Part Env-A 625 for Industrial Laundry Operations for the Nashua Facility in June 2013. Respondent's failures to previously submit such Notification of Intent and to previously apply for temporary permits or permits to operate the major modifications described above under Parts Env-A 602 and 603 of the NH SIP and to operate the Nashua Facility in accordance with such permits from at least June 2002 until the effective date of this CAFO constitute violations of Parts Env-A 602 and 603 of the NH SIP.

Alleged Violations of Title V Operating Permit Program (Nashua Facility)

43. The Nashua Facility is and has been a "major source," as defined by 40 C.F.R. § 70.2, since at least December 2001.

44. Pursuant to Section 503(c) of the CAA and 40 C.F.R. § 70.5, Respondent was required to apply for a Title V permit for the Nashua Facility within 12 months of becoming subject to Title V permit requirements (*i.e.*, since at least December 2001).

45. Respondent did not apply for a Title V permit for the Nashua Facility from at least December 2001 through the effective date of this CAFO. Accordingly, Respondent violated Sections 502(a) and 503(c) of the CAA and 40 C.F.R. §§ 70.5 and 70.7(b) from at least December 2001 through the effective date of this CAFO by failing to make a timely application for and failing to operate in compliance with a Title V operating permit at the Nashua Facility.

**D. TERMS OF SETTLEMENT**

46. As a condition of settlement, Respondent agrees to the non-penalty provisions in paragraph 47 below and Appendix I to this CAFO.

47. Compliance.

a. Respondent shall comply with all of the terms and conditions of Appendix

I (Terms of Compliance), which is incorporated herein by reference, at the Lebanon Facility until NHDES issues permits to Respondent for the Lebanon Facility containing provisions at least as stringent as the terms and conditions of Appendix I.

b. Respondent shall comply with all of the terms and conditions of Appendix I (Terms of Compliance), which is incorporated herein by reference, at the Nashua Facility until NHDES issues permits to Respondent for the Nashua Facility containing provisions at least as stringent as the terms and conditions of Appendix I.

c. Within 60 days of the effective date of the CAFO, but before any draft permit application or modification is prepared, submitted, or due, EPA and UniFirst will discuss with NHDES the processing of any permit application or modification contemplated by this CAFO.

d. Within 120 days of the effective date of the CAFO, UniFirst shall submit to EPA for review and approval draft applications for minor source permits, or proposed modifications to existing permits, for the Lebanon Facility and for the Nashua Facility, that incorporate terms and conditions no less stringent than those described in Appendix I.

e. Within 30 days of EPA approval of the draft permit applications or modifications for the Lebanon Facility, UniFirst shall submit it to NHDES.

f. Within 30 days of EPA approval of the draft permit applications or modifications for the Nashua Facility, UniFirst shall submit it to NHDES.

g. Within 7 days after each of the following dates, Respondent shall submit to EPA a written report in which Respondent describes the steps it took during the previous quarter to comply with the terms of this CAFO, including a report on each instance of noncompliance with the provisions in Appendix I:

- i. June 30, 2014;
- ii. September 30, 2014;
- iii. December 31, 2014; and
- iv. March 31, 2015.

48. Approval of Deliverables.

a. After review of any document that is required to be submitted to EPA pursuant to paragraph 47 of this CAFO (the "Submission"), EPA shall in writing (i) approve the Submission; (ii) approve the Submission with specified conditions; or (iii) disapprove the Submission. For purposes of this paragraph, the term "approval" means that the Submission complies with the requirements in Appendix I, which is incorporated herein by reference. EPA may not disapprove or condition approval based on any requirements beyond those specified in Appendix I.

b. If the Submission is disapproved, Respondent shall, within thirty (30) days or such other time as the Parties agree to in writing, revise and resubmit the Submission, or disapproved portion thereof, for approval in accordance with the preceding subparagraphs.

c. If a resubmission or portion thereof is disapproved, EPA may again require Respondent to revise and resubmit the Submission, in accordance with the preceding subparagraphs.

49. Stipulated Penalties. Respondent shall be liable for stipulated penalties in the amount of \$500 per day for each instance of noncompliance with paragraphs 47.e-47.g of this CAFO and with sections 2)a, 3)a, and 4)a of Appendix I.

50. In accordance with Section 113(d)(2)(B) of the Act, EPA has compromised the maximum civil penalty of \$37,500 per day per violation authorized in this matter by applying the

penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), and in the 1991 Clean Air Act Civil Penalty Policy to the facts and circumstances of this case, including Respondent's significant cooperation in agreeing to expeditiously perform the non-penalty obligations in paragraph 47 above and Appendix I to this CAFO and EPA's settlement of three other CAA enforcement actions with Respondent involving industrial towel laundering facilities in Connecticut, Maine, and Massachusetts. Accordingly, EPA has determined that it is appropriate to assess a civil penalty for the violations alleged in this CAFO in the amount of eighty-six thousand six hundred sixty dollars (\$86,660), and Respondent consents to payment of this penalty.

51. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay the civil penalty set forth in paragraph 50 by submitting a bank, cashier's, or certified check, payable to the order of the "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Respondent shall note the case name and docket number of this matter ("In the matter of UniFirst Corporation, Docket No. CAA-01-2014-0012") on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Suite 100 (ORA18-1)  
Boston, MA 02109-3912

and

Laura J. Berry  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Suite 100 (OES04-2)  
Boston, MA 02109-3912

52. In the event that any portion of the civil penalty amount described in paragraph 50 is not paid when due without demand, pursuant to Section 113(d)(5) of the CAA, Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid when due. In that event, interest will accrue from the due date at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorney’s fees and collection costs as provided in 42 U.S.C. § 7413(d). In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent’s outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

**E. GENERAL PROVISIONS**

53. Submissions/Notifications. Submissions required by this CAFO shall be in writing and shall be mailed or emailed to the following address:

Susan Studlien, Director  
Director, Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (Mail Code: OES04-5)  
Boston, Massachusetts 02109-3912  
Attention: Elizabeth Kudarauskas  
Kudarauskas.Beth@epa.gov

EPA will send all written communications to the following representative(s) for Respondent:

Tim Cosgrave  
Senior Manager – Environmental, Health & Safety  
UniFirst Corporation  
68 Jonspin Road  
Wilmington, Massachusetts 01887  
timothy\_cosgrave@unifirst.com

Either party may, by notice given in accordance with this paragraph 53, designate another person or address for receipt of submissions or other communications hereunder.

54. Dispute Resolution. If Respondent objects to any EPA action taken pursuant to paragraphs 47-49 of this CAFO, including a demand for stipulated penalties as provided in paragraph 49, Respondent may employ the dispute resolution provisions set out in this paragraph.

a. Respondent shall notify EPA in writing of its objection(s) within ten (10) days of the disputed EPA action or within ten (10) days of Respondent's receipt of EPA's written demand for the disputed stipulated penalty. Respondent's written notice ("Objection Letter") shall describe the substance of the objection(s) and shall invoke this paragraph of the CAFO.

b. Upon EPA's receipt of Respondent's Objection Letter, the parties shall conduct informal negotiations for up to fifteen (15) business days. By agreement of the parties, a neutral facilitator or mediator may assist in the conduct of these negotiations. Respondent's obligation to perform the disputed action or pay the disputed stipulated penalty shall be suspended for the duration of this fifteen-day period. If there is no agreement at the conclusion



of this fifteen-day period, but both parties agree that further negotiations would be fruitful, the parties may agree to continue dispute resolution (which can include more informal negotiations, mediation, or any other appropriate dispute resolution technique) for a period of time specified in writing. This written agreement to extend negotiations shall specify whether Respondent's obligation to perform the disputed action or pay the disputed stipulated penalty will be further suspended.

c. Any mutual resolution reached by the parties pursuant to paragraph 54.b shall be memorialized in writing, signed by both parties, and be incorporated as an enforceable provision of this CAFO. If the parties have not resolved the dispute by the conclusion of the dispute resolution period specified in paragraph 54.b (including any agreed-upon extensions), then Respondent shall abide by EPA's position regarding the disputed action or stipulated penalty unless Respondent, within five (5) business days after the end of the period, notifies EPA in writing that it seeks further dispute resolution of the matter.

d. In such written notice, Respondent may supplement its original Objection Letter by providing further details or additional arguments regarding the substance of the dispute, and may also request a meeting with the Manager of the Legal Enforcement Office in EPA Region 1's Office of Environmental Stewardship, or with his or her designee, in order for Respondent to make an oral presentation of its position. Within fifteen (15) business days of receiving Respondent's written notice, the Legal Enforcement Office Manager or his or her designee shall issue a written decision to Respondent regarding the disputed issue. Such decision shall be final, incorporated as an enforceable provision of this CAFO, and followed by both parties.

55. The civil penalty provided under this CAFO, and any interest, nonpayment

penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

56. Subject to the Dispute Resolution procedures set forth in paragraph 54 herein, Respondent shall pay stipulated penalties plus interest due thereupon within fifteen (15) days of receipt of a written demand by Complainant for such penalties. The method of payment shall be in accordance with the provisions of paragraph 51 herein. Subject to the Dispute Resolution procedures set forth in paragraph 54 herein, if any such demanded stipulated penalties are not paid in full when due, Respondent shall pay the unpaid penalties and interest thereon. Such interest shall accrue from the date the penalties were due, and shall be assessed in accordance with the provisions of paragraph 52 herein.

57. Complainant may, in its sole discretion, elect not to seek stipulated penalties or to compromise any portion of stipulated penalties that accrue pursuant to this CAFO.

58. Payment of the civil penalty, and any interest, non-payment penalties, and/or other charges set forth in this CAFO does not waive, suspend, or modify the responsibility of Respondent to comply with the requirements of all federal laws and regulations administered by EPA and shall not be a defense to any actions subsequently commenced pursuant to said laws and regulations.

59. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the CAA for the violations alleged in Section C of this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced

pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law.

60. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

61. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

62. Except as described in paragraph 52, the parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

63. Appendix I (Terms of Compliance) is attached hereto and incorporated herein as an enforceable part of this CAFO.

64. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

FOR UNIFIRST CORPORATION

John R. Bady  
John Bady, Vice President  
UniFirst Corporation

5/13/2014  
Date

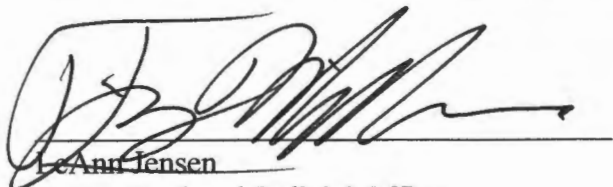
FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Susan Studlien  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

05/20/14  
Date

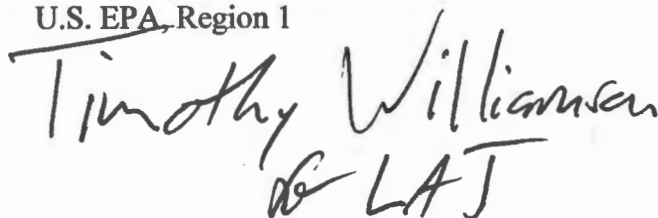
**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

May 21, 2014  
Date



Timothy Williamson  
as LAT

## APPENDIX I

### Terms of Compliance Consent Agreement and Final Order UniFirst Corporation

#### 1) Definitions

- a. Terms defined in the attached CAFO shall have the same meaning when used in this Appendix I. The following words and phrases shall have the following meaning as they appear in this Appendix I. Where a term is defined in the attached CAFO and also appears in this Appendix I section (“Definitions”), the definition in Appendix I controls.
- b. “Facilities” means UniFirst’s facilities located at 125 Etna Road in Lebanon, New Hampshire, and at 8 Industrial Park Drive in Nashua, New Hampshire.
- c. “Shop towel” definition: A shop towel is a piece of fabric or other material that is used in the process of cleaning mechanical parts or devices of general soil, grease, or oil and for general cleaning in the food service industry.
- d. “Print towel” definition: A print towel is a piece of fabric or other material used in the process of cleaning printing or graphic arts equipment, including but not limited to printing presses.
- e. “Furniture towel” definition: A furniture towel is a piece of fabric or other material used in the process of stripping or finishing wood furniture.

#### 2) Prohibition on Laundering Print and Furniture Towels

- a. The Facilities may launder shop towels but shall not launder print or furniture towels.
- b. Within 60 days of the effective date of this CAFO, each Facility shall develop and maintain on site a written standard operating procedure for determining whether a customer is generating shop, print, and/or furniture towels.
- c. The Facilities shall not retrieve from a customer’s location shop, print, or furniture towels that contain free liquids.

#### 3) VOC Emission Cap

- a. Each Facility’s total VOC emissions from all sources are limited to less than 10 tons per year on a 12 month rolling total.

#### **4) Shop Towel Throughput Limit**

- a. Each Facility's towel throughput is limited to 2,160,000 pounds of soiled shop towels per year on a 12 month rolling total, based on a shop towel emission factor of 8.3 pounds VOC per 1,000 pounds of towels.

#### **5) Print and Furniture Towel Handling Procedures**

- a. Within 60 days of the effective date of this CAFO, customers will be provided with towels to be used as print and furniture towels that are different in color from towels to be used as shop towels. The Facilities shall ask customers to use the appropriate color towel for its intended purpose, as determined for that customer.
- b. Print and furniture towels received from customers must be separated from shop and other towels at the customer location, kept in closed containers or sealed bags during transport, and stored in closed containers at the Facilities while awaiting transport to a third party location for laundering.

#### **6) Pre-Laundering Procedures for Shop Towels**

- a. Soiled shop towels received at the Facilities shall be kept in sealed bags or covered containers until the towels are sorted for washing.
- b. Sorted shop towels shall be kept in sealed bags or covered containers until the day that they will be washed.

#### **7) Shop Towel Washing**

- a. Each Facility must limit shop towel load size to no more than the following ratio of soiled towels to manufacturer's rated washer capacity on a 12 month rolling average: 1.7 to 1.
  - i. For example, each Facility must limit shop towel load size to 1,020 pounds on a 12 month rolling average for a washer with a manufacturer's rated capacity of 600 pounds.
- b. Each Facility must limit shop towel load size to no more than the following ratio of soiled towels to manufacturer's rated washer capacity in any single load: 2.0 to 1.
  - i. For example, each Facility must limit the maximum shop towel load size in any one load to 1,200 pounds for a washer with a manufacturer's rated capacity of 600 pounds.

## **8) Wastewater**

- a. Within 180 days of the effective date of this CAFO, the Facilities must keep wastewater trenches (beyond the discharge point for washing machines), settling pits, and equalization tanks covered, except when access is required for activities such as maintenance or sampling.

## **9) Training**

- a. Within 60 days of the effective date of this CAFO, each Facility shall develop written standard operating procedures describing these procedures for plant staff who handle towels and for managers.
- b. Within 120 days of the effective date of this CAFO, each Facility shall develop written training materials and provide training for all employees who handle shop towels regarding proper procedures appropriate to that Facility for sorting, transporting, receiving, storing, processing, washing, and drying shop towels.
- c. Within 120 days of the effective date of this CAFO, each Facility shall develop written training materials and provide training for all employees who handle print and furniture towels regarding proper procedures appropriate to that Facility for sorting, transporting, receiving, and storing print and furniture towels.

## **10) Recordkeeping**

- a. Each Facility or its Corporate Training Department's learning management system must make copies of the following records available for EPA or state environmental agency inspection upon request (following expiration of the applicable deadline set forth above):
  - i. Definitions of shop, print and furniture towels, and a current written standard operating procedure that the Facilities are using for determining whether a customer is generating shop, print, and/or furniture towels.
  - ii. Current written standard operating procedures for Facility employees and managers who handle or are otherwise responsible for towel sorting and laundering.
  - iii. Current training materials and records demonstrating that all employees who handle or are otherwise responsible for print, furniture, or shop towels have been trained on standard operating procedures.
  - iv. Soiled shop towel throughput records, including washer load size records.

\*\*\*END\*\*\*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND

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IN THE MATTER OF )  
 )  
 )

UniFirst Corporation )  
68 Jonspin Road )  
Wilmington, MA 01880 )  
 )  
 )

Docket No. CAA-01-2014-0012

Proceeding under Section )  
113 of the Clean Air Act )  
 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

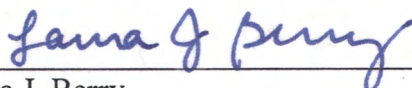
Original and one copy,  
hand-delivered:

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1 (ORA18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy, by Certified Mail,  
Return Receipt Requested:

Gregory A. Bibler, Esq. (Counsel for Respondent)  
Goodwin Procter LLP  
Exchange Place  
53 State Street  
Boston, MA 02109

Dated: 5/21/14

  
\_\_\_\_\_  
Laura J. Berry  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02109-3912  
Tel (617) 918-1148  
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