

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 4

FILED

Aug 28, 2025

3:16 pm

U.S. EPA REGION 4
HEARING CLERK

In the Matter of:

Sysco Nashville, LLC,

Respondent.

Docket No. **CAA-04-2025-0307(b)**

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without Respondent's admission of violation or any adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 113(d) of the Act.
5. Respondent is **Sysco Nashville, LLC**, a limited liability company doing business in the State of Tennessee. This proceeding pertains to Respondent's facility located at 1 Hermitage Plaza, Nashville, Tennessee 37209 (Facility).

III. GOVERNING LAW

6. Any person who violates Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or rule promulgated thereunder, may be assessed a civil penalty pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19. Each day a violation continues may constitute a separate

violation. Civil penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d), may be assessed by an administrative order.

7. Section 112(r) of the Act 42 U.S.C. § 7412(r), addresses the prevention of release of substances listed pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), and other extremely hazardous substances. The purpose of this section is to prevent the accidental release of extremely hazardous substances and to minimize the consequences of such releases. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), the EPA is authorized to promulgate regulations for accidental release prevention.
8. Pursuant to Sections 112(r)(3) and 112(r)(7) of the Act, 42 U.S.C. §§ 7412(r)(3) and 7412(r)(7), the EPA promulgated rules codified at 40 C.F.R. Part 68, Chemical Accident Prevention Provisions. These regulations are collectively referred to as the Risk Management Program (RMProgram) and apply to an owner or operator of a stationary source that has a threshold quantity of a regulated substance in a process. Pursuant to Sections 112(r)(3) and 112(r)(5) of the Act, 42 U.S.C. §§ 7412(r)(3) and 7412(r)(5), the list of regulated substances and threshold levels are codified at 40 C.F.R. § 68.130.
9. Pursuant to Section 112(r)(7)(B)(iii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(iii), and 40 C.F.R. §§ 68.10 and 68.150, the owner or operator of a stationary source that has a regulated substance in an amount equal to or in excess of the applicable RMProgram threshold in a “process” as defined in 40 C.F.R. § 68.3, must develop an RMProgram accidental release prevention program, and submit and register a single Risk Management Plan (RMPlan) to the EPA.
10. Pursuant to 42 U.S.C. § 7413(d)(1), the EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations with a first alleged date of violation that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment.

IV. FINDINGS OF FACTS

11. Respondent is the owner and/or operator of the Facility, which is a “stationary source” as that term is defined by Section 112(r)(2)(C) of the Act, 42 U.S.C. § 7412(r)(2)(C).
12. At its Facility:
 - (a) Respondent operates an ammonia refrigeration process.
 - (b) At all times relevant to the violations alleged in Section V of this Consent Agreement, Respondent had on-site for use, 21,000 pounds of anhydrous ammonia.
 - (c) Respondent has one RMProgram level 3 covered process, which stores or otherwise uses anhydrous ammonia in an amount exceeding its applicable threshold of 10,000 pounds.
13. Respondent has registered an RMPlan with the EPA for its Facility and developed an RMProgram accidental release prevention program for the Facility.

14. On June 6, 2023, the EPA conducted an on-site inspection of the RMProgram-related records and equipment for the purpose of assessing the Respondent's compliance with the RMProgram requirements and the implemented recognized and generally accepted good engineering practices (RAGAGEP) for the covered process at its Facility.

15. At the time of the inspection, the EPA observed:

(a) The following evidence of how Respondent's process was designed and maintained:

- i. Ammonia piping located in the ceiling of the Ammonia Machinery Room (AMR) above the auto-purger was being used as a support for other piping present in the room. The use of ammonia piping to support other piping in the AMR is inconsistent with the following RAGAGEP: Section 321.1.1 of American Society of Mechanical Engineers (ASME) B31.3 (2014), which states in relevant part, "The layout and design of piping and its supporting elements shall be directed toward preventing the following: (a) piping stresses in excess of those permitted in this Code ...[and]... (d) excessive stresses in the supporting (or restraining) elements ...;" Section 13.4.2 of American National Standards Institute/International Institute of Ammonia Refrigeration (ANSI/IIAR) 2 (2014), which states, "Refrigerant piping shall be isolated and supported to prevent damage from vibration, stress, corrosion, and physical impact;" Section 13.4.4 of ANSI/IIAR 2 (2014), which states, "Anchors, their attachment points, and attachment methods shall be designed to support applied loads;" and Section 7.2.7.1 of ANSI/IIAR 9 (2020) which states, "Piping, tubing, and equipment shall be supported to prevent excessive vibration and movement."
- ii. Ammonia piping on the exterior of the building associated with the fill port was not adequately labeled to indicate contents, direction of flow, physical state (i.e., liquid or vapor), and pressure level (i.e., high or low). Lack of adequate pipe labeling is inconsistent with the following RAGAGEP: Section 5.14.5 of ANSI/IIAR 2 (2014) and Section 7.2.9.4 of ANSI/IIAR 9 (2020), which state, "Ammonia piping mains, headers, and branches shall be identified with the following information: a) 'AMMONIA' b) physical state of the ammonia c) relative pressure level of ammonia, being low or high as applicable d) Pipe service, which shall be permitted to be abbreviated e) direction of flow;" and Section 3.1 of ASME A13.1 (2015), which states, "Positive identification of the contents of a piping system shall be by lettered legend, giving the name of the contents in full or abbreviated form ... Arrows shall be used to indicate direction of flow. Where flow can be in both directions, arrows in both directions shall be displayed. Contents shall be identified by a legend with sufficient additional details such as temperature, pressure, etc., as are necessary to identify the hazard."
- iii. The emergency eyewash station and safety shower combination unit outside the AMR was obstructed by pallet jacks, rendering it inaccessible to personnel leaving the AMR. Obstruction of eyewash stations, emergency safety showers, and combination units (i.e. units containing both eyewash stations and emergency

showers) is inconsistent with the following RAGAGEP: Section 7.4.2 of American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) Z358.1 (2009), which states, “. The combination unit shall be located on the same level as the hazard and the path of travel shall be free of obstructions that may inhibit its immediate use;” Section 6.7.1 of ANSI/IIAR 2 (2014), which states, “Each machinery room shall have access to a minimum of two eyewash/safety shower units, one located inside the machinery room and one located outside of the machinery room, each meeting the requirements in Section 6.7.3;” Section 6.7.3 of ANSI/IIAR 2 (2014), which states, “Emergency eyewash/safety shower unit installations shall comply with ANSI/ISEA Z358.1;” Section 7.3.7.1 of ANSI/IIAR 9 (2020), which states, “Each machinery room shall have access to a minimum of two eyewash/safety shower units, one located inside the machinery room and one located outside of the machinery room, each meeting the requirements in Section 7.3.7.3;” and Section 7.3.7.3 of ANSI/IIAR 9 (2020), which states, “Emergency eyewash/safety shower unit installations shall comply with ANSI/ISEA Z358.1.”

- iv. The Facility had boxes and wooden pallets stored inside of the AMR. The storage of combustibles such as boxes and wooden pallets in the AMR is inconsistent with the following RAGAGEP: Section 6.4 of ANSI/IIAR 2 (2014) and Section 7.3.4 of ANSI/IIAR 9 (2020), which state, “Combustible materials shall not be stored in machinery rooms outside of approved fire-rated storage containers.”
- v. The pressure relief valve vent pipe off the high-pressure receiver was not in contact with the pipe support. Operation of discharge piping without appropriate supports is inconsistent with the following RAGAGEP: Section 15.4.6 of ANSI/IIAR 2 (2014), which states, “Discharge piping shall be supported in accordance with Section 13.4;” Section 13.4.2 of ANSI/IIAR 2 (2014), which states, “Refrigerant piping shall be isolated and supported to prevent damage from vibration, stress, corrosion, and physical impact;” and Section 7.2.7.1 of ANSI/IIAR 9 (2020), which states, “Piping, tubing, and equipment shall be supported to prevent excessive vibration and movement.”
- vi. No adequate bump protection was in place for the oil drain line. Failure to protect ammonia-containing equipment, such as an oil drain line off of a high temperature recirculator, from physical damage is inconsistent with the following RAGAGEP: Section 5.17.1.1 of ANSI/IIAR 2 (2014) and Section 7.2.7.1 of ANSI/IIAR 9 (2020), which state, “Where ammonia-containing equipment is installed in a location subject to physical damage, guarding or barricading shall be provided;” Section 13.4.2 of ANSI/IIAR 2 (2014), which states, “Refrigerant piping shall be isolated and supported to prevent damage from vibration, stress, corrosion, and physical impact;” and Section 11.1 of the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ANSI/ASHRAE) 15 (2016), which states, “Means shall be taken to adequately safeguard piping, controls, and other refrigerating equipment to minimize possible accidental damage or rupture by external sources.”

- vii. Documentation of the Facility's ventilation system design showed that typical operations would result in limited air flow to the north engine room in the AMR. Operating AMR ventilation systems in such a way may cause short-circuiting to the ventilation exhaust, which is inconsistent with the following RAGAGEP: Section 6.14.5.2 of ANSI/IIAR 2 (2014), which states, "Make-up supply locations in the machinery room shall be positioned to prevent short-circuiting of the make-up air directly to the exhaust;" and Section 7.3.14.3(2) of ANSI/IIAR 9 (2020), which states, "Make-up supply locations in the machinery room shall prevent short-circuiting of the make-up air directly to the exhaust."
 - viii. The Facility did not have a sign that stated the name and address of the refrigeration system's installer, the amount of ammonia, the lubricant identity and amount, and the field test pressure applied for the refrigeration system. This lack of signage is inconsistent with the following RAGAGEP: Section 11.2.1 of ANSI/ASHRAE 15 (2016), which states, "Each refrigerating system erected on the premises shall be provided with a legible permanent sign, securely attached and easily accessible, indicating: a. the name and address of the installer, b. the refrigerant number and amount of refrigerant, c. the lubricant identity and amount, and d. the field test pressure applied;" and Section 53.2.4.1 of National Fire Protection Association (NFPA) 1 (2018), which states, "Refrigeration units or systems shall be provided with appropriate hazard identification signs in accordance with NFPA 704, emergency operational signs, charts, and labels in accordance with the mechanical code, and the following: (1) Name and address of the manufacturer or installer (2) Type and total number of pounds of refrigerant contained in the system (3) Field test pressure applied."
- (b) The Facility's ammonia sensor calibration reports indicated that various ammonia sensors in the Facility were tested using calibration gases outside of manufacturer specifications, which is inconsistent with the following RAGAGEP: Section 11.6.3 of ANSI/ASHRAE 15 (2016), which states, "Periodic Tests. Detectors, alarms, and mechanical ventilating systems shall be tested in accordance with manufacturers' specifications and the requirements of the authority having jurisdiction."
- (c) The following evidence of the Facility's inspection and testing frequency:
- i. Work orders for annual ammonia system inspections indicated that the emergency stop (E-stop) button for the ammonia refrigeration system was last tested in January 2022, nearly eighteen months earlier. Annual testing (i.e. testing every twelve months) of the E-stop button is required by the following RAGAGEP: Table 12.2 of ANSI/IIAR 6 (2019), which specifies that owners/operators of ammonia refrigeration systems shall functionally test emergency shutdown switches annually.
 - ii. Site personnel indicated that the Facility's ammonia refrigeration system utilizes a High-Pressure Receiver which was built in 1992, but the Facility could not

demonstrate that non-destructive testing has been conducted at the frequency dictated by the following RAGAGEP: Section 6.5.1.1 of American Petroleum Institute 510 (2014), which states that “Unless justified by a risk-based inspection assessment, the period between internal or on-stream inspections and thickness measurement inspections shall not exceed one-half the remaining life of the vessel or 10 years, whichever is less.”

16. On May 8, 2024, the EPA issued to Respondent a Notice of Potential Violation and Opportunity to Confer (“NOPVOC”), providing notice that the EPA found Respondent potentially committed the alleged violations described in Section V of this Agreement and providing Respondent an opportunity to confer with the EPA. On August 7, 2024, representatives of Respondent and the EPA held a meeting to discuss the NOPVOC.

V. ALLEGED VIOLATIONS

17. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
18. Based on the EPA’s compliance monitoring investigation, the EPA alleges that the Respondent violated 40 C.F.R. Part 68, the codified rules governing the Act’s Chemical Accident Prevention Provisions, and Section 112(r) of the Act, 42 U.S.C. § 7412(r), when it:
- (a) Failed to ensure and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2);
 - (b) Failed to follow recognized and generally accepted good engineering practices for inspection and testing procedures, as required by 40 C.F.R. § 68.73(d)(2); and
 - (c) Failed to perform inspections and tests at a frequency consistent with applicable manufacturers’ recommendations and good engineering practices, as required by 40 C.F.R. § 68.73(d)(3).

VI. STIPULATIONS

19. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
20. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - (b) neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
 - (c) consents to the assessment of a civil penalty as stated below;
 - (d) consents to the conditions specified in this CAFO;

- (e) waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
- (f) waives its rights to appeal the Final Order accompanying this CAFO.

21. For the purpose of this proceeding, Respondent:

- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (c) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
- (d) by executing this CAFO, certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected;
- (e) waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;
- (f) agrees to comply with the terms of this CAFO; and
- (g) 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 CAFO.

22. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

23. Respondent agrees to a civil penalty in the amount of **\$77,278** ("Assessed Penalty"), to be paid within thirty (30) calendar days after the Effective Date of this CAFO.

24. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on the EPA's How to Make a Payment website and will not pay with a paper check.

25. When making a payment, Respondent shall:

- (a) Identify every payment with Respondent's name and the docket number of this CAFO, Docket No.: **CAA-04-2025-0307(b)**,
- (b) Concurrently with any payment or within 24 hours of any payment, serve proof of such payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
r4_regional_hearing_clerk@epa.gov

and

Callie Sotolongo, Life Scientist
Air Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
sotolongo.callie@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

26. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

(a) Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) calendar days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) calendar days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

(b) Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.

(c) Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

27. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this CAFO, EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

(a) Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

(b) Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

(c) Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

(d) Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

28. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

29. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

30. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service (“IRS”) a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent’s failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide the EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- (a) Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irspdf/fw9.pdf>.
- (b) Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- (c) Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Division Region 4 contact, Jessica Henderson (Henderson.Jessica@epa.gov), on or before the date that Respondent’s penalty payment is due, pursuant to Paragraph 23 of this CAFO, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- (d) In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA’s Cincinnati Finance Division with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

VIII. EFFECT OF CAFO

31. In accordance with 40 C.F.R. § 22.18(c), Respondent’s full compliance with this CAFO shall only resolve Respondent’s liability for federal civil penalties for the violations and facts specifically alleged above.

32. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall satisfy the requirements of this CAFO; but, shall not in any case affect the right of the EPA or the United

States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

33. Any violation of this CAFO may result in a civil judicial action for civil penalties as provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.
34. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
35. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
36. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
37. The provisions of this CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO.
38. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
39. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
40. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
41. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
42. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that

there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

43. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA. If such false or inaccurate material was provided, The EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
44. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
45. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

IX. EFFECTIVE DATE

46. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages

The foregoing Consent Agreement in the matter of **Sysco Nashville, LLC, Docket No. CAA-04-2025-0307(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Ben Barham 8-25-25
Signature Date

Printed Name: Ben Barham

Title: Vice President, Operations

Address: 1 Hermitage Plaza Nashville TN, 37209

The foregoing Consent Agreement in the matter of **Sysco Nashville, LLC, Docket No. CAA-04-2025-0307(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:

Sysco Nashville, LLC,

Respondent.

Docket No. **CAA-04-2025-0307(b)**

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *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.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the matter of **Sysco Nashville, LLC**, **Docket No. CAA-04-2025-0307(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

Via email to all Parties at the following email addresses:

To Respondent: Darryl A. Wilson, Assistant General Counsel
Sysco Nashville, LLC
Darryl.Wilson@sysco.com
1 Hermitage Plaza, Nashville, TN 37209
(980) 420-0361

To EPA: Callie Sotolongo, Life Scientist
sotolongo.callie@epa.gov
(404) 562-8402

Lucia Mendez, Attorney Adviser
Mendez.Lucia@epa.gov
(404) 562-9637

Regional Hearing Clerk
r4_regional_hearing_clerk@epa.gov