

Section 112(r)(1)/Air Enforcement: U.S. Environmental Protection Agency and Food Distribution Warehouse Owner Enter into Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) and U.S. Foods, Inc. (“UFI”) entered into a Consent Agreement (“CA”) addressing alleged violations of the Clean Air Act. See Docket No. CAA-04-2019-9978(b).

The alleged violations include Section 112(r)(1) of the Clean Air Act which encompasses what is typically denominated the General Duty Clause addressing the prevention of releases of certain substances listed pursuant to Section 112(r)(3) of the statute.

UFI is stated to own and operates a food distribution warehouse (“Facility”). The Facility is stated to be a stationary source within the meaning of the Section 112(r)(2)(c) of the Clean Air Act. Further, it is stated to produce, process, handle, and store listed and/or other extremely hazardous substances within the meaning of Section 112(r)(1) and (3) of the Clean Air Act.

An ammonia refrigerant system is alleged to be operated at the Facility which contains approximately 8,487 pounds of ammonia. Such ammonia is stated to be processed, handled, and stored in the ammonia refrigerant systems and constitutes a regulated extremely hazardous substance.

EPA is stated to have inspected the Facility on June 7, 2018. It is alleged that prior to the referenced inspection, UFI had not performed a hazard analysis nor developed standard operating procedures for the ammonia refrigerant system.

Alleged violations stated to have been identified include:

- Failure to Identify Hazards Which Result from Accidental Releases of Ammonia
- Failure to Design and Maintain a Safe Facility Taking Necessary Steps to Prevent Accidental Releases of Ammonia

UFI prepared a process hazard analysis of the ammonia refrigerant system on June 21, 2018, and subsequently submitted it to EPA. Further, the company prepared written procedures for the operation of the ammonia refrigerant system on June 11, 2018, and subsequently submitted them to EPA.

UFI neither admits nor denies the factual allegations set forth in the CA’s Findings of Fact.

A civil penalty of \$90,693 is assessed.

A copy of the CA can be downloaded [here](#).

