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112(r)/Air Enforcement: U.S. Environmental Protection Agency and Cranston, Rhode Island, Beverage Manufacturing/Bottling Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Bottling Group, LLC, operating as Pepsi Beverages Company, and CB Manufacturing Company, Inc., (collectively, “Pepsi”) entered into a September 25th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the regulations implementing Section 112(r) of the Clean Air Act. See Docket No. CAA-01-2023-0034.

The CAFO provides that Pepsi conducts beverage manufacturing, bottling, warehousing, transport, and sales operations at a Cranston, Rhode Island, Facility (“Facility”).

The Facility is stated to include two buildings having a combined square footage of 220,000. In addition, the CAFO describes it as being located in a mixed-use area which includes within a mile of the Facility:

. . . numerous residences, a hospital, a prison, several state office buildings, and a number of commercial operations including a yoga studio, floral distributor, and a plumbing distributor.

The CAFO provides that the Facility is a building or structure from which an accidental release may occur and is therefore a stationary source as defined at Section 112(r)(2)(C) of the Clean Air Act. It is stated to include an anhydrous ammonia machinery room (“AMR”) which houses equipment needed to provide refrigeration for its refrigeration system (“System”).

The AMR is stated to house the following:

- Seven reciprocating compressors
- Suction accumulator
- Glycol chiller unit
- Air compressor
- Condenser water treatment tanks

Two evaporative condensers and high-pressure receiver (“HPR”) are stated to be located outside of the building and adjacent to the AMR.

EPA is stated to have inspected the Facility in January 2020 to assess its compliance with the federal chemical accident prevention, planning, and response laws, including Section 112(r) of the Clean air Act and Sections 302-312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”).

The inspection is alleged to have identified certain potentially dangerous conditions which are listed in a chart that is Appendix A of the CAFO.

Identified as potentially dangerous conditions are:

1. Neither the designated primary entrance to the AMR nor the door entering the AMR from the electrical switchgear room included an ammonia alarm outside each entrance to warn individuals in the event of a release.
2. There were no emergency ventilation override switches located outside of and adjacent to the primary AMR door.
3. Pressure release valve ("PRV") headers from the System's high-pressure receiver, condensers, and fill lines 1, 2, and 3 discharge horizontally or downwards, and condenser 1 PRV discharges less than 7.25 feet above a working surface.
4. There was no eyewash/safety shower unit outside the primary entrance door to the AMR.
5. There was no audible or visual alarm inside the AMR for the ammonia detection system.

Pepsi is stated to have indicated by letter that planned actions to correct the conditions of the concern EPA identified during the January 2020 inspection had been completed.

A violation cited by the CAFO includes:

- Failure to minimize the consequences of accidental releases that might occur

The Facility is alleged to have failed in its general duty to minimize the consequences of a release should one occur and such are listed in Appendix A of the CAFO.

Pepsi neither admits nor denies the specific factual allegations contained in Section III of the CAFO or the violation alleged in Section IV of the CAFO.

A civil penalty of \$96,852 is assessed. Further, Pepsi agrees to retain at least one third-party expert to lead a minimum safety evaluation in accordance with the International Institute of Ammonia and Refrigeration's Standard 9, 2020 edition (IIAR 9 audit) at each facility in the Pepsi Beverages Company unincorporated division that uses anhydrous ammonia as a refrigerant, including the Facility.

The third-party expert must meet certain competency and expertise requirements and Pepsi is required to provide EPA written confirmation that the audits have been completed at each facility in the Pepsi Beverages Company unincorporated division that uses anhydrous ammonia as a refrigerant by March 31, 2025.

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