



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

## Commercial Refrigerant/Air Enforcement: U.S. Department of Justice and Southeastern Grocers, Inc./Winn-Dixie Stores, Inc., Enter into Consent Decree

08/28/2019

The United States Department of Justice (“DOJ”) and Southeastern Grocers, Inc., entered into an August 23rd Consent Decree (“Decree”) addressing alleged violations of the Clean Air Act.

The Decree includes Southeastern Grocers, Inc.’s subsidiaries BI-LO, LLC, and Winn-Dixie Stores, Inc., (collectively “SGI”).

The alleged Clean Air Act violations include:

- Failure to promptly repair leaks of Class 1 and Class II refrigerants (used as coolants in refrigerators)
- Failure to keep adequate servicing records of refrigeration equipment
- Failure to provide information addressing compliance

The Decree requires reduced emissions of the relevant gases from refrigeration equipment at 576 SGI stores. Included is a Corporate Refrigerant Compliance Management Plan which is intended to ensure compliance with federal stratospheric ozone regulations and to detect and repair leaks through a bi-monthly leak monitoring program. The achievement and maintenance of an annual corporate-wide average leak rate of 17.0% through 2022 is also required.

A civil penalty of \$300,000 is assessed.

A link to the Decree can be found [here](#).