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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GRISTEDE'S FOODS NY, INC.,

Defendant.

No. 24 Civ. 4981

COMPLAINT

The United States of America, by and through its attorney Damian Williams, United States Attorney for the Southern District of New York (the "United States"), acting on behalf of the Administrator of the United States Environmental Protection Agency ("EPA") (together, the "Government"), alleges for its complaint against defendant Gristede's Foods NY, Inc., doing business as Gristedes Supermarkets ("Gristedes"), as follows:

**INTRODUCTION**

1. Gristedes' supermarkets across New York City have released more than 40,000 pounds of climate-impacting refrigerants regulated by EPA, the result of leaks from commercial refrigerators that occurred at a rate far higher than industry standards. These refrigerant leaks have

a greenhouse gas effect equivalent to driving an average, gasoline-powered vehicle an extra *140,000,000* miles.

2. Commercial refrigeration equipment—like the equipment used to store cold goods in Gristedes supermarkets—uses chemical refrigerants to facilitate heat transfer. Many of these refrigerants are harmful to human health and the environment: they are toxic when inhaled, they deplete the ozone layer, and they contribute to the greenhouse gas effect, one of the drivers of climate change. EPA’s Recycling and Emission Reduction Rule (the “RER Rule”), adopted pursuant the federal Clean Air Act (the “CAA”), requires supermarkets like Gristedes to properly monitor, repair, and document refrigerant leaks in their commercial refrigeration equipment so that emissions of regulated refrigerants can be identified and eliminated.

3. Between 2019 and 2021, each of Gristedes’ supermarkets used regulated refrigerants, but Gristedes completely ignored the RER Rule’s requirements. It did not calculate leak rates for equipment when adding new refrigerant to it, did not repair appliances that were leaking at significant rates, did not conduct verification testing to ensure that any repairs were effective, did not monitor repaired equipment to determine whether leaks resumed, and did not retire equipment with chronic leaks that could not be repaired successfully. As a result, Gristedes released significant quantities of these greenhouse gasses, which contribute to climate change.

4. The United States brings this civil action pursuant to Section 113 of the Clean Air Act (the “Act”), 42 U.S.C. §§ 7413, for civil penalties and equitable relief, including mitigation of harm to the environment caused by Gristedes’ violations.

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over the subject matter of this action pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1131, 1345, and 1355.

6. Venue is proper in the Southern District of New York pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and (c) and 1395(a), because defendant resides in this district and because some of the violations occurred in this district.

### **NOTICE**

7. Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), notice of commencement of this action will be given to the air pollution control agency for the State of New York.

### **THE PARTIES**

8. Plaintiff is the United States of America on behalf of EPA.

9. Defendant Gristedes, a privately held New York corporation with its headquarters in New York, New York, is a “person” as that term is defined in Section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e), and 40 C.F.R. § 82.152, and used in Section 113 of the Act, 42 U.S.C. § 7413.

10. Since 2019, Gristedes has owned and operated approximately twenty supermarkets in New York City. A list of supermarkets currently owned and operated by Gristedes is attached to this complaint as Appendix A.

## **ENVIRONMENTAL AND HEALTH IMPACTS OF CHEMICAL REFRIGERANTS**

11. Commercial refrigeration equipment (the large refrigerators and freezers that keep food products cold in supermarkets) depends on chemical refrigerants that cycle through a system of coils to facilitate heat transfer. When the refrigerants reach the portion of the system that must be kept cold, they undergo a phase change from a high-pressure liquid to a low-pressure gas, absorbing heat in an endothermic process. When the refrigerants move away from the area that must be kept cold, they convert back into liquids, giving off heat in an exothermic process.

12. Historically, commercial refrigeration equipment relied upon chlorofluorocarbons (“CFCs”) as refrigerants. CFCs were phased out in the United States during the 1990s because of their high potential to deplete the ozone layer. *See* 40 C.F.R. Part 82, Subpart C.

13. More recently, supermarkets have predominantly used hydrochlorofluorocarbons (“HCFCs”), most commonly chlorodifluoromethane, known as “R-22,” and hydrofluorocarbons (“HFCs”), most commonly pentafluoroethane trifluoroethane tetrafluoroethane, known as “R-404A,” as refrigerants.

14. Both R-22 and R-404A are extremely powerful greenhouse gases. Greenhouse gases are gases that trap heat in the Earth’s atmosphere, preventing its release into space. Studies have shown that the release of greenhouse gases into the atmosphere has contributed to global climate change.

15. Because a common greenhouse gas in the atmosphere is carbon dioxide (“CO<sub>2</sub>”), the potential impact of a greenhouse gas is measured on a scale that compares it to the impact of CO<sub>2</sub>. This global warming potential (“GWP”) scale asks how many times more impactful than

CO<sub>2</sub> a given greenhouse gas is. For example, if a substance has a GWP of 10, then the release of one pound of it into the atmosphere has the same effect as the release of ten pounds of CO<sub>2</sub>.

16. R-22 and R-404A have very high GWPs reflecting their significant potential to impact global warming. The GWP of R-22 over a one-hundred-year time horizon is 1,810. For R-404A, the number is even higher, at 3,921. Reflecting this high GWP, the release of one thirty-pound cannister of R-22 into the atmosphere causes the same amount of damage as the CO<sub>2</sub> emissions of seven vehicles driven over the course of a full year. For a cannister of R-404A, that number is fourteen vehicles.

17. Both R-22 and R-404A can also be toxic to humans. If someone comes into contact with either R-22 or R-404A, the chemical can irritate the skin, eyes, nose, throat, and lungs. In large quantities, they can cause headaches, dizziness, an irregular heartbeat, or even death.

18. Finally, R-22 is an ozone depleting substance. In other words, the release of R-22 into the atmosphere degrades the earth's stratospheric ozone layer, which protects the earth from the sun's harmful ultraviolet radiation.

### **STATUTORY AND REGULATORY BACKGROUND**

19. EPA has developed stringent requirements for the use and management of refrigerants, as explained further below.

20. Title VI of the Clean Air Act, 42 U.S.C. §§ 7671-7671q (Stratospheric Ozone Protection), which implements the Montreal Protocol on Substances That Deplete the Ozone Layer, mandates the elimination or control of emissions of substances that are known or suspected to cause or significantly contribute to harmful effects on the stratospheric ozone layer.

21. Section 608 of Title VI of the Act, 42 U.S.C. § 7671g (National Recycling and Emission Reduction Program), requires EPA to promulgate regulations establishing standards and

requirements regarding the use and disposal of certain refrigerants during the service, repair, or disposal of appliances and industrial process refrigeration.

22. EPA promulgated the regulations required by Section 608, known as the “RER Rule,” which are codified at 40 C.F.R. Part 82, Subpart F. The refrigerants covered by the RER Rule have changed during the period relevant to this complaint. Prior to April 10, 2020, the RER Rule governed the management of CFCs, HCFCs (like R-22), and HFCs (like R-404A). After that date, the RER Rule was amended to cover only CFCs and HCFCs. *See* 40 C.F.R. § 82.157(a).

23. As set forth in more detail below, the RER Rule established mandatory repair, maintenance, and recordkeeping requirements for commercial refrigeration equipment that utilizes regulated refrigerants.

#### **I. Leak Repair and Maintenance Requirements**

24. The RER Rule requires owners and operators of commercial refrigeration equipment that operates with a full charge of covered refrigerants of fifty pounds or more to take specific leak repair and maintenance steps designed to reduce the risk that equipment will suffer from large or prolonged leaks of covered refrigerants.

25. To begin, the RER Rule requires anyone adding or removing covered refrigerant from an appliance to calculate the leak rate of that appliance based on a comparison of the amount added to the appliance to its full charge, at the conclusion of their servicing. 40 C.F.R. § 82.157(b); *see also* 82 C.F.R. § 82.152 (setting forth leak rate formulas).

26. If the leak rate exceeds applicable thresholds (20% for commercial refrigeration equipment), the owner or operator of the appliance must either repair it, retrofit it to use a less polluting refrigerant, or retire the appliance altogether. 40 C.F.R. § 82.157(c).

27. If the owner or operator elects to repair the appliance, repairs must be completed by a certified technician within thirty days of identification of the leak. 40 C.F.R. § 82.157(d).

28. After the repair has been completed, the owner or operator must conduct both an initial and a follow-up verification test to ensure that the repair was successful and the appliance has returned to normal operating characteristics. 40 C.F.R. § 82.157(e).

29. Where an owner or operator fails to take action to correct a leak, or where its actions have failed to bring the leak rate of the appliance below the applicable regulatory threshold, the owner or operator must create a retrofit or retirement plan within thirty days, setting forth a plan by which the owner or operator intends to either retrofit the appliance (while making necessary additional repairs) or retire the appliance altogether. 40 C.F.R. § 82.157(h).

## **II. Reporting and Recordkeeping Requirements**

30. The RER Rule also includes reporting and recordkeeping requirements related to the management of commercial refrigeration equipment.

31. For reporting, where commercial refrigeration equipment has a leak rate in excess of 125% of its full charge in a calendar year, the owner or operator of that appliance must report certain specified information about that appliance to EPA, including the efforts the owner or operator has made to identify leaks and repair the appliance. 40 C.F.R. § 82.157(j).

32. In addition, owners and operators of commercial refrigeration equipment must maintain various records regarding each of their appliances, including records containing:

- a. Information regarding the refrigeration equipment, including its location and full charge, *see* 40 C.F.R. § 82.157(l)(1);
- b. Information regarding each instance in which the equipment is maintained, serviced, repaired, or disposed of, including the date of repair, the parts being repaired, the amount of refrigerant added, the full charge of

the appliance, and the leak rate of the appliance at that point in time, *see* 40 C.F.R. § 82.157(l)(2);

- c. Information regarding leak inspections, including the date of inspections, the inspection method used, and a list of locations where the leaks were identified, *see* 40 C.F.R. § 82.157(l)(3); and
- d. Information regarding verification testing, including the dates of the testing, methods used, and the leaks being tested, *see* 40 C.F.R. § 82.157(l)(5).

33. This information must all be maintained by an owner or operator for at least three years, in electronic or paper format. 40 C.F.R. § 82.157(l).

### **III. Enforcement Provisions**

34. Sections 113(a)(3)(C) and 113(b)(2) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3)(C) and 7413(b)(2), authorize the Administrator of EPA to bring a civil action in federal district court against any person who has violated a requirement of, among other provisions, Title VI of the Clean Air Act, including a requirement of any rule (such as the RER Rule) promulgated thereunder.

35. Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), as amended, authorizes the assessment of civil penalties not to exceed \$121,275 per day for each violation occurring on or after November 2, 2015, and assessed after December 27, 2023. *See* 42 U.S.C. § 7413(b), as amended by the Federal Civil Penalties Inflation Act of 1990, 28 U.S.C. § 2461 note, the Debt Collection Improvements Act of 1996, 31 U.S.C. § 3701 note, and the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, 28 U.S.C. § 2461 note; 40 C.F.R. Part 19.

36. Section 113(b) also authorizes the district court “to restrain [a defendant’s] violation, to require compliance, . . . and to award any other appropriate relief.” 42 U.S.C. § 7413(b).



**GRISTEDES' VIOLATIONS OF THE RER RULE AND CLEAN AIR ACT**

37. Gristedes has long owned and operated a chain of supermarkets in New York City. Since 2019, Gristedes has owned approximately twenty supermarkets; a current list of Gristedes' locations is attached to this complaint as Appendix A.

38. In each Gristedes location, Gristedes has owned and operated one or more "appliance" within the meaning of Section 601(1) of the Clean Air Act, 42 U.S.C. § 7671(1), and its implementing regulation, 40 C.F.R. § 82.152, that is "commercial refrigeration" equipment within the meaning of 40 C.F.R. § 82.152.

39. At various times between January 1, 2019, and December 31, 2021, Gristedes employed refrigerants regulated under the RER Rule within commercial refrigeration equipment that contained fifty pounds or more of those refrigerants at each of its locations.

40. Nevertheless, and as set forth in more detail below, between January 1, 2019, and December 31, 2021, Gristedes failed to comply in several material respects with the RER Rule, including by: (1) failing to calculate the leak rates of its appliances upon adding refrigerant to them; (2) failing to repair appliances with serious leaks or to maintain records of its repairs; (3) failing to conduct verification testing to ensure that repairs were successful or to maintain records of those verification tests; (4) failing to retire or retrofit appliances where repairs were not attempted or had failed; and (5) failing to report chronically leaking appliances to EPA.

**A. Gristedes Failed to Calculate Leak Rates When Adding Refrigerants to Appliances.**

41. The RER Rule requires owners and operators of covered appliances to calculate the leak rate every time they add refrigerants to the appliance, to document their calculation of the leak rate, and to maintain that documentation. 40 C.F.R. §§ 82.157(b), (1)(2)(viii). This

requirement is critical to the RER Rule, as most of the rule's requirements turn on the rate at which an appliance is leaking.

42. Gristedes never followed this requirement. Gristedes' internal records show it added covered refrigerants to appliances hundreds of times between 2019 and 2021. The addition of refrigerants was generally documented in an email sent by Gristedes employees. In numerous cases, the information contained in the email would have been sufficient to calculate a leak rate for the appliance. In many cases, had Gristedes calculated the rate, it would have seen that an appliance had a leak rate far in excess of the 20% rate that triggers many obligations under

43. But Gristedes never took this critical—legally required—step of calculating a leak rate for its appliances. As a result, when contacted by the U.S. Attorney's Office regarding its compliance with the RER Rule, Gristedes' response was that it was "unaware of any leaks over the leak rate for commercial refrigeration equipment." Simple leak rate calculations would have revealed many such occurrences.

**B. Gristedes Failed to Timely Repair Significant Leaks in Its Appliances.**

44. Where a commercial refrigeration equipment has a leak rate in excess of 20%, the RER Rule requires owners and operators of commercial refrigeration equipment to repair appliances within thirty days. 40 C.F.R. § 82.157(d). When an appliance is repaired, the rule requires the owner or operator to create and maintain records reflecting the date and location of the repair, the part being repaired, the type of repair, the amount of refrigerant added, the full charge of the appliance, and the leak rate at the time of the repair. *Id.* § 82.157(1)(2).

45. Gristedes routinely failed to repair appliances that exceeded the 20% legal rate threshold, and when it did conduct repairs, it failed to document those repairs in accordance with the RER Rule.

46. For example, in March 2020, an appliance with a full charge of 1000lbs of R-22 experienced a leak at Gristedes Store 517 located on Roosevelt Island. Gristedes employees added 120lbs of R-22 to the appliance on March 31, 2020; another 30lbs on April 16, 2020; 60lbs more on April 29, 2020; and 30lbs more on April 30, 2020.

47. Even under the most conservative leak rate assumptions, by the end of April, this appliance had a leak rate far over the 20% threshold, triggering the RER Rule's requirement that Gristedes repair the equipment within 30 days. But Gristedes failed to repair its appliance until almost two months later, on June 25, 2020. During the month's delay between the RER Rule deadline for repairing the equipment and the actual date of repair, the leak required Gristedes to add an additional 300lbs of R-22 to the appliance—150lbs on June 11, 2020; and 150lbs on June 25, 2020.

48. When Gristedes ultimately repaired the appliance, it did not document the repairs in compliance with the RER Rule, writing only a cursory email that, among other things, failed to document both the full charge of the appliance and its leak rate, as required under the RER Rule.

49. Gristedes' records reflect numerous comparable instances in which Gristedes failed timely to make and properly document repairs required under the RER Rule.

**C. Gristedes Failed to Conduct Verification Tests After Repairing Appliances.**

50. After repairing a leak, the RER Rule requires owners and operators to conduct an initial verification test to confirm that the leak was repaired within thirty days of the repair, then a follow-up verification test to further confirm the repair ten days after the initial confirmation. 40 C.F.R. § 82.157(e). These tests, too, must be documented. An owner or operator must create and maintain records reflecting: (1) the location of the appliance and the leaks tested; (2) the date of the test; (3) the type of the test; and (4) the results of the test. *Id.* § 82.157(l)(5).

51. When asked for records related to its verification testing, Gristedes responded that “[o]n a routine basis,” its staff “perform[s] general maintenance checks.” However, Gristedes did not perform verification tests following repairs as required by the RER Rule, on the timelines prescribed by the RER Rule. Gristedes did not maintain *any* records of any verification tests.

**D. Gristedes Failed to Retrofit or Retire Leaking Appliances.**

52. Where an owner or operator fails to repair a leaking appliance (or when the repairs are unsuccessful in bringing leaks below the applicable leak rate threshold), owners and operators are required to develop a plan to retrofit or retire their leaking appliance, 40 C.F.R. § 82.157(h), and to maintain records of those plans, *id.* § 82.157(l)(6).

53. Gristedes often had leaking appliances that it failed to repair, or for which its repairs had failed.

54. For example, in December 2019, Gristedes added 200lbs of R-22 to the appliance described above in Store 517, establishing that the appliance exceeded the applicable leak rate. Gristedes attempted to fix the appliance at that time, but in late March and April, Gristedes was required to add an additional 240lbs of R-22 to the same appliance, again exceeding applicable leak rates. The failure of the first repair triggered an obligation for Gristedes to retrofit or retire its appliance in Store 517. Gristedes did not do so.

55. More generally, Gristedes has confirmed to the Government that it in fact maintained no retrofit or retirement plans, despite the RER Rule’s requirement to do so.

56. Every time Gristedes failed to retrofit or retire appliances that leaked despite attempted repairs, it violated the RER Rule.

**E. Gristedes Failed to Report Chronically Leaking Appliances.**

57. The RER Rule also requires owners and operators to submit an annual report to EPA identifying appliances that leaked more than 125% of their full charge during a calendar year. 40 C.F.R. § 82.157.

58. On several occasions, Gristedes had appliances that met this threshold. For example, in 2019, an appliance at Gristedes' Store 59 (located on the Upper East Side) that had a full charge of 200lbs of R-22 leaked 646lbs of refrigerant—a leak rate of 323%.

59. Despite maintaining chronically leaking appliances, Gristedes has never sent EPA a report as required by the RER Rule.

#### **F. Environmental Impacts of Gristedes' Violations**

60. Gristedes' systematic noncompliance with the RER Rule permitted significant refrigerant leaks to persist. The limited records Gristedes maintains suggest that it had a corporate-wide leak rate of 40% in 2019, 59% in 2020, and 46% in 2021; in contrast, the average leak rate across the industry is roughly 25%, with firms enrolled in EPA's voluntary "GreenChill" program reducing their leaks to an average of 12.9%. *See* U.S. EPA, *GreenChill: Keeping Cool for Fifteen Years 2007-2022*, at 7 (available at [https://www.epa.gov/system/files/documents/2022-09/GreenChill-Keeping-Cool-for-15-Years-2022\\_1.pdf](https://www.epa.gov/system/files/documents/2022-09/GreenChill-Keeping-Cool-for-15-Years-2022_1.pdf)).

61. All told, between 2019 and 2021, Gristedes emitted 42,094 lbs of regulated refrigerants—the vast majority of which was R-22 (an ozone depleting substance and greenhouse gas) and R-404A (an even more powerful greenhouse gas). Gristedes' refrigerant leaks resulted in greenhouse gas emissions equivalent to over 140,000,000 miles driven by an average gasoline-powered passenger vehicle. Gristedes' failure to comply with the RER Rule enabled these leaks and allowed them to persist over time.

62. HFCs such as R-404A and HCFCs such as R-22 persist in the atmosphere for many years, continuing to have an environmental impact.

**FIRST CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:  
Failure to Calculate Leak Rates  
(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(b))**

63. The United States restates the allegations of paragraphs 1 to 62, above.

64. Gristedes failed to calculate the leak rate for numerous appliances upon adding refrigerant, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(b).

65. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day for each violation.

**SECOND CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:  
Failure to Repair Leaks  
(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(d))**

66. The United States restates the allegations of paragraphs 1 to 65, above.

67. Gristedes failed to repair leaks that exceeded the 20% leak rate threshold set by the RER Rule for numerous appliances, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(d).

68. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day for each violation.

**THIRD CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:  
Failure to Conduct Verification Tests  
(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(e))**

69. The United States restates the allegations of paragraphs 1 to 68, above.

70. With respect to numerous commercial refrigeration equipment at its stores, Gristedes failed to conduct verification testing following its repair of a leak, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(e).

71. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day for each violation.

**FOURTH CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:  
Failure to Retrofit or Retire Leaking Appliances  
(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(h))**

72. The United States restates the allegations of paragraphs 1 to 71, above.

73. With respect to numerous commercial refrigeration equipment at its stores, Gristedes failed to implement a retrofit or retirement plan after a leak was not repaired, or a leak repair was unsuccessful, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(h).

74. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day for each violation.

**FIFTH CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:  
Failure to Report Chronically Leaking Appliances  
(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(j))**

75. The United States restates the allegations in paragraphs 1 to 74, above.

76. With respect to numerous refrigeration appliances at its stores, Gristedes failed to report to EPA that the appliance had leaked in excess of 125% during a calendar year, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(j).

77. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day for each violation.

**SIXTH CLAIM FOR RELIEF**

**Violations of the CAA and the RER Rule:**



**Failure to Maintain Records**  
**(42 U.S.C. § 7671g; 40 C.F.R. § 82.157(l))**

78. The United States restates the allegations in paragraphs 1 to 77, above.

79. With respect to numerous commercial refrigeration equipment at its stores, Gristedes failed to maintain records required to be maintained under the RER Rule, in violation of Section 608 of the Clean Air Act, 42 U.S.C. § 7671g, and 40 C.F.R. § 82.157(l).

80. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), Gristedes is liable for equitable relief, including mitigation of harms caused by the violations, and a civil penalty of up to \$121,275 per day.

**PRAYER FOR RELIEF**

WHEREFORE, the United States respectfully requests that this Court:

- i. Enter judgment against Gristedes and in favor of the United States for the violations alleged in this complaint;
- ii. Order Gristedes to mitigate the harms resulting from its conduct;
- v. Order Gristedes to pay a penalty pursuant to the CAA and the RER Rule; and
- vi. Grant additional equitable and other relief as the Court deems just and appropriate.

Date: July 1, 2024  
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

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Of Counsel:

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**Appendix A – List of Current Gristedes Locations**

<b>Store #</b>	<b>Address</b>
040	315 South End Ave., New York, NY 10280
543	3 Sheridan Sq. & W. 4 <sup>th</sup> St., New York, NY 10014
545 (Pharmacy)	225 9 <sup>th</sup> Ave. & 24 <sup>th</sup> St., New York, NY 10011
597	225 8 <sup>th</sup> Ave. & 20 <sup>th</sup> St., New York, NY 10011
544 (Pharmacy)	101 Clark St., Brooklyn, NY 11201
562	307 W. 26 <sup>th</sup> St. & 8 <sup>th</sup> Ave., New York, NY 10001
082	25 University Place, New York, NY 10003
034	907 8 <sup>th</sup> Ave., New York, NY 10019
518	335 1 <sup>st</sup> Ave. & 20 <sup>th</sup> St., New York, NY 10009
524	25 Waterside Plaza & FDR Dr., New York, NY 10010
533	748 2 <sup>nd</sup> Ave. & 40 <sup>th</sup> St., New York, NY 10017
511	504 Columbus Ave. & 84 <sup>th</sup> St., New York, NY 10024
601	2704 103 <sup>rd</sup> St. & Broadway Ave., New York, NY 10025
512	1208 1 <sup>st</sup> Ave. & 65 <sup>th</sup> St., New York, NY 10021
413	1365 3 <sup>rd</sup> Ave. & 78 <sup>th</sup> St., New York, NY 10075
059	1446 2 <sup>nd</sup> Ave. & 75 <sup>th</sup> St., New York, NY 10021
777	1450 E. 83 <sup>rd</sup> St. & 3 <sup>rd</sup> Ave., New York, NY 10028
437	1343 Lexington Ave & 89 <sup>th</sup> St., New York, NY 10028
053	1644 York Ave. & 87 <sup>th</sup> St., New York, NY 10028