



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

FILED

2/24/26

4:14 PM

**U.S. EPA REGION 1
HEARING CLERK**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA -01-2026-0006

This ESA is issued to: Kettle Cuisine, LLC 330 Lynnway, Lynn Massachusetts, **for violating Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region 1, by its duly delegated official, James Chow, Director, Enforcement and Compliance and Assurance Division, and by Respondent . Kettle Cuisine LLC (“Respondent”), pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the U.S. Department of Justice have jointly determined that this action is an appropriate administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1). EPA will forward a copy of this ESA and final order to the State air pollution control agency upon issuance.

ALLEGED VIOLATIONS

On January 25, 2024, authorized EPA representatives conducted a compliance inspection of Respondent’s facility located at 330 Lynnway, Lynn Massachusetts (“Facility”) to determine its compliance with the Risk Management Plan (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that Respondent had violated regulations implementing Section 112(r) of the Act as noted on the attached “Risk Management Program Inspection Findings, Alleged Violations, and Proposed Penalty Form” (“Form”), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent’s size of business, compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the attached Form, for the total penalty amount of **\$13,800**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in herein and in the Form, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA. Respondent 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 this ESA. Each

party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached Form.

Respondent agrees to pay a civil penalty in the amount of **\$13,800** (“Assessed Penalty”) within 30 days of the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”). 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>.

When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement (CAA-01-2026-0006).
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
R1_Hearing_Clerk_Filings@epa.gov and Santiago.Wanda@epa.gov

Douglas Koopman, EPA Inspector
U.S. Environmental Protection Agency, Region 1
koopman.douglas@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
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.

Upon Respondent’s submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the alleged violations of the Act alleged above and in the Form. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above. EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed ESA is not returned to the EPA Region 1 office at the address above by Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign the return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties up to \$59,114 per day of each violation. This ESA is binding on the parties signing below.

Pursuant to 40 C.F.R. § 22.13(b), a final order is effective upon filing.

Complainant and Respondent, by entering into this ESA, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed ESA, by electronic mail, to the email address inserted under Respondent's signature block below. Respondent understands that this e-mail address may be made public when the ESA and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

FOR RESPONDENT:


_____ Date: 2/12/2026
Name (print): SUNIL RAM
Title (print): Dir. OF Environmental Health & Safety
Email address (print): sram@kettlecuisine.com

FOR COMPLAINANT:

_____ Date: _____
James Chow, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 1

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the EPA's Consolidated Rules of Practice, the attached Expedited Settlement Agreement resolving this matter is incorporated by reference and is hereby ratified. The Respondent is ORDERED to comply with all terms of the Expedited Settlement Agreement, which shall become effective on the date it is filed with the Regional Hearing Clerk.

Michael J. Knapp
Regional Judicial Officer
U.S. EPA Region 1

Date: _____



U.S. ENVIRONMENTAL PROTECTION AGENCY

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. sec. 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. The scope of this inspection may include but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME: Kettle Cuisine, LLC

PRIVATE GOVERNMENTAL/MUNICIPAL # of EMPLOYEES: Approximately 300

FACILITY ADDRESS: 330 Lynnway Lynn, MA 01901

INSPECTION START DATE AND TIME: January 25, 2024 INSPECTION END DATE AND TIME: January 25, 2024

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Colm Geraghty ,COO, 319-210-6488 cgeraghty@kettlecuisine.com

EPA FACILITY ID#: 1000 00225286

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Alan Gilbert, Safety Manager, 781-710-0504 agilbert@kettlecuisine.com

INSPECTOR NAME(S), TITLE(S): Drew Meyer, EPA Region 1 Leonard B. Wallace IV, EPA Region 1

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)? YES NO

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195? YES X NO

DATE RMP INITIALLY FILED WITH EPA: 4/15/14 DATE OF RMP UPDATES: 3/19/19; 3/10/23; 1/1/24; 2/9/25

1) PROCESS/NAICS CODE: 311422 PROGRAM LEVEL: 1 Y 2 Y 3

REGULATED SUBSTANCE: Anhydrous Ammonia MAX. QUANTITY IN PROCESS: 20,640 pounds

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? YES NO

ATTACHED CHECKLIST(S):

Y PROGRAM LEVEL 1 PROCESS CHECKLIST Y PROGRAM LEVEL 2 PROCESS CHECKLIST PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER

ATTACHMENTS:

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE
BOSTON, MA 02109-3912**

Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form:

1. Program Level 3 Alleged Violations and Unadjusted Penalties

Section C – Prevention Program – Process safety information [68.65]

<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, the ammonia piping located inside the ammonia machinery room (AMR) was not labeled with the contents and direction of flow. <i>See, e.g., ASME A13.1 (2015) §§ 3.1-3.5; ANSI/IIAR 2-2021 § 5.14.6; ANSI/IIAR 9-2020 §§ 7.2.9.2, 7.2.9.4.</i></p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, the audible/visual ammonia alarm for the AMR was not labeled regarding its function. <i>See, e.g., ANSI/IIAR 2-2021 § 17.6; ANSI/IIAR 9-2020 §§ 7.2.9.1(2), 7.3.12.6.</i></p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>Ammonia piping and valves located in the AMR in locations subject to physical damage did not have guarding or barricading installed. <i>See, e.g., ANSI/IIAR 2-2021 § 13.4.2; ANSI/IIAR 9-2020 § 7.2.12.1.</i></p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, the make-up air into the AMR was not positioned to prevent short circuiting. <i>See, e.g., ANSI/IIAR 2-2021 § 6.14.5.2; ANSI/IIAR 9-2020 § 7.3.14.3(2).</i></p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, electrical conduit and piping penetrations through the wall of the AMR were not sealed to prevent leakage of ammonia vapor to adjoining spaces and to maintain fire rating of the machinery room. <i>See, e.g., ANSI/IIAR 2-2021 § 6.6.2; ANSI/IIAR 9-2020 § 7.3.6.2.</i></p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p>	\$1,500

<p>At the time of inspection, the passive air intake into the AMR was less than 20 feet from the discharge locations for the emergency exhaust from the AMR and the pressure relief valve (PRV). <i>See, e.g.</i>, ANSI/IIAR 2-2021 § 15.5.1.2; ANSI/IIAR 9-2020 § 7.4.2.1.</p>	
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, the PRV discharge piping for the High-Pressure Receiver (HPR) directs the discharge downward rather than upward which could spray ammonia on persons in the vicinity. <i>See, e.g.</i>, ANSI/IIAR 2-2021 § 15.5.1.5.</p>	\$1,500
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of inspection, the ammonia evaporators suspended from the ceilings in the Walmart cooler, freezer, and loading dock were not protected from damage by lift trucks. <i>See, e.g.</i>, ANSI/IIAR 9-2020 § 7.2.12.1; ANSI/IIAR 2-2021 § 7.2.4.</p>	\$1,500
<p>Section C – Prevention Program – Mechanical integrity [68.73]</p>	
<p>Has the owner or operator corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner, when necessary means were taken to assure safe operation? [68.73(e)]</p> <p>The Armaflex insulation used on the piping associated with the low-temp recirculator was compromised along with the ammonia piping vapor barrier and insulation in numerous locations on the ammonia piping on the roof. <i>See, e.g.</i>, ANSI/IIAR 2-2021 § 5.10.1, ANSI/IIAR 9-2020 § 7.2.6.1; ANSI/IIAR 6-2019 §§ 11.1, 11.1.2.</p>	\$900
<p>Has the owner or operator corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner, when necessary means were taken to assure safe operation? [68.73(e)]</p> <p>At the time of inspection, ice buildup was observed on the low-temp recirculator valves, preventing their use. <i>See, e.g.</i>, ANSI/IIAR 9-2020 § 7.2.6.1; ANSI/IIAR 6-2019 § 5.6.8.</p>	\$900
<p>Total unadjusted penalty: \$13,800</p>	
<p>RMP Program Level 3 Process Check list Page 3 of 4 Facility Name: Kettle Cuisine, LLC</p>	

2. Size-Threshold Quantity Multiplier

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

Expedited Settlement Penalty Matrix: Private Industries

Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site

# of Employees	1 – 5*	> 5 – 10*	> 10*
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	1.0
> 100	1.0	1.0	1.0

At the time of inspection, the Facility had more than 100 employees, and the 2024 RMP lists 20,640 lbs of anhydrous ammonia at the facility (more than twice the threshold).

Size-Threshold Quantity multiplier from Expedited Settlement Penalty matrix: 1.0

3. Proposed Penalty

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Unadjusted Penalty and the Size-Threshold Quantity multiplier.

$$\begin{array}{rcl} \text{Proposed Penalty} & = & \$13,800 \text{ (Unadjusted Penalty)} \\ & \times & 1.0 \text{ (Size-Threshold Quantity Multiplier)} \\ & = & \underline{\underline{\$13,800}} \end{array}$$