



BY E-MAIL

Dated via electronic signature below

Michael J. Knapp
Regional Judicial Officer
U.S. EPA, Region 1
5 Post Office Square, Suite 100, Mail Code 4-MI
Boston, MA 02109-3912
knapp.michael@epa.gov

Re: *In the Matter of Home Market Foods, Inc.*, Docket Nos. CAA-01-2026-0001 and CERCLA-01-2026-0013

Dear Mr. Knapp:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), and simultaneously transmitted with this letter, please find a Consent Agreement and proposed Final Order (“CAFO”) settling the above-referenced action. The Consent Agreement has been signed by the parties and is now being submitted to you for your review and approval.

If signed by you, the CAFO will resolve administrative civil penalty liability of the Respondent, Home Market Foods, Inc. (“Respondent”), for alleged violations of 40 C.F.R. Part 68, promulgated pursuant to Section 112(r)(7) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(7), at Respondent’s facilities in Norwood and Norton, Massachusetts. The CAFO also resolves civil penalty liability for alleged violations of 40 C.F.R. § 302.6(a) and Section 103(a) of the Comprehensive Environmental Response and Liability Act (“CERCLA”), 42 U.S.C. § 9603(a), at Respondent’s Norwood facility.

Specifically, the CAFO alleges the following violations:

Norwood Facility

1. Failure to comply with process safety information requirements, including documenting compliance with Recognized and Generally Accepted Good Engineering Practices, in violation of 40 C.F.R. § 68.65(d);
2. Failure to adequately identify, evaluate, and control hazards by complying with process hazard analysis requirements (40 C.F.R. § 68.67);
3. Failure to comply with management of change requirements (40 C.F.R. § 68.75);
4. Failure to comply with pre-startup safety review requirements (40 C.F.R. § 68.77);
5. Failure to comply with standard operating procedure requirements (40 C.F.R. § 68.69);

6. Failure to comply with training requirements (40 C.F.R. § 68.71);
7. Failure to comply with mechanical integrity procedures (40 C.F.R. § 68.73);
8. Failure to comply with compliance audit requirements (§ 68.79);
9. Failure to comply with contractor safety provisions (§ 68.87);
10. Failure to comply with emergency planning and response coordination requirements (§§ 68.12(d) and 68.90-93);
11. Failure to make required corrections to the RMP to update accident history and emergency contact information (§ 68.195); and
12. Failure to report ammonia releases to the National Response Center on time, in violation of CERCLA Section 103(a), 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.

Norton Facility

13. Failure to comply with process safety information requirements, including documenting compliance with Recognized and Generally Accepted Good Engineering Practices (40 C.F.R. § 68.65);
14. Failure to adequately identify, evaluate, and control hazards by complying with process hazard analysis requirements (40 C.F.R. § 68.67);
15. Failure to comply with standard operating procedure requirements (40 C.F.R. § 68.69);
16. Failure to comply with mechanical integrity procedures (40 C.F.R. § 68.73); and
17. Failure to comply with compliance audit requirements (40 C.F.R. § 68.79).

Under the terms of the CAFO, the Respondent has agreed to pay a civil monetary penalty of \$1.1 million (\$1,100,000) within 30 days of the CAFO's effective date. The penalty complies with CAA statutory penalty assessment factors and EPA's penalty policies for CAA Section 112(r) and CERCLA Section 103 cases, including inflation adjustments to the penalty policies.¹ EPA's Office of Enforcement and Compliance Assurance ("OECA") at Headquarters reviewed the penalty calculations before the Acting Assistant Administrator of OECA agreed to the settlement in principle. In the CAFO, Respondent certifies that it is operating in compliance with the CAA and CERCLA regulations cited in the CAFO.

The parties' consent to the use of digital signatures (as well as Respondent's consent to electronic service of the CAFO, once filed) is included in the CAFO. Respondent chose to sign with a "wet" signature, and EPA's official signed electronically. Accordingly, I am submitting a PDF of the executed CAFO and will file Respondent's original signature page with you after I receive it in the mail. This settlement does not have any public notice requirements.

EPA will forward a copy of this CAFO to the State air pollution control agency upon issuance.

If you have any questions regarding the proposed CAFO, please contact me at smith.catherine@epa.gov or 617-918-1777 and Respondent's counsel, Chris Bell, at bellc@gtlaw.com

¹ *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012), available at <https://www.epa.gov/sites/default/files/documents/112rcep062012.pdf>; *Enforcement Response Policies for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response and Liability Act* (Sept. 1999), available at <https://www.epa.gov/sites/default/files/documents/epcra304.pdf>; and *Amendments to the EPA's Civil Penalty Policies to Account for Inflation* (effective January 15, 2024) available at <https://www.epa.gov/system/files/documents/2024-01/amendmentstotheepacivilpenaltypolicyinflation011524.pdf>.

or 713-374-3556. Note that I will be out of the office from December 19 through January 2. During that time, Laura J. Berry (berry.lauraj@epa.gov) and Huddy Grandy (grandy.harinarayan@epa.gov) are available most days to address ministerial matters. They know how to reach me if you have substantive questions or concerns.

Thank you for your attention to this matter.

Respectfully submitted,

**CATHERINE
SMITH**

Digitally signed by
CATHERINE SMITH
Date: 2025.12.18 13:45:29
-05'00'

Catherine Smith
Senior Enforcement Counsel
Office of Regional Counsel
U.S. EPA – Region 1

Attachments:

1. Proposed Consent Agreement and Final Order
2. Proposed Certificate of Service for Hearing Clerk
3. Letter to Hearing Clerk
4. Certificate of Service

cc: Wanda Santiago, Regional Hearing Clerk
Len Wallace, EPA
Drew Meyer, EPA
Chris Bell, Esq., Counsel for Home Market Foods
Julie Serowik, Home Market Foods