



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

FILED

9/3/25

4:28 PM

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

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA -01-2025-0059

This ESA is issued to: Veolia Water North America-Northeast, LLC, for allegedly 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 Veolia Water North America-Northeast, 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 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).

ALLEGED VIOLATIONS

On March 24, 2022, authorized EPA representatives and contractors from the Eastern Research Group and Weston conducted a compliance inspection of the facility operated by Respondent located at 390 Parkland Avenue in 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 allegedly 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 alleged violations, described in the attached Form, for the total penalty amount of **\$4,800**.

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 alleged violations listed in the attached Form.

Respondent agrees to pay a civil penalty in the amount of \$4,800 ("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-01-2025-0059);
- 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
Santiago.Wanda@epa.gov and R1_Hearing_Clerk_Filings@epa.gov

Drew Meyer, EPA Inspector
U.S. Environmental Protection Agency, Region 1
meyer.drew@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, 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 alleged 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: Veolia Water North America-Northeast, LLC

By: 

Date: 8/25/2025

Name (print): David Connors

Title (print): President, New England Region

Email address (print): david.connors@veolia.com

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2025.09.02 13:22:31 -04'00'

Date: _____

*In the Matter of Veolia Water North America-Northeast, LLC at the Lynn Water Treatment Facility
Expedited Settlement Agreement
Docket No. CAA-01-2025-0059*

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

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of the EPA's Consolidated Rules of Practice and Section 113 of the Clean Air Act, 42 U.S.C. § 7413, the foregoing Expedited Settlement Agreement resolving *In the Matter of Veolia Water North America-LLC*, Docket Number CAA-01-2025-0059, is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Expedited Settlement Agreement. The terms of the Expedited Settlement Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

It is so ORDERED.

Michael J. Knapp
Regional Judicial Officer
United States Environmental Protection Agency
Region 1

Date: _____

RMP Program Level 3 Process Checklist

*This RMP Program Level 3 Process Checklist is based on penalty amounts supplied by Headquarters in 2011.
Regulations added in the updated 2021 version do not yet have corresponding penalty amounts and are indicated by asterisks.*

General Facility Information

Facility Name:	Lynn Water Treatment Plant – Operated by Veolia Water North America-Northeast, LLC at the time of EPA’s inspection														
Mailing Address (Street, City, State, Zip):	Lynn Water Treatment Plant 390 Parkland Avenue Lynn, Massachusetts 01905 Veolia Water North America-Northeast, LLC 53 State Street 14 th Floor Boston, Massachusetts 02109														
Physical Address (Street, City, State, Zip):	Lynn Water Treatment Plant 390 Parkland Avenue Lynn, Massachusetts 01905 Veolia 53 State Street 14th Floor Boston, Massachusetts 02109														
Latitude / Longitude: (Source)	Latitude (decimal): 42.476944 Longitude (decimal): -070.973056 Interpolation - Digital map source (TIGER)														
RMP Number / FRS Number:	1000 0013 3045														
Facility Contact (Name, Title, Phone#, email address):	<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Seth Gabriel</td> <td style="width: 25%;">Project Manager, Veolia</td> <td style="width: 25%;">781-595-5200</td> <td style="width: 25%;">Seth.gabriel@veolia.com</td> </tr> <tr> <td>Richard Kellet</td> <td>Maintenance Manager, Veolia</td> <td>781-595-5200</td> <td>None provided</td> </tr> <tr> <td>Daniel Gorke</td> <td>Area Manager, Veolia</td> <td>401-265-1085</td> <td>Daniel.gorke@veolia.com</td> </tr> </table>			Seth Gabriel	Project Manager, Veolia	781-595-5200	Seth.gabriel@veolia.com	Richard Kellet	Maintenance Manager, Veolia	781-595-5200	None provided	Daniel Gorke	Area Manager, Veolia	401-265-1085	Daniel.gorke@veolia.com
Seth Gabriel	Project Manager, Veolia	781-595-5200	Seth.gabriel@veolia.com												
Richard Kellet	Maintenance Manager, Veolia	781-595-5200	None provided												
Daniel Gorke	Area Manager, Veolia	401-265-1085	Daniel.gorke@veolia.com												
Reported NAICS Code(s):	221310 (Water Supply and Irrigation Systems)														

Inspection Information

Inspection Start Date:	3/24/2022	Inspection End Date: 3/24/22	Select End Date
Lead Inspector	Name	Organization	Phone No / Email
	Drew Meyer	USEPA-ECAD	6179181755
			meyer.drew@epa.gov

Participating Inspectors

Leonard B. Wallace IV, EPA
Tyler Diercks, EPA Region 1
Carlos Colombani, EPA
Region 2
Amy Federoff, ERG
Marissa Maier, ERG

Subpart D - Program 3 Prevention Program [68.65-68.87]

Prevention Program: Operating Procedures [68.69]

<p>1. Has the owner or operator developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information? [68.69(a)]</p> <p>Forty C.F.R. § 68.69(a)(1)(iv), requires owners and operators of Program 3 processes to identify steps for emergency shutdown, including conditions under which emergency shutdown is required and the assignment of shutdown responsibility to qualified operators. Several of Respondent's operating procedures, specifically the procedures that relate to the RMP chlorine process, should have included precautions and descriptions on how to initiate an emergency shutdown of relevant chlorine processes.</p> <p>Additionally, 40 C.F.R. § 68.69(a)(2)(i) requires written operating procedures ("SOPs") to provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address the consequences for a deviation in the operating procedure.</p> <p>Respondent's SOPs fail to address the consequences in the event that there is a deviation in the operating procedure. For example, the SOP for Chlorine Cylinder Connections directs the employee performing the procedure to visually inspect several lines and monitors for obvious problems such as breakage lines that have become disconnected, but the SOP provides no information for the proceeding steps in the event that there is a deviation and no information regarding the consequences of a deviation.</p>	<p>N/A</p>
<p>2. Do the procedures address the following: [68.69(a)]</p> <p><u>Steps for each operating phase: [68.69(a)(1)]</u></p> <p><input type="checkbox"/> Initial Startup? [68.69(a)(1)(i)]</p> <p><input type="checkbox"/> Normal operations? [68.69(a)(1)(ii)]</p> <p><input type="checkbox"/> Temporary operations? [68.69(a)(1)(iii)]</p> <p><input checked="" type="checkbox"/> Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner? [68.69(a)(1)(iv)]</p> <p><input type="checkbox"/> Emergency operations? [68.69(a)(1)(v)]</p> <p><input type="checkbox"/> Normal shutdown? [68.69(a)(1)(vi)]</p> <p><input type="checkbox"/> Startup following a turnaround, or after emergency shutdown? [68.69(a)(1)(vii)]</p> <p><u>Operating limits: [68.69(a)(2)]</u></p> <p><input checked="" type="checkbox"/> Consequences of deviations [68.69(a)(2)(i)]</p> <p><input type="checkbox"/> Steps required to correct or avoid deviation? [68.69(a)(2)(ii)]</p> <p><u>Safety and health considerations: [68.69(a)(3)]</u></p> <p><input type="checkbox"/> Properties of, and physical hazards presented by, the chemicals used in the process [68.69(a)(3)(i)]</p> <p><input type="checkbox"/> Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment? [68.69(a)(3)(ii)]</p> <p><input type="checkbox"/> Control measures to be taken if physical contact or airborne exposure occurs? [68.69(a)(3)(iii)]</p> <p><input type="checkbox"/> Quality control for raw materials and control of hazardous chemical inventory levels? [68.69(a)(3)(iv)]</p> <p><input type="checkbox"/> Any special or unique hazards? [68.69(a)(3)(v)]</p> <p><input type="checkbox"/> <u>Safety systems and their functions? [68.69(a)(4)]</u></p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>1,200</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>1,200</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>3. Are operating procedures readily accessible to employees who are involved in a process? [68.69(b)]</p>	<p>N/A</p>

4. Has the owner or operator certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources? [68.69(c)]	N/A
5. Has the owner or operator developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel? [68.69(d)]	N/A
Prevention Program: Management of Change [68.75]	
<p>6. Has the owner or operator established and implemented written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process? [68.75(a)]</p> <p>In accordance with § 68.75(b), the management of change procedures must assure that, PRIOR to any change, the procedures address: the technical basis for the proposed change; impact of change on safety and health; modifications to operating procedures; necessary time period for the change; and authorization requirements for the proposed change. Lynn Water and Veolia established written procedures to manage changes in the Facility's RMP program.</p> <p>Veolia did not update the management of change documents prior to changing process equipment on both September 20, 2020, and August 19, 2020, as the management of change reviews for both changes did not occur until July 16, 2021. Specifically, on September 20, 2020, three regal valves associated with the process at the Facility were replaced, which included the re-piping within the room for improved operation, maintenance, and ease of operation. The management of change review documents are dated July 16, 2021, after the change. Additionally, on August 19, 2020, a second chlorine dioxide generation unit associated with the process at the Facility was added and piping modifications were made. The management of change review documents are also dated July 16, 2021, after the change. Other MOC forms also seem to have been completed after the changes to the process occurred, including MOC 2021-004 (replacement of chlorine ejection device).</p> <p>Further, employees were not trained on the maintenance procedures associated with the change until July 16, 2021. Forty C.F.R. § 68.75(c) requires that employees involved in operating a process and maintenance whose job tasks will be affected by a change in the process shall be trained in the change prior to the start-up of the process or the affected part of the process.</p> <p>Veolia violated the management of change procedures by making changes to equipment without first considering and documenting the technical bases for the changes and impacts of the changes on the safety and health in accordance with the written procedures to manage changes and 40 C.F.R. § 68.75(b). Also, Lynn Water and Veolia failed to document on its MOC form for the September 20, 2020, change the date when employees were trained in maintaining the process, in violation of its written procedures and 40 C.F.R. § 68.75(c), and the date when process safety was updated, in violation of its written procedures and 40 C.F.R. § 68.75(d). Employees were not trained on the maintenance procedures associated with the August 19, 2020, change until July 16, 2021, after the change.</p>	N/A
<p>7. Do procedures assure that the following considerations are addressed prior to any change: [68.75(b)]. NO-Not Prior to the changes being made</p> <p><input checked="" type="checkbox"/> The technical basis for the proposed change? [68.75(b)(1)]</p> <p><input checked="" type="checkbox"/> Impact of change on safety and health? [68.75(b)(2)]</p> <p><input checked="" type="checkbox"/> Modifications to operating procedures? [68.75(b)(3)]</p> <p><input checked="" type="checkbox"/> Necessary time period for the change? [68.75(b)(4)]</p> <p><input checked="" type="checkbox"/> Authorization requirements for the proposed change? [68.75(b)(5)]</p>	<p>300</p> <p>300</p> <p>300</p> <p>300</p> <p>300</p>
8. Were employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, informed of, and trained in, the change prior to start-up of the process or affected parts of the process? [68.75(c)] NO-Not Prior to the changes being made	900
9. If a change resulted in a change in the process safety information, was such information updated accordingly? [68.75(d)]	N/A

10. If a change resulted in a change in the operating procedures or practices, had such procedures or practices been updated accordingly? [68.75(e)]

N/A

Expedited Settlement Penalty Matrix

Governmental Entities

(Primarily Public Drinking Water and Wastewater Systems)

Total Population Served	1 – 5*	> 5 – 10*	> 10* (64)
1 – 10,000	0.2	0.4	0.6
10,001 – 100,000	0.4	0.6	0.8
> 100,000	0.6	0.8	1.0

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

Proposed Penalty Worksheet

Lynn population served approximately 101,000 people

Chlorine---32,000 lbs on-site equals **64** times the TPQ of 500 lbs—multiplier = 1

Adjusted Penalty = \$4,800 x 1 = \$4,800