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

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: ^{EPCRA}CAA-01-2025-0075 ^(a)

This ESA is issued to: Mama Rosie's LLC, 10 Dorrance Street, Boston, MA 02129, **for violating Section 312 of the Emergency Planning and Community Right-To-Know Act.**

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 1, by Complainant, EPA's duly delegated official, James Chow, Director, Enforcement and Compliance and Assurance Division ("Complainant"), and by Respondent Mama Rosie's LLC ("Mama Rosie's" or "Respondent"), pursuant to Section 325(c) of the Emergency and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c), and 40 C.F.R. §§ 22.13(b) and 22.18(b).

ALLEGED VIOLATION

Respondent operates a pasta manufacturing facility located at 10 Dorrance Street, Boston, Massachusetts, that uses approximately 3,000 lbs. of anhydrous ammonia as a refrigerant. During EPA's review of annual chemical inventory information submitted to the Commonwealth of Massachusetts pursuant to EPCRA, EPA discovered that Respondent failed to submit a completed emergency and hazardous chemical inventory form ("Tier II form") for calendar year 2024, as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370.

Respondent is a "person," as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and the operator of a "facility," as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.66. Ammonia is a hazardous chemical for which Respondent is required to have a Safety Data Sheet pursuant to the Occupational Health and Safety Administration's Hazard Communication Standard at 29 C.F.R. § 1910.1200(g) and is thus subject to annual chemical inventory reporting under EPCRA Section 312, 42 U.S.C. § 11022. Pursuant to the requirements of Section 312 of EPCRA and the regulations set forth at 40 C.F.R. Part 370, Respondent is required to submit to the local fire department, the State Emergency Response Commission, and the Local Emergency Planning Committee (the "Relevant Authorities") an annual inventory form for those chemicals present in amounts that equal or exceed thresholds set out in 40 C.F.R. § 370.10.

For extremely hazardous substances, such as ammonia, 40 C.F.R. § 370.10(a)(1) specifies that the reporting requirement applies if the chemical is present at the facility at any one time in an amount equal to or greater than 500 pounds or the Threshold Planning Quantity ("TPQ") listed in Appendix A of 40 C.F.R. Part 355, whichever is lower. The TPQ for ammonia is 500 pounds.

Pursuant to EPCRA Section 312 and 40 C.F.R. § 370.40, the annual inventory form is due by March 1 every year a hazardous chemical is present at the facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Pursuant to 40 C.F.R. § 370.40(b), some states, such as Massachusetts, require facilities to report Tier II information instead of less comprehensive Tier I information.

According to a Tier II form that Respondent submitted in 2023 and an information request response that Respondent submitted to EPA in 2021, Respondent is a facility that uses anhydrous ammonia in excess of 500 pounds. Pursuant to EPCRA Section 312 and the regulations at 40 C.F.R. Part 370, Respondent was required to submit a chemical inventory form for each calendar year on or before March 1 of the subsequent year but failed to do so for reporting year 2024. The Tier II form was due by March 1, 2025.

SETTLEMENT

In consideration of the statutory penalty factors and EPA's ESA policies for violations of EPCRA Section 312, the parties enter into this ESA to settle the violations, for the total civil penalty amount of **\$5,000** (the "Assessed Penalty"). In signing this agreement, Respondent (1) admits that EPA has jurisdiction over the allegations contained herein; (2) neither admits nor denies the specific factual allegations contained herein; (3) consents to the assessment of the penalty; (4) waives its rights to contest the allegations or have a judicial or administrative hearing on any issue of law or fact set forth in this ESA; and (5) 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 (6) waives any right to appeal or challenge the lawfulness of the final order accompanying the consent agreement. 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 violation.

Within 30 days of receipt of this proposed ESA, Respondent shall correct the allege violation, sign the ESA, and send it by e-mail and mail to:

Catherine Smith, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
Mail Code 4-CO
5 Post Office Square, Suite 100
Boston, MA 02109-3912

smith.catherine@epa.gov

When EPA receives the signed ESA, it will be signed by EPA and forwarded to the Regional Judicial Officer. The Regional Judicial Officer will issue a Final Order that will be filed with the Regional Hearing Clerk and sent to all the parties.

Instructions for Payment: Respondent agrees to pay the Assessed Penalty within 30 days of the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). **Do not pay the penalty until the Regional Hearing Clerk serves the Final Order.**

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 the payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement (EPCRA-01-2025-0075); and
- b. Serve proof of such payment to the following person(s), concurrently with any payment or within 24 hours of any payment:

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

Catherine Smith, Esq.
U.S. Environmental Protection Agency, Region 1
smith.catherine@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.

Consequences for Late Payment: Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, should Respondent fail to pay the Assessed Penalty on time, interest accruing from the

due date, handling costs, and late payment penalties will apply. To protect the interest of the United States, the rate of interest for late payment of the Assessed Penalty is set at the IRS standard corporate underpayment rate, as any lower rate would fail to provide the company adequate incentive for timely payment.

Effect of Settlement: Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the alleged violation of EPCRA. 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 EPCRA 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 EPCRA or any other statute.

If Respondent does not return the signed ESA to EPA Region 1 at the address and email above 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 violation. If Respondent does not return a signed ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties up to \$71,545 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 (although Respondent may sign the ESA in ink, by hand). 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. Any electronic signature shall comply with and be maintained in accordance with that Order.

FOR RESPONDENT:

Signed by:

69ED666141E6492...

Date: 08.22.25

Name (print): Jay Root_____

Title (print): Senior VP of Operations_____

Email address (print): jay.root@norfolk1.com_____

FOR COMPLAINANT:

Elyse D. Kudaravskas, FOR

Date: 8/27/2025

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 *In the Matter of Mama Rosie's LLC*, Docket No. EPCRA-01-2025-0075, is incorporated by reference and is hereby ratified. The Respondent is ORDERED to comply with the 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: _____