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U.S. EPA REGION 1
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of: C S Storage IV Inc. and Wood Street Fee Owner, LLC Respondents. Proceeding under Section 113(d) of the Clean Air Act

Docket No. CAA-01-2026-0004

**CONSENT AGREEMENT
AND FINAL ORDER**

A. PRELIMINARY STATEMENT

1. The issuance of this Consent Agreement ("Consent Agreement") and attached Final Order ("Final Order"), in accordance with 40 C.F.R. § 22.13(b), simultaneously commences and concludes an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 1 ("EPA").

3. Respondents are C S Storage IV, Inc. ("C S Storage") and Wood Street Fee Owner, LLC ("Wood Street" or together, "Respondents").

4. Complainant and Respondents, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement and the attached final order

without adjudication of any issues of law or fact herein, and Respondents agree to comply with the terms of this Consent Agreement and Final Order ("CAFO"). As discussed below, the CAFO resolves civil penalty liability for the following violations that Complainant alleges occurred in connection with Respondents' storage and handling of anhydrous ammonia at their refrigerated warehousing facility in Middleborough, Massachusetts:

(a) Failure document that the equipment complies with recognized and generally accepted good engineering practices and document that any equipment designed according to outdated standards is designed, maintained, inspected, tested, and operated in a safe manner, in violation of 40 C.F.R. §§ 68.65(d)(2) and (3);

(b) Failure to maintain the mechanical integrity of the Process equipment by correcting deficiencies that are outside of acceptable limits (as defined by the process safety information in 40 C.F.R. § 68.65) before continuing to use the equipment, or in a safe and timely manner when necessary means are taken to ensure safe operation, in violation of 40 C.F.R. § 68.73; and

(c) Failure to comply with hot work permit requirements in violation of 40 C.F.R. § 68.85.

B. JURISDICTION

5. This Consent Agreement is entered into under Sections 113(a)(3)(A) and (d) of the CAA, as amended, 42 U.S.C. §§ 7413(a)(3)(A) and (d), and the Consolidated Rules, 40 C.F.R. Part 22.

6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment in accordance with 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4 (containing the inflation adjustment for the administrative penalty cap set out in 42 U.S.C. § 7413(d)(1)).

7. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. GOVERNING LAW AND REGULATIONS

8. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), authorizes EPA to promulgate regulations and programs to prevent and minimize the consequences of accidental releases of certain regulated substances. The promulgated regulations are found at 40 C.F.R. Part 68 ("Part 68").

9. Forty C.F.R. § 68.130 lists the substances regulated under Part 68 ("RMP chemicals" or "regulated substances"). This list identifies anhydrous ammonia as an RMP chemical with a threshold quantity of 10,000 pounds.

10. A "process" is defined by 40 C.F.R. § 68.3 as any activity involving a regulated substance, including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.

11. Pursuant to 40 C.F.R. § 68.10, each process in which a regulated substance is present in more than a threshold quantity ("covered process") is subject to one of three risk management programs. A covered process is subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either in a specified NAICS code or subject to

the Occupational Safety and Health Administration ("OSHA") process safety management ("PSM") standard at 29 C.F.R. § 1910.119.

12. Pursuant to 40 C.F.R. § 68.12(a) and (d), the owner or operator of a stationary source with a process subject to Program 3 requirements must, among other tasks, submit a Risk Management Plan ("RMP"), develop a management system to implement the risk management program, and implement the release prevention requirements of 40 C.F.R. §§ 68.65-87.

13. Under 40 C.F.R. § 68.10, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process must comply with the requirements of Part 68 by no later than the latest of the following dates: (a) June 21, 1999; (b) three years after the date on which a regulated substance is first listed under 40 C.F.R. § 68.130; or (c) the date on which a regulated substance is first present above a threshold quantity in a process.

14. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), the Debt Collection Improvement Act of 1996 (as amended in 2015 by Section 701 of Pub. L. 114–74, 31 U.S.C. § 3701), and EPA's Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, provide for the assessment of civil penalties for violations of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(7), and Part 68, in amounts of up to $59,114 per day per violation for violations that occurred after November 2, 2015 and are assessed on or after January 8, 2025.

D. ALLEGED VIOLATIONS

15. Respondent C S Storage operates a cold storage warehousing facility at 97 Wood Street in Middleborough, Massachusetts (the "Facility").

16. Respondent Wood Street purchased the Facility in 2020 and is the owner of the Facility.

17. The Facility is bordered to the north and west by light industrial and commercial facilities and to the south and east by fields and undeveloped land. The property is located 750 feet from the nearest residences, half a mile from the local high school, a quarter mile from Interstate 495, and steps away from other local businesses.

18. Respondent C S Storage IV, Inc. is a corporation organized under the laws of the Commonwealth of Massachusetts and thus is a “person” within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), against whom an administrative penalty order may be issued under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

19. Respondent Wood Street is a limited liability company organized under the laws of the state of Delaware and thus is a “person” within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), against whom an administrative penalty order may be issued under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

20. The Facility is a building or structure from which an accidental release may occur and is therefore a “stationary source,” as defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.

21. At all times relevant to the violations alleged herein, Respondent Wood Street was the “owner” of the Facility, and Respondent C S Storage was the “operator” of the Facility.

22. Respondents use anhydrous ammonia in a refrigeration “process,” as defined by 40 C.F.R. § 68.3, in a series of interconnected pipes and vessels at the Facility (the “Process”).

23. In 2022, Respondent C S Storage filed a Program 3 RMP for the Process and reported that it used 20,037 pounds of anhydrous ammonia.

24. Accordingly, the anhydrous ammonia Process at the Facility is a “covered process” subject to the RMP provisions of Part 68.

25. The endpoint for a worst-case release of the amount of anhydrous ammonia used in the Process is *greater* than the distance to a public receptor.

26. Additionally, the Process is subject to OSHA’s PSM requirements at 29 C.F.R. § 1910.119 because it uses anhydrous ammonia in an amount over the threshold quantity of 10,000 pounds.

27. Therefore, in accordance with 40 C.F.R. § 68.10(a)–(d) Respondents’ use, storage, and handling of anhydrous ammonia in the Process is subject to the requirements of RMP Program 3.

28. In light of the potential hazards posed by the mishandling of anhydrous ammonia, industry trade associations have issued standards outlining the recognized and generally accepted good engineering practices (“RAGAGEP”) in the ammonia refrigeration industry. Relevant standards of care are set out in Attachment A.

29. EPA visited the Facility (the “Inspection”) on May 2, 2023, and reviewed documents to assess Respondents’ compliance with Part 68.

30. The EPA inspectors toured the Facility’s perimeter, roof, the ammonia machinery room (“AMR”), and the cold storage space.

31. Complainant alleges the following violations of 40 C.F.R. Part 68:

Count 1: Failure to Comply with Safety Information Requirements

32. Complainant realleges and incorporates by reference Paragraphs 1 through 31 of this document.

33. Pursuant to 40 C.F.R. §§ 68.65(d)(2) and (3), the owner or operator of a Program 3 process must document that the equipment complies with recognized and generally accepted good engineering practices and document that any equipment designed according to outdated standards is designed, maintained, inspected, tested, and operated in a safe manner.[1]

34. As further described in Attachment A, Respondents failed to document that the equipment complied with recognized and generally accepted good engineering practices ("RAGAGEP") and that equipment designed according to outdated standards was designed, maintained, inspected, tested, and operated in a safe manner, in violation of 40 C.F.R. § 68.65(d)(2) and (d)(3). For example: the AMR was not adequately sealed off from other spaces in the Facility, ammonia piping and alarms were not adequately labeled in various areas, and the main shutoff (King) valve was not immediately accessible and actionable.

35. Accordingly, by failing to compile the necessary information about the technology and equipment of the Process, including by documenting that the Process complied with recognized and generally accepted good engineering practices, Respondents violated 40 C.F.R. § 68.65 and Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E).

Count 2: Failure to Comply with Program 3 Mechanical Integrity Requirements

[1] As of March 11, 2024, the language in 40 C.F.R. § 68.65(d)(2) has been clarified to require that: "The owner or operator shall ensure and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices." The older language in paragraph 33 was in effect at the time of EPA's inspection.

36. Complainant realleges and incorporates by reference Paragraphs 1 through 35 of this document.

37. Pursuant to 40 C.F.R. § 68.73, the owner or operator of a Program 3 process must establish and implement written procedures to maintain the ongoing integrity of certain process equipment and train employees accordingly. Inspections and testing procedures shall follow RAGAGEP, and the frequency of inspections and tests shall be consistent with manufacturer's recommendations and good engineering practices, or more frequently if needed based on prior operating experience. The owner or operator must also document the inspections or tests on process equipment, correct deficiencies, assure that any new equipment is suitable for the process application, perform checks to ensure that equipment is installed properly, and assure that maintenance materials and spare parts are suitable for the process application.

38. As described in Attachment A, Respondents had not maintained the mechanical integrity of the Process equipment by correcting deficiencies that were outside of acceptable limits (as defined by the process safety information in 40 C.F.R. § 68.65) before continuing to use the equipment, or in a safe and timely manner when necessary means are taken to ensure safe operation. Specifically, Respondents failed to correct deficiencies as to ammonia piping and equipment surfaces in the Facility, allowing and ice to accumulate on the "A Box" King Units, King Unit #9, and the V-3 pump package.

39. By failing to comply with the Program 3 mechanical integrity requirements, Respondents violated 40 C.F.R. § 68.73 and Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), for the Process.

Count 3: Failure to Comply with Hot Work Permit Requirements

40. Paragraphs 1 through 39 of this Complaint are incorporated by reference as if set forth fully herein.

41. Under 40 C.F.R. § 68.85, owners and operators of Program 3 facilities are required to issue a hot work permit for hot work operations conducted on or near a covered process. The permit must document that the fire prevention and protection requirements in 29 C.F.R. § 1910.252(a) have been implemented prior to beginning the hot work operations, indicate the date(s) authorized for hot work, and identify the object on which hot work is to be performed. The permit shall be kept on file for three years after the completion of the hot work operations.

42. Under 29 C.F.R. § 1910.252(a)(2)(iii)(A) and (B), fire watchers shall be required whenever welding or cutting is performed in locations where appreciable combustible material, in building construction or contents, is located closer than 35 feet to the point of operation, and the fire watch shall be maintained for at least a half hour after completion of welding or cutting operations.

43. Under 29 C.F.R. § 1910.252(a)(2)(iv), before cutting or welding is performed, the individual responsible for authorizing cutting and welding operations shall inspect the area and designate precautions to be followed in granting authorization to proceed, preferably in the form of a written permit.

44. Further, under the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.05:1.12.8.23 and 1.05:41.3.5.1.1, before hot work may begin in a non-designated area or a permit-required area, a hot work permit must be issued by an individual designated by management to authorize hot work <u>and</u> a permit must be issued by the Authority Having Jurisdiction (in this case, the Middleborough Fire Department).

45. On the date of the inspection, May 2, 2023, Respondents' contractor was welding pipe approximately 10-15 feet outside the AMR door.

46. The AMR contains equipment that is part of the covered process.

47. EPA inspectors requested a copy of the hot work permit. The contractor retrieved a hot work permit from inside the building.

48. The Permit did not identify where the hot work was to be performed and did not identify the object on which hot work was to be performed.

49. The Permit did not document that fire prevention and protection requirements in 29 C.F.R. § 1910.252(a) were implemented prior to beginning the hot work operations.[2]

50. The Permit did not have a signature documenting that the hot work was authorized.

51. The Permit did not have a fire watch signature verifying that the work area was monitored for at least half an hour following the hot work and was found safe.[3]

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[2] Specifically, the Permit did not verify that any potential explosive atmosphere in the area was eliminated, did not verify that no flammable chemicals or liquids were present within 35 feet of the hot work, and did not verify that the work would not create hazardous gas or potential for buildup (from argon, welding fumes, etc).

[3] Instead, one person wrote in the name of a fire watcher at the fire watcher's signature line. That same person also wrote in a different name at the signature line for the welder/cutter.

52. EPA inspectors asked if the Middleborough Fire Department had issued a Hot Work Permit for the cutting and welding operations. The contractor replied that the Middleborough Fire Department knew and approved of the welding operations on site.

53. On August 16, 2023, the Captain of the Middleborough Fire Department told EPA inspectors that the Fire Department never issued a hot work permit to Respondents' welding contractor and was not aware that hot work had been done at the Facility.

54. Therefore, Respondents violated 40 C.F.R. § 68.85 by failing to identify the object on which hot work was to be performed for the Hot Work Permit, by failing to document that the fire prevention and protection requirements in 29 C.F.R. § 1910.252(a) had been implemented prior to beginning the hot work operations, and by failing to secure authorization for the hot work before the hot work commenced.

E. TERMS OF CONSENT AGREEMENT

55. For the purpose of this proceeding, as required by 40 C.F.R. §§ 22.18(b)(2) and CAA Section 113(d)(2)(A), 42 U.S.C. § 7413(d)(2)(A), Respondents:

(a) admit that the EPA has jurisdiction over the subject matter alleged in this CAFO;

(b) admit the facts stipulated in this CAFO;

(c) consent to the assessment of a civil penalty as stated below;

(d) consent to the issuance of any specified compliance or corrective action order;

(e) consent to the conditions specified in this CAFO;

(f) consent to any stated Permit Action;

(g) waive any right to contest the alleged violations of law set forth in Section D of this CAFO and its right to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A); and

(h) waive any rights or defenses that Respondents have or may have to appeal the final order accompanying the Consent Agreement.

56. For the purpose of this proceeding, Respondents further:

(a) agree that this CAFO states a claim upon which relief may be granted against Respondents;

(b) acknowledge that this CAFO constitutes an enforcement action for purposes of considering Respondents' compliance history in any subsequent enforcement actions;

(c) waive any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);

(d) consent to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of Massachusetts;

(e) waive any rights they may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agree that federal law shall govern in any such civil action; and

(f) Waives any rights or defenses that Respondents have or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waive any right to challenge the lawfulness of the final order accompanying the consent agreement.

57. Respondents certify that they have corrected the violations alleged in this CAFO and are currently in compliance with 40 C.F.R. Part 68 at the Facility.

58. Pursuant to Sections 113(d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria and the applicable penalty policy, EPA has determined that it is fair and proper to assess a civil penalty of 111,438for the violations alleged in this matter. Respondents consent to the issuance of this CAFO and consents for purposes of settlement to pay the civil penalty cited in Paragraph 59, below.

Penalty Payment

59. Respondents agree to:

(a) pay the civil penalty of $ 111,438 ("Assessed Penalty") within 30 calendar days of the Effective Date of this CAFO.

(b) pay the Assessed Penalty using any method, or combination of methods, provided on the websites https://www.epa.gov/financial/additional-instructions-making-payments-epa and https://www.epa.gov/financial, and identifying every payment with "Docket No. CAA-01-2026-0004." **Respondents will not pay the penalty until receiving a copy of the fully executed CAFO.**

(c) Within 24 hours of payment of the Assessed Penalty, send proof of payment to the email addresses listed below. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with "Docket No. CAA-01-2026-0004."

Drew Meyer at meyer.drew@epa.gov
Huddy Grandy at grandy.harinarayan@epa.gov

and

Regional Hearing Clerk
R1_Hearing_Clerk_Filings@epa.gov

and

EPA's finance office at CINWD_AcctsReceivable@epa.gov.

60. **Interest, Charges, and Penalties on Late Payments.** Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondents fail to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

(a) Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

(b) Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.

(c) Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

61. **Late Penalty Actions.** In addition to the amounts described in the prior Paragraph, if Respondents fail to timely pay any portion of the Assessed Penalty per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

(a) Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

(b) Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

(c) Suspend or revoke Respondents' licenses or other privileges, or suspend or disqualify Respondents from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

(d) Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

62. **Tax ID Number**: Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondents to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondents herein agree, that:

(a) Respondents shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

(b) Respondents shall therein certify that their completed IRS Form W-9s include their correct TINs or that they have applied and are waiting for issuance of a TIN;

(c) Respondents shall email their completed Form W-9 to EPA's Cincinnati Finance Center at Chalifoux.jessica@epa.gov, on or before the date Respondents' penalty payment is due, and EPA recommends encrypting IRS Form W-9 in email correspondence; and

(d) In the event that either Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

63. **Notifications**:

(a) Submissions required by this CAFO shall be in writing and shall be electronically mailed to: Drew Meyer (meyer.drew@epa.gov); Christine Foot (foot.christine@epa.gov); and Huddy Grandy (grandy.harinarayan@epa.gov)

(b) EPA will send all written communications to the following representative(s) for Respondents: Thomas Parenteau at tj@cssfreezers.com.

(c) All documents submitted to EPA in the course of implementing this CAFO shall be available to the public unless identified as confidential by Respondents pursuant to 40 C.F.R. Part 2 Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

F. ADDITIONAL PROVISIONS

64. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

65. The provisions of this CAFO shall apply to and be binding upon Respondents and their officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

66. By signing this CAFO, Respondents acknowledge that this CAFO will be available to the public and agree that this CAFO does not contain any confidential business information or personally identifiable information.

67. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondents each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents.

68. By signing this CAFO, all parties agree that each party's obligations under this CAFO and EPA's compromise of statutory maximum penalties constitute sufficient consideration for the other party's obligations.

69. By signing this CAFO, Respondents certify that the information they have supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondents acknowledge that there are

significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

70. Complainant and Respondents, by entering into this CAFO, consent to accept digital signatures hereupon. The parties acknowledge that electronic signatures carry the legal effect, validity, or enforceability of handwritten signatures. Respondents further consent to accept electronic service of the fully executed CAFO, by e-mail, at tj@cssfreezers.com. Respondents understand that these e-mail addresses may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondents 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.

G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

71. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondents' liability for federal civil penalties for the violations specifically alleged above at this Middleborough, MA facility. This release from civil penalty liability does not extend to violations at Respondent C S Storage's facility in Lakeville, Massachusetts.

72. The civil penalty under this CAFO, and any interest, nonpayment penalties, and charges described in or paid pursuant to any penalty collection action arising from this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state or local taxes.

73. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

74. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

75. Nothing in this CAFO shall relieve Respondents of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes. Nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

76. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondents or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

77. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondents was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondents notice of its intent to revoke, which shall not be effective until received by Respondents in writing.

78. This CAFO in no way relieves Respondents or their employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondents in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

79. Except as qualified by Paragraphs 60 and 61 (overdue penalty collection), each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondents specifically waive any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

H. EFFECTIVE DATE

80. Respondents and Complainant agree to issuance of the attached Final Order. Upon filing, the Regional Hearing Clerk will transmit a copy of the filed CAFO to the Respondents. EPA will forward a copy of this CAFO to the State air pollution control agency upon issuance. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date the CAFO is filed with the Regional Hearing Clerk.

The foregoing Consent Agreement In the Matter of C S Storage IV, Inc. and Wood Street Fee Owner, LLC, Docket No. CAA-01-2026-0004, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT C S Storage IV, Inc.:

Signature Date 6/12/26

Printed Name: THOMAS J PARENTEAU

Title: PRESIDENT

Address: 220 KENNETH WELCH DR LAKEVILLE MA. 02347

Respondent's Federal Tax Identification Number: 452401779

FOR RESPONDENT WOOD STREET FEE OWNER, LLC:

Signature Date

Printed Name:

Title:

Address:

Respondent's Federal Tax Identification Number:

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW Date: 2026.07.13 08:18:12 -04'00'

DATE

James Chow, Director
Enforcement and Compliance Division
U.S. Environmental Protection Agency, Region 1

The foregoing Consent Agreement In the Matter of C S Storage IV, Inc. and Wood Street Fee Owner, Inc., Docket No. CAA-01-2026-0004, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT C S Storage IV, Inc.:

______________________________ ________________________
Signature Date
Printed Name:____
Title: ____
Address: ____
Respondent's Federal Tax Identification Number: ________________________

FOR RESPONDENT WOOD STREET FEE OWNER, LLC:

M-N 06/08/26
Signature Date
Printed Name: Matthew Novak
Title: Authorized Signatory
Address: c/o Berkeley Partners, 1111 Broadway, Suite 1670, Oakland, California 94607
Respondent's Federal Tax Identification Number: 87-4828688

FOR COMPLAINANT:

_______________ ___________________________
DATE James Chow, Director
Enforcement and Compliance Division
U.S. Environmental Protection Agency, Region 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR

In the Matter of: C S Storage IV, Inc. and Wood Street Fee Owner, LLC   Respondents.

Docket No. CAA-01-2026-0004

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the EPA's Consolidated Rules of Practice and sections 113(d)(1) and (d)(2)(B) of the Clean Air Act, 42 U.S.C. §§ 7413(d)(1) and (d)(2)(B), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondents are ORDERED to comply with all terms of the Consent Agreement, which shall become effective on the date it is filed with the Regional Hearing Clerk.

So ordered.

MICHAEL KNAPP

Digitally signed by MICHAEL KNAPP
Date: 2026.07.14 13:27:13 -04'00'

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DATE

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Michael J. Knapp
Regional Judicial Officer

Attachment A: Cold Storage Solutions - Middleborough

Recognized and Generally Accepted Good Engineering Practices

The following table presents the Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) associated with the CAA Section 112(r) and EPCRA Sections 302-312 areas of concern identified by the EPA inspection team at Cold Storage Solutions located at 97 Wood Street in Middleborough, Massachusetts.

In collaboration with the American National Standards Institute, the International Institute of All-Natural Refrigeration ("IIAR") has issued and updates, among others, Standard 2: *Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 2"); Standard 4: *Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems* ("ANSI/IIAR 4"); Standard 5: *Start-up and Commissioning of Closed Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 5"); Standard 6: *Standard for Testing, Inspection, and Maintenance of Closed-Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 6"); Standard 7: *Developing Operating Procedures for Closed-Circuit Ammonia Mechanical Refrigerating Systems* ("ANSI/IIAR 7"); and Standard 9: *Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 9"), *inter alia*, along with other applicable standards and guidance. Bulletins and guidance include, without limitation, IIAR Bulletin No. 109, *Guidelines for IIAR Minimum Safety Criteria for a Safe Ammonia Refrigeration System* (1997, and in effect until 2019 when ANSI/IIAR 6 replaced it) ("IIAR Bull. 109"); IIAR Bulletin No. 110, *Guidelines for Start-Up, Inspection, and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, most recently updated in 2007, and in effect until 2019 when ANSI/IIAR 6 replaced it) ("IIAR Bull. 110"); IIAR Bulletin No. 114, *Guidelines for Identification of Ammonia Refrigeration Piping and Components* (1991, most recently updated in 2018) ("IIAR Bull. 114"); IIAR Bulletin No. 116, *Guidelines for Avoiding Component Failure in Industrial Refrigeration Systems Caused by Abnormal Pressure or Shock* (1992) ("IIAR Bull. 116"); and the Ammonia Refrigeration Management Program (2005, most recently updated in 2019) ("IIAR ARM Program"), which is intended to provide streamlined guidance to systems that have less than 10,000 pounds of ammonia. Also in collaboration with the American National Standards Institute, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers ("ASHRAE") has issued (and updates) "Standard 15: Safety Standard for Refrigeration Systems." These standards are consistently relied upon by refrigeration experts and are often incorporated into state building and mechanical codes. The chart cites to the standards of care that were in effect in 2022, when the last Process Hazard Analysis for the Facility was performed.

Condition Number	Area of Concern	Examples of RAGAGEP
1	Ammonia audio/visual alarms are not labeled outside the entry door to the Facility (where there are three different unlabeled A/V alarms), at the primary entry door to the ammonia machinery room (AMR), and at the entry door by loading dock.	ANSI/IIAR 2-2014 (Add. A), §§ 6.15.2 (alarm signage for machinery room doors shall be provided in accordance with Section 17.6), 17.6 (requiring ammonia leak detection alarms to be "identified by signage adjacent to visual and audible alarm devices"); IIAR 9-2020, §§ 7.2.9.1(2) (requiring the meaning for each alarm to be clearly marked by signage near the alarm); 7.3.12.6 (requiring ammonia leak detection alarms to be identified by signage adjacent to visual and audible alarms).
2	Piping in certain areas lacked labels or had inadequate labeling, including piping associated with the temporary condenser, King Air Units, entering the AMR, and in the loading dock area.	ANSI/IIAR 2-2014 (Add. A), § 5.14.6 (requiring piping be labeled with information about the refrigerant, physical state, pressure, and direction of flow); IIAR 9-2020 § 7.2.9.4; IIAR Bulletin No. 114 (2014), §4.2.1 (incorporated into Appendix Q of ANSI/IIAR 2-2021; ASME A13.1-2015, §§ 3.1–3.5.
3	Shutoff valves on ammonia piping were not adequately locked-out/tagged-out, and did not have adequate lock out/tag-out information or cap seals.	ANSI/IIAR 2-2014 (Add. A), § 13.3.6 (requiring shut-off valves that connect ammonia-containing equipment or piping to atmosphere be capped, plugged, blanked, or locked closed during shipping, testing, operating, servicing, or standby conditions when they are not in use).
4	Construction equipment and oil drums stored in the AMR is preventing access to operational refrigeration equipment.	ANSI/IIAR 2-2014 (Add. A), §§ 5.12.1, 6.3.1, 6.3.2, and 6.4 ("Combustible materials or flammable liquids shall not be stored in machinery rooms outside of approved fire-rated storage containers"); NFPA 1-2012, §§ 53.3.1.3.1 and 53.3.1.2; IIAR 9-2020, §§ 7.2.8, 7.3.3.1.
5	Oil drums stored in the AMR are not provided with secondary containment.	ANSI/IIAR 2-2014 (Add. A), § 6.9.2 ("Where a drainage system is not designed for handling oil, secondary coolants, or other liquids that might be spilled, a means shall be provided to prevent such substances from entering the drainage system.").
6	Oxygen and other flammable gas (acetylene) cylinders are being stored inside the AMR.	ANSI/IIAR 2-2014 (Add. A), § 6.4 (prohibiting combustible materials from being stored inside machine rooms outside of fire-rated storage containers); ANSI/IIAR 9-2020, §§ 7.3.4 (same).

Condition Number	Area of Concern	Examples of RAGAGEP
7	The main shutoff valve to the Pilot Tank, one of the two king valves, is approximately 10 feet off the floor and does not have a handwheel.	ANSI/IIAR 2-2014 (Add. A.), § 6.3.3.2 ("Manually operated isolation valves identified as being part of the system emergency shutdown procedure shall be directly operable from the floor or chain operated from a permanent work surface."); ANSI/IIAR 9-2020, §7.3.3.3 ("Manually operated isolation valves identified as being part of the system emergency shutdown procedure shall be directly operable from the floor or chain operated from a permanent work surface.").
8	Pipe penetrations through the walls of the AMR are not sealed.	ANSI/IIAR 9-2020, § 7.3.6.2 ("Pipes penetrating the machinery room envelope shall be sealed to walls, ceilings, or floors through which they pass to prevent leakage of ammonia vapor to adjoining spaces and to maintain the fire rating of the machinery room envelope."); ANSI/IIAR 2-2014 (Add. A.), § 6.6.2 ("Pipes penetrating the machinery room separation shall be sealed to the walls, ceiling, or floor through which they pass in accordance with Section 6.2.1.").
9	The new entry door into the AMR from the maintenance area is not tight-fitting at the bottom.	ANSI/IIAR 2-2014 (Add. A.), § 6.10.2 ("Machinery room doors shall be self-closing and tight fitting."); ANSI/IIAR-9 (2020), § 7.3.9.2 (same).
10	The facility had not posted Emergency Phone numbers and Emergency Shut Down Procedures and also did not have a Piping and Instrumentation Diagram(s) (P&ID) identifying the critical emergency valves at the main door accessing the AMR.	ANSI/IIAR 2-2014 (Add. A), § 5.15 ("It shall be the duty of the person in charge of the premises at which the refrigeration system is installed to provide directions for the emergency shutdown of the system at a location that is readily accessible to trained refrigeration staff and trained emergency responders. Schematic drawings or signage shall include the following: (1) instructions with details and steps for shutting down the system in an emergency. . . ."); ANSI/IIAR 9-2020, § 7.2.10 (same)

Condition Number	Area of Concern	Examples of RAGAGEP
11	Excessive ice accumulation preventing access and use of shutoff valves, including on the "A Box" King Units, King Unit #9, and the V-3 pump package.	ANSI/IIAR 2-2014 (Add. A), § 5.10.1 ("Piping and equipment surfaces not intended for heat exchange shall be insulated, treated, or otherwise protected to mitigate condensation and excessive frost buildup where the surface temperature is below the dew point of the surrounding air during normal operation and in an area where condensation and frost could develop and become a hazard to occupants or cause damage to the structure, electrical equipment, or refrigeration system."); ANSI/IIAR 9-2020 § 7.2.6.1 (same"); ANSI/IIAR 6-2019, Table 11.1 (piping), Inspection items (b) and (j) and Testing item (c) (calling for regular inspection of insulation and vapor barrier, and testing underneath areas of observed degraded insulation), and Table 11.1.6 (valves), Inspection items (b) and (f) and Testing items (a) and (b) (same).