

112(r)(1)/Air Enforcement: U.S. Environmental Protection Agency and Arlington, Massachusetts, Arena/Ice Skating Rink Enter into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and Town of Arlington, Massachusetts (“Arlington”), entered into a January 19th Expedited Settlement Agreement (“ESA”) addressing an alleged violation of Section 112(r)(1) of the Clean Air Act. See Docket No. CAA-01-2022-0026.

The ESA addresses an arena and ice rink (“Arena”) operated by Arlington.

The Arena utilizes an ammonia refrigeration system (“System”). It is stated to include 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 Clean Air Act. Further, the ammonia refrigeration system is stated to use or used anhydrous ammonia which is a chemical listed pursuant to Section 112(r)(3) as an extremely hazardous substance and subject to the General Duty Clause.

Arlington is stated to have responded to an Information Request issued by EPA. Such response is stated to have indicated that Arlington failed to conduct an adequate hazard review of the System using appropriate hazard assessment techniques (“Process Hazard Review”).

The ESA describes the recommended industry practice and standard of care of identifying, analyzing, and evaluating potential hazards associated with such Systems of this size as to use standard, industry-developed checklists or other methods such as a “What If” analysis.

The ESA provides that by allegedly failing to conduct an adequate hazard review of the referenced system using the identified techniques that Arlington failed to identify hazards that may result from accidental releases, in violation of the first requirement of the General Duty Clause, Section 112(r)(1) of the Clean Air Act.

The ESA requires that Arlington undertake the following:

- Retain a third party expert to conduct a process hazard review
- Coordinate with emergency responders
- File Tier II forms
- Submit resume and plans for safety improvements
- Pay a \$5,000 penalty amount

Arlington neither admits nor denies the specific allegations contained in the ESA.

A copy of the ESA can be downloaded [here](#).