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EPCRA/Clean Air Act Enforcement: U.S. Environmental Protection Agency and a West Hartford, Connecticut Frozen Desserts Production Facility Enter into Consent Agreement and Final Order

03/20/2017

The United States Environmental Protection Agency ("EPA") and RBF Frozen Desserts LLC ("RBF") entered into a March 7th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Clean Air Act ("CAA") and Emergency Planning and Community Right-to-Know Act ("EPCRA"). See Dockets Nos. CAA-01-2016-0068, EPCRA-01-2016-0069.

RBF is stated to operate a frozen desserts production facility in West Hartford, Connecticut.

The facility is stated to handle anhydrous ammonia.

The CAFO provides that the facility failed to comply with Section 112(r)(1) ("the General Duty Clause") in its handling of anhydrous ammonia. As to the General Duty Clause, the CAFO alleges that RBF failed to:

- Identify hazards which may result from accidental releases of extremely hazardous substances
- Design and maintain a safe facility, taking such steps as are necessary to prevent such releases
- Minimize the consequences of accidental releases, should they occur

The CAFO also alleges that RBF violated Sections 311 and 312 of EPCRA and its implementing regulations by failing to:

... timely submit material safety data sheets or chemical lists in a Tier 2 form to the proper authorities.

A civil penalty of \$5,000 is assessed.

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