



**REGION 1**

BOSTON, MA 02109

February 28, 2024



**BY EMAIL**

*Dated via electronic signature below*

Ms. LeAnn Jensen  
Regional Judicial Officer  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100, Mail Code 4-MI  
Boston, MA 02109-3912  
Jensen.LeAnn@epa.gov

Re: *In the Matter of Northern Wind, LLC,*  
Docket Nos. CAA-01-2024-0010, EPCRA-01-2024-0011

Dear Ms. Jensen:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), and simultaneously transmitted with this letter, please find a Consent Agreement and proposed Final Order (“CAFO”) settling the above-referenced action. The Consent Agreement has been signed by the parties and is now being submitted to you for approval.

If signed by you, the CAFO will resolve administrative civil penalty liability of the Respondent, Northern Wind, LLC (“Northern Wind”), for alleged violations of Section 112(r)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), also known as the “General Duty Clause,” and Section 312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11022. The alleged violations occurred at Respondent’s facility located at 75 MacArthur Drive, New Bedford, Massachusetts 02470.

Specifically, Northern Wind failed to provide an EPCRA Section 312 Tier 2 Form for anhydrous ammonia for calendar year 2019. Northern Wind also failed to identify hazards from anhydrous ammonia releases at the facility as required by the General Duty Clause in CAA Section 112(r)(1).

Under the terms of the CAFO, the Respondent has agreed to pay a civil monetary penalty of \$72,000 within 30 days of the CAFO’s effective date. The penalty complies with EPCRA and CAA statutory penalty assessment factors and with EPA’s penalty policies for EPCRA Section 312 and CAA Section 112(r) cases.

The parties' consent to the use of digital signatures (as well as Respondent's consent to electronic service of the CAFO, once filed) is included in the CAFO. Respondent chose to sign with a "wet" signature, so I will file the original signature page once received in the mail. This settlement does not have any public notice requirements.

If you have any questions regarding the proposed CAFO, please contact me at [kometani.kassandra@epa.gov](mailto:kometani.kassandra@epa.gov) or 617-918-1852, and Respondent's counsel Krystle Tadesse at [krystle.tadesse@lockelord.com](mailto:krystle.tadesse@lockelord.com) or (401) 528-5873. Thank you for your attention to this matter.

Respectfully submitted,

---

Kassandra Kometani  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1

Attachments:

1. Proposed Consent Agreement and Final Order
2. Proposed Certificate of Service

cc (via email): Krystle Tadesse, Counsel for Respondent Northern Wind, LLC  
Joseph Farside, Counsel for Respondent Northern Wind, LLC  
Regional Hearing Clerk