



U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION 1 - NEW ENGLAND

5 Post Office Square, Suite 100

Boston, MA 02109-3912

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 W. R. Cobb Company,*
Docket Nos. CAA-01-2023-0041, EPCRA-01-2023-0042

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, W. R. Cobb Company (“W.R. Cobb”), 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 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11023. The alleged violations occurred at Respondent’s facility located at 800 Waterman Avenue in East Providence, Rhode Island.

Specifically, W.R. Cobb failed to provide EPCRA Section 313 Toxic Release Inventory reports for anhydrous ammonia processed at the facility in calendar years 2018, 2019, and 2020. W.R. Cobb 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 \$108,900 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 313 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

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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 or 617-918-1852, and Respondent’s counsel Bret Jedele at bjedele@crflp.com or 401-453-6400. 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): Bret Jedele, Counsel for Respondent W.R. Cobb