



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
FIVE POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

December 17, 2020

Sharon Wells  
Acting Regional Judicial Officer  
U.S. Environmental Protection Agency-Region 1  
5 Post Office Square, Suite 100 (Mail Code 01-1)  
Boston, MA 02109-3912  
Wells.Sharon@epa.gov

**BY EMAIL**

Re: In the Matter of Ben and Jerry's Homemade, Inc.; Docket No. CAA-01-2021-0036

Dear Ms. Wells:

Attached is a Clean Air Act ("CAA") Section 112(r)(1) Expedited Settlement Agreement ("ESA") that has been signed by both parties and is now being submitted to you for approval in accordance with 40 C.F.R. § 22.18(b). Please note that, consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this ESA both commences and concludes the matter referenced above.

The January 5, 2004 memorandum entitled "*Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68*" as revised by the December 20, 2013, memorandum entitled "*Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Regulations*" approves the use of ESAs for certain easily correctable violations. The ESA requires compliance and payment of a \$15,000 penalty within 30 days of its filing.

Once the Final Order has been signed, I will file the fully executed ESA with the Regional Hearing Clerk, thereby resolving this matter. The parties' consent to the use of digital signatures (as well as Respondent's consent to electronic service of the ESA, once filed) is included in the ESA. This settlement does not have any public notice requirements.

Respectfully submitted,

Catherine Smith  
Senior Enforcement Counsel, EPA Region 1

Enclosure

cc:

Georgia Szewczak, Head of SC, Ben and Jerry's – Division of Unilever (via email)

Kate Donnelly, Associate General Counsel, Environmental Safety, Unilever

Tyler Diercks, EPA