

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**



_____))
In the Matter of:))
))
Grafton & Upton Railroad Company))
))
42 Westboro Road))
North Grafton, Massachusetts 01536))
))
Respondent.))
))
Proceeding under Section 113 of the))
Clean Air Act))
_____)

Docket Number:
CAA-01-2021-0075

A. PRELIMINARY STATEMENT

1. The issuance of this Consent Agreement (“Consent Agreement” or “Agreement”) and attached Final Order (“Final Order” or “Order”), in accordance with 40 C.F.R. § 22.13(b), simultaneously commences and concludes an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (the “Act” or “CAA”), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), codified at 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region 1 (the “EPA”).
3. Respondent is Grafton & Upton Railroad Company (“Respondent” or “G&U”), a corporation doing business in the Commonwealth of Massachusetts.
4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement and the attached final order without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order (“CAFO”).

B. JURISDICTION

5. This Consent Agreement is entered into under Sections 113(a)(3)(A) and (d) of the Act, as amended, 42 U.S.C. §§ 7413(a)(3)(A) and (d), and the Consolidated Rules, 40 C.F.R.

Part 22.

6. The EPA and the United States Department of Justice have jointly determined that this matter is appropriate for an administrative penalty assessment in accordance with 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4.

C. GOVERNING LAW AND REGULATIONS

7. Section 112(r) of the CAA, 42 U.S.C. § 7412(r), authorizes EPA to promulgate regulations and programs to prevent and minimize the consequences of accidental releases of certain regulated substances. The regulations are found at 40 C.F.R. Part 68 ("Part 68").
8. Forty C.F.R. § 68.130 lists the substances regulated under Part 68 ("RMP chemicals" or "regulated substances"). This list identifies propane as an RMP chemical with a threshold quantity of 10,000 pounds.
9. A "process" is defined by 40 C.F.R. § 68.3 as any activity involving a regulated substance, including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.
10. Pursuant to 40 C.F.R. § 68.10, each process in which a regulated substance is present in more than a threshold quantity ("covered process") is subject to one of three risk management programs. A covered process is subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either in a specified NAICS code or subject to the Occupational Safety and Health Administration ("OSHA") process safety management ("PSM") standard at 29 C.F.R. § 1910.119.
11. Pursuant to 40 C.F.R. § 68.12(a) and (d), the owner or operator of a stationary source with a process subject to Program 3 requirements must, among other tasks, submit a Risk Management Plan ("RMP") to EPA. The RMP documents compliance with Part 68 in a summary format and, for a Program 3 process such as Respondent's, must document compliance with the elements of the Program 3 Risk Management Program including, but not limited to: 40 C.F.R. Part 68.15 (Management Requirements); 40 C.F.R. Part 68.20 through 68.42 (Hazard Assessment); 40 C.F.R. Part 68.65 through 68.87 (Program 3 Prevention Program); and 40 C.F.R. Part 68.90 to 96 (Emergency Response Program).
12. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), allow EPA to assess civil penalties for violations of Part 68. Forty C.F.R. Part 19 sets out the statutory penalties as adjusted for inflation.

D. ALLEGED VIOLATIONS

13. Respondent operates a short-haul railroad and distributes propane from its terminal in North Grafton, Massachusetts (the "Facility"). The Facility has a railroad siding with

storage for eight propane rail cars. Propane is unloaded from the railcars into four 80,000-gallon storage tanks. The tanks collectively have the capacity to store more than one million pounds of propane. The propane is then loaded into tank trucks for delivery to propane distributors. The Facility is in a mixed residential and commercial area, near homes, a school, a public library, a church, and businesses. Immediately south of the Facility is a railyard and siding, also owned by Respondent, where Respondent and CSX conduct railcar coupling and uncoupling activities (the "Operations Yard").

14. Respondent is a corporation and thus a "person" within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e), against whom an administrative penalty order may be issued under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3).
15. The Facility consists of structures, equipment, and installations from which an accidental release may occur and is therefore a "stationary source," as defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3. Under 40 C.F.R. § 68.3, a stationary source also includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading.
16. At all times relevant to the violations alleged herein, Respondent was the "owner or operator" of the Facility.
17. Respondent stores and handles propane in a "process," as defined by 40 C.F.R. § 68.3 (the "Process"). For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
18. Respondent filed a Program 3 RMP for the Process and reported that it stores propane in an amount that exceeds the threshold listed in 40 C.F.R. § 68.130.
19. Accordingly, the propane Process at the Facility is a "covered process" subject to the RMP provisions of Part 68.
20. In accordance with 40 C.F.R. §§ 68.10(a),(g),(h) and (i) (formerly §§ 68.10(a) and (d)), the Process is subject to the requirements of RMP Program 3 because (a) the endpoint for a worst-case release of the amount of propane used in the Process is *greater* than the distance to a public receptor, making it ineligible for Program 1; and (b) the Process is subject to OSHA's PSM requirements at 29 C.F.R. § 1910.119, as it involves a Category 1 flammable gas in a threshold quantity and does not qualify for the various exceptions in §§ 1910.119(a)(1)(ii) and (a)(2).
21. On or about January 23, 2018, EPA learned that the Facility was about to open for business without having filed an RMP. According to Respondent, it had mistakenly thought the RMP had been filed by the person tasked with that responsibility, but that

individual had died before doing so. Respondent had taken other steps to design a safe propane distribution facility, including but not limited to review of the Facility's design by the Massachusetts Department of Fire Services, using additional optional fire controls, and conducting a fire safety analysis.

22. EPA also learned that there was leakage from some propane tank fittings during initial testing of the equipment as the company was preparing to open the Facility, resulting in an emergency response. The leakage did not result in a fire, and the Facility's propane gas detection and alert system, as well as its previous coordination with emergency responders, resulted in a sufficient response to the release without causing injuries or property damage. However, one tank had to be taken out of service temporarily for repair.
23. After notification from EPA, Respondent filed an RMP on February 7, 2018, with confirmed receipt on February 8, 2018. That RMP since has been amended.
24. On March 1, 2018, EPA issued an information request to assess Respondent's compliance with Part 68, to which the company timely responded. On May 24, 2018, EPA inspected the Facility with the help of a contractor who is an expert in the design and operation of propane distribution facilities. The inspectors' assessment, later confirmed by an expert third-party review, was that, despite some RMP compliance deficiencies, the Process met design standards. Subsequently, EPA reviewed documents associated with the company's RMP operations, and Respondent addressed issues found during the inspection.
25. On December 11, 2020, EPA issued a Notice of Potential Violation and Opportunity to Confer ("NOPVOC") to Respondent, and the parties met to discuss the potential violations. One of EPA's concerns was whether the Facility's water cannon system would activate quickly enough in winter. As further discussed in Paragraph 46(a), Respondent currently is undertaking work to improve water delivery in winter.
26. On July 16, 2021, EPA issued a letter to Respondent, offering to engage in pre-filing negotiations. Given previous public interest in the siting of the Facility, EPA shared the letter with public officials to provide them an opportunity for public comment before conveying a specific penalty request to Respondent. The most significant comments came from the Town of Grafton. The Town gathered written comments from concerned citizens, raised the matter at a town board meeting, and held a public meeting to solicit feedback about this case and Respondent's overall operations. EPA reviewed the comments, including a recording of the public meeting, and reviewed the comments with Respondent. Examples of the concerns raised included the following: (a) propane railcars might not contain an odorant, ethyl mercaptan, to provide early alerts about releases; (b) safety concerns about the presence of so many propane railcars, not just the 80,000-gallon fixed tanks, but also at the Operations Yard and adjacent siding located south of the Facility (where operations do not include propane storage);

(c) many concerns about noise, vibrations, frequent (but federally-mandated) horn-blowing, rail car overcrowding, light pollution, and hours of operation; (d) traffic jams, emergency vehicle hold-ups, and horn blows at the rail crossing south of the Respondent's Operations Yard; (e) questions about whether the groundwater is affected by operations; (f) concerns about maintenance and testing of tanks and railcars; (g) the adequacy of the initial fire safety analysis and water supply, especially in winter; (h) homeland security concerns; and (i) the safety of railroad crossings. This settlement takes into account public comments received. Many of the comments involve matters over which EPA has no jurisdiction, but others have caused EPA to request that Respondent perform follow-up actions.

27. On August 11, 2021, EPA received from Respondent a report from a third-party expert hired by Respondent to review its overall fire safety, compliance with industry standards of care, and water cannon system. EPA shared the report with the Town.
28. On September 13 and 14, 2021, Respondent provided information to EPA about two grants that could address some of the citizens' complaints. One has been successfully obtained and should improve traffic congestion south of the Facility and Operations Yard by the summer of 2022. The second is in the application phase and, if granted, will allow Respondent to build an additional track and make improvements to a rail spur in a less residential location where the nightly operations currently conducted at the Operations Yard (which operations reportedly generated many of the concerns raised above) could occur.
29. Complainant alleges the following violations of 40 C.F.R. Part 68:

Count 1: Failure to Submit a Risk Management Plan to EPA

30. Complainant realleges and incorporates by reference Paragraphs 1 through 29.
31. Pursuant to 40 C.F.R. §§ 68.12(a) and 150, the owner or operator of a stationary source subject to the requirements of Part 68 is required to submit to EPA an RMP that covers all covered processes. Pursuant to 40 C.F.R. §§ 68.10(a)(3) and 68.150(b), compliance is due by the date a regulated substance is first present above a threshold quantity in a process.
32. As discussed in Paragraphs 13-20, above, Respondent is the operator of a stationary source with a covered process subject to the Program 3 requirements of Part 68.
33. Propane, a regulated substance, was first present in the Process in an amount above the threshold quantity on January 9, 2018. However, Respondent did not file an RMP until February 8, 2018, after EPA notification.

34. By failing to timely comply with the requirement to develop and file an RMP, Respondent violated 40 C.F.R. §§ 68.12(a), and 68.150 and Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E).

Count 2: Failure to Comply with Process Hazard Analysis (“PHA”) Requirements to Address all Hazards of the Process, Establish a Schedule for Addressing PHA Recommendations, and Document Changes Made Since the Last PHA in the RMP

35. Complainant realleges and incorporates by reference Paragraphs 1 through 34, of this document.
36. Pursuant to 40 C.F.R. § 68.67, the owner or operator of a Program 3 process must conduct a process hazard analysis (“PHA”). The PHA shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process (§ 68.67(a)). The PHA shall, among other things, address: the hazards of the process (§ 68.67(c)(1)), the engineering and administrative controls applicable to the hazards and their interrelationships (§ 68.67(c)(3)), the consequence of failure of administrative and engineering controls (§ 68.67(c)(4)), and stationary source siting (§ 68.67(c)(5)). Pursuant to § 68.67(e), the owner or operator must, among other things, establish a system to promptly address PHA recommendations and document resolutions, complete actions as soon as possible, and develop a written schedule for when these actions are to be completed. The RMP submitted to EPA must reference the date of completion of the PHA (§ 68.175(e) (formerly (e)(1)) and changes made since the last PHA (§ 68.175(e)(6)).
37. Respondent’s PHA and PHA documentation was deficient in the following ways:
- (a) The initial PHA was completed in 2015, before (i) the Process was redesigned to have piping above-ground; (ii) the water lines for the water cannons were brought on-site; and (iii) electrical work was certified. Although the 2015 PHA was quite comprehensive, it could not have adequately examined or addressed hazards before the new design features were in place. Nor were these Process changes identified in the RMP that Respondent filed with EPA in February of 2018.
 - (b) Respondent subsequently updated the PHA in April and June of 2018 – after EPA alerted Respondent about the lack of an RMP. However, no version of the PHA addressed the hazards, or the consequences of failure of, the water cannon system if water had to be turned on manually in the winter. Failure to cool propane tanks quickly during a fire can result in an explosion. Nor did G&U evaluate the siting risks associated with the location of the manual water valve in a shed that might be hard to reach during a true emergency.
 - (c) Although the industry standard to which the Process was designed does not require grounding and bonding because it envisions a closed system from which

propane gas would not escape, PHAs must anticipate the failure of engineering controls (such as occurred in January of 2018 when propane leaked from tank and pipe components as Respondent was preparing to open the Facility). No version of the PHA identified that a propane leak from tanks and piping could be ignited by static electricity or discussed controls, such as grounding and bonding, that could abate risks from the ignition of propane by static electricity. Nonetheless, the Process was designed with grounding and bonding, which Respondent enhanced after EPA's inspection.

- (d) Some action items in the 2015 PHA did not have documented completion dates or assignment of responsibility (although Respondent notes that items were in fact completed by April 13, 2018 and addressed in other parts of the RMP/PSM program).
- (e) The RMP filed in February of 2018 did not document changes made since the 2015 PHA.

38. Accordingly, Respondent violated the PHA requirements of 40 C.F.R. §§ 68.67, 68.17(e), and Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), for the Process.

Count 3: Failure to Document Pre-startup Safety Review Before Introducing Propane to Process

- 39. Complainant realleges and incorporates by reference Paragraphs 1 through 38 of this document.
- 40. Pursuant to 40 C.F.R. § 68.77(a) and (b), before introducing regulated substances to a new stationary source, the owner or operator of a Program 3 process must complete a pre-startup safety review to confirm that (1) construction and equipment is in accordance with design specifications; (2) safety, operating, maintenance, and emergency procedures are in place and adequate; (3) for new stationary sources, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup; and (4) training has been completed. Forty C.F.R. § 68.200 requires maintenance of records supporting the implementation of Part 68 for five years unless otherwise provided in Subpart D, and 40 C.F.R. § 68.175(j) requires the RMP to include the date of the pre-startup review.
- 41. Although Respondent maintains that many pre-startup activities were completed before the Facility opened in January of 2018, a formal pre-startup safety review was not documented until April 11, 2018, after EPA alerted Respondent that an RMP had not been filed. Also, the RMP filed in February 2018 did not include a date for the pre-startup review.
- 42. A pre-startup review of the 2015 PHA might have uncovered some of the PHA deficiencies discussed above in Paragraph 37.

43. By failing to comply with the pre-startup review and documentation requirements, Respondent violated 40 C.F.R. §§ 68.77, 68.200, 68.175(j), and Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), for the Process.

E. TERMS OF CONSENT AGREEMENT

44. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - (b) neither admits nor denies the specific factual allegations contained in this CAFO;
 - (c) consents to the assessment of a civil penalty as stated below;
 - (d) consents to the issuance of any specified compliance or corrective action order;
 - (e) consents to the conditions specified in this CAFO;
 - (f) consents to any stated permit action;
 - (g) waives any right to contest the alleged violations of law set forth in Section D of this CAFO; and
 - (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.
45. For the purpose of this proceeding, Respondent further:
- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - (c) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
 - (d) consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of Massachusetts; and
 - (e) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.
46. Respondent certifies that it has corrected the violations alleged in this CAFO and is currently in compliance with 40 C.F.R. Part 68 at the Facility, as qualified by subparagraphs a-c, below.
- (a) To improve its PHA, Respondent has performed a third-party expert analysis of its water supply system and industry standards; submitted the expert report to EPA ("Expert Report"); and entered into a contract to obtain equipment to

provide water to the water cannons without need for manually turning on the water wheel in the winter. The equipment has been delivered. Installation is expected to be completed and operational by October 21, 2021 and will include an enhanced monitoring system.

- (b) Further, although this CAFO does not allege violations of emergency planning requirements, the Expert Report recommended further training for responders in how to use the water cannon system. Respondent and the Town have scheduled such training for first responders at the Facility and in neighboring fire departments for early December.
- (c) To address those public comments that fall within EPA's CAA jurisdiction, Respondent is (i) evaluating whether additional railcars of propane should be added to its RMP program; (ii) further considering public comments about the fire safety analysis, including a conversation with the Town's water department; (iii) ensuring that all railcars of propane arriving at the Facility contain ethyl mercaptan for early release detection; (iv) ensuring that testing and maintenance of propane-containing railcars and tanks accords with industry standards of care and 40 C.F.R. § 68.73; and (v) evaluating whether any of the traffic concerns impact emergency response times.
- (d) Pursuant to EPA's information request authority in 42 U.S.C. § 7414, within 60 days of the effective date of this CAFO, Respondent shall update EPA at wallace.len@epa.gov with the results of the work and evaluations described in subparagraphs (a) and (c) above.

47. Pursuant to Sections 113(d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria and the applicable penalty policy, EPA has determined that it is fair and proper to assess a civil penalty of \$52,000 for the violations alleged in this matter. Respondent consents to the issuance of this CAFO and consents for purposes of settlement to pay the civil penalty cited in Paragraph 48, below.

Penalty Payment

48. Respondent agrees to:
- (a) pay the civil penalty of \$52,000 ("EPA Penalty") within 30 calendar days of the Effective Date of this CAFO;
 - (b) pay the EPA Penalty using any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identify every payment with "Docket No. CAA-01-2021-0075;"
 - (c) within 24 hours of payment of the EPA Penalty, send proof of payment by e-mail to the people listed below, identified with "Docket No. CAA-01-2021-0075." Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated

clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due.

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
santiago.wanda@epa.gov

and

Catherine Smith
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
smith.catherine@epa.gov

49. **Collection of Unpaid Civil Penalty:** Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), specifies the consequences of failure to pay the penalty on time. There are other actions EPA may take if respondent fails to timely pay: (a) refer the debt to a credit reporting agency or a collection agency pursuant to 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33; (b) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), including but not limited to referral to the Internal Revenue Service for offset against income tax refunds pursuant to 40 C.F.R. Part 13, Subparts C and H; (c) suspend or revoke Respondent's licenses or other privileges; or (d) suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17. In any collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

F. ADDITIONAL PROVISIONS

50. The terms of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.
51. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.
52. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

53. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
54. Complainant and Respondent, by entering into this CAFO, consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by e-mail, at scooke@mwe.com and jspillman@mwe.com. Respondent understands that these e-mail addresses may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

55. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.
56. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the conditions in paragraph 46 is restitution or required to come into compliance with the law.
57. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.
58. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes. Nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
59. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.
60. Except as qualified by Paragraph 49 (overdue penalty collection), each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

H. EFFECTIVE DATE

61. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective on the date of filing with the Regional Hearing Clerk, after execution of the Final Order by the Regional Judicial Officer.

The foregoing Consent Agreement, In the Matter of Grafton & Upton Railroad Company, Docket No. CAA-01-2021, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature

September 21, 2021

Date

Printed Name: Michael Milanoski

Title: President

Address: Grafton & Upton Railroad Company, 42 Westboro Road, N. Grafton, MA 01536

Tax ID: 04-6002751

The foregoing Consent Agreement *In the Matter of Grafton & Upton Railroad Company*, Docket No. CAA-01-2021-0075, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2021.09.23 08:47:07 -04'00'

James Chow, Deputy Director *for* Karen McGuire, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 1 – New England

Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

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<i>In the Matter of:</i>)	
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42 Westboro Road)	
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Pursuant to 40 C.F.R. § 22.18(b) and (c) of EPA's Consolidated Rules of Practice and Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Consent Agreement is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount in the amount of \$52,000 in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED.

LEANN Digitally signed
by LEANN JENSEN
JENSEN Date: 2021.09.23
10:56:46 -04'00'

DATE

LeAnn Jensen
Regional Judicial Officer