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Important Notice about EPA Compliance & Enforcement Regarding Ammonia Refrigeration at Ice Rinks

EPA Region 1 Ammonia Compliance Assurance and Enforcement Initiative

The U.S. Environmental Protection Agency/Region 1 is advancing a compliance assurance and enforcement initiative to encourage compliance with the General Duty Clause of the Clean Air Act [§ 112(r)(1)] and the hazardous substances reporting requirements of the Emergency Planning and Community Right-to-Know Act [§ 312], specifically with respect to the use of smaller ammonia refrigeration systems — i.e., those operating with less than 10,000 pounds of anhydrous ammonia. This includes many ice rinks owned and/or operated by municipalities, colleges and universities and independent schools, which are now an area of focus for the EPA. Private and quasi-public ice rink operators like entertainment venues may also fall within the scope of the initiative.

To that end, the EPA has been notifying facilities of the initiative and recommending certain steps be taken now to ensure compliance and to avoid enforcement sanctions in the future.

The EPA will soon follow up with each facility with inquiries about the status of their ammonia refrigeration systems, whether a Process Hazard Review has been performed and whether the facility has properly disclosed the amount of ammonia onsite. It is likely that site visits — both random and targeted — will occur in 2021.

Violations identified through either the information request or during a site visit will likely include a penalty and may result in the imposition of a settlement or consent agreement.

What Should You Do

Regardless of whether you recently received a notice letter from the EPA about this initiative, if you own or operate an ice rink, we recommend you ensure you understand the scope of EPA's initiative and address the status of your facility's compliance now (as opposed to after the EPA makes contact) to avoid costly enforcement actions.

We recommend first to have your ammonia refrigeration system assessed to identify any compliance shortfalls and then to work expeditiously to remedy those gaps, including for example, undertaking a Process Hazard Review.



As always, environmental compliance involves both legal and technical issues and we therefore recommend you rely on trusted environmental legal counsel and environmental consultants to guide your efforts. The environmental team at Shipman has a long history of assisting clients navigate the hurdles of environmental compliance and working with qualified environmental consultants.

Please contact [Andrew N. Davis](#) (860-251-5839), [Alfredo G. Fernández](#) (860-251-5353) or [Tyler E. Archer](#) (860-251-5234), or any member of our environmental team if you have any questions regarding this alert or need assistance.

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