

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

ROBERTS CHEMICAL CO., INC.

CR 14-94M
CR. No.

INFORMATION

The United States Attorney Charges that:

At all times material to this Information:

1. Roberts Chemical Company, Inc. (hereinafter "Roberts") was incorporated in the State of Rhode Island and is in the business of storing, distributing and repackaging chemicals, some of which are designated as extremely hazardous.

2. Roberts operated in a two-story building at 258 Pine Street, in downtown Pawtucket, a short distance from Interstate 95.

3. Roberts stored 27,467 pounds of ethyl ether at its Pawtucket warehouse. Ethyl ether is an extremely flammable liquid.

4. The Clean Air Act, 42 U.S.C. §7401, *et seq.*, is the Nation's comprehensive air pollution control statute. Congress significantly amended the Clean Air Act in 1990, including adding Section 112 (r)(7), 42 U.S.C. §7412 (r)(7), to prevent accidental releases of extremely hazardous substances into the ambient air. The United States Environmental Protection Agency (hereinafter "EPA") designated ethyl ether as a regulated substance pursuant to Section 112 (r)(7) of the Clean Air Act. The EPA

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further established a threshold quantity of ethyl ether for regulatory purposes of 10,000 pounds, also under its authority granted by Section 112 (r)(7) of the Clean Air Act.

5. Section 112 (r)(7) of the Clean Air Act authorized the Administrator of the EPA to promulgate “release prevention, detection and correction requirements” to prevent accidental releases. 42 U.S.C. §7412(r)(7)(A). These regulations, which became effective in 1999, were known as the Risk Management Plan (RMP) regulations and were set forth at Title 40, Code of Federal Regulations, Part 68.

6. Because Roberts stored ethyl ether at its Pawtucket warehouse above the threshold amount of 10,000 pounds, the Clean Air Act required it to develop and implement a Risk Management Plan in order to, among other things, protect worker safety, minimize the chance of release of ethyl ether into the Pawtucket community, and to plan for what it would do in the case of a “worst case” release at its facility. The regulations required Roberts to (1) develop a corporate management system to oversee the implementation of its RMP, (2) to do hazard and mechanical integrity assessments focused on its processes, equipment, regulated substances and potentially affected populations, (3) to develop and implement prevention and emergency response plans, and (4) to ensure coordination with local emergency and response agencies.

COUNT ONE

7. From on or about November 20, 2008 until December 9, 2008, in Pawtucket, Rhode Island, in the District of Rhode Island, defendant

ROBERTS CHEMICAL COMPANY, INC.

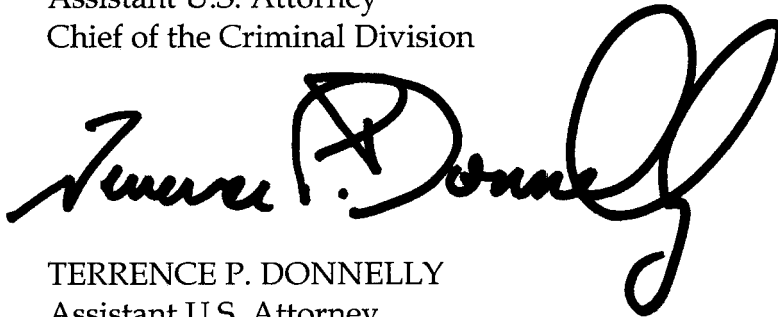
knowingly violated a requirement promulgated pursuant to the Clean Air Act, Title 42, United States Code, Section 7412 (r)(7) by failing to develop and implement a Risk Management Plan concerning the storage of a regulated substance, that is ethyl ether, at its facility in Pawtucket, Rhode Island.

In violation of Title 42, United States Code, Section 7413 (c)(1).

PETER F. NERONHA
United States Attorney

A handwritten signature in black ink, appearing to read "Peter F. Neronha", with a long horizontal flourish extending to the right.

ADI GOLDSTEIN
Assistant U.S. Attorney
Chief of the Criminal Division

A handwritten signature in black ink, appearing to read "Terrence P. Donnelly", with a large, stylized flourish at the end.

TERRENCE P. DONNELLY
Assistant U.S. Attorney