

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:) Docket No. CAA-05-2024-0003
)
City of La Salle, Water Plant) Proceeding to Assess a Civil Penalty
La Salle, Illinois,) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA or “the Act”), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22, for alleged violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r) and the implementing regulations at 40 C.F.R. Part 68.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is the City of La Salle (“the City”), a municipality in Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

9. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$55,808 per day of violation up to a total of \$446,456 for CAA violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

10. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

11. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Statutory and Regulatory Background

Clean Air Act, Subsection 112(r)

12. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

13. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), (“General Duty Clause” or GDC) provides that the owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty in the same manner and to the same extent as section 654 of title 29 to identify hazards which may result from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur.

14. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

15. Section 112(r)(7)(A) of the Act, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

16. Section 112(r)(7)(B)(i) of the Act, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

17. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under Section 112(r)(7)(B) shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a risk management program to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

18. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

40 C.F.R. Part 68: Chemical Accident Prevention Provisions

19. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which is codified at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions (CAPP or Part 68). *See* 84 Fed. Reg. 69834 (Dec. 19, 2019).¹

20. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

a. Applicability

21. Section 68.10(a) of CAPP provides, in pertinent part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process,

¹ *See also* 87 Fed. Reg. 53556 (Aug. 31, 2022) (currently proposed amendment).

as determined under 40 C.F.R. § 68.115, shall comply with the requirements of CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.

22. Section 68.3 of CAPP provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the Act at 40 C.F.R. § 68.130.

23. Section 68.115(a) of CAPP provides that “a threshold quantity of a regulated substance listed in 40 C.F.R. § 68.130 is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold.”

24. Table 1 at Section 68.130(a) of CAPP lists chlorine as a regulated toxic substance with a threshold quantity of 2,500 pounds (lbs).

25. Section 68.3 of CAPP provides that “process” means “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.” For purposes of this definition, a single process includes “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...” A “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.”

26. Section 68.10(i) of CAPP provides, in pertinent part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in North American Industry Classification System code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 CFR § 1910.119.

27. Section 68.12(a) and (d) of CAPP identify CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 shall meet, which include, among other provisions, requirements regarding hazard assessment (Subpart B of Part 68), the Program 3 prevention program (Subpart D of Part 68), and the submittal of an updated Risk Management Plan (RMP) (Subpart G of Part 68).

b. Hazard Assessment

28. Section 68.22(a)(1) of CAPP provides, in pertinent part, that for analyses of offsite consequences, the toxic endpoints are provided in Appendix A of Part 68.

29. Table of Toxic Endpoints in Appendix A to Part 68 lists chlorine as a regulated toxic substance with a toxic endpoint of 0.0087 milligram per liter (mg/L).

30. Section 68.30(a-d) of CAPP provides that the owner or operator shall estimate to two significant digits, in the RMP, the residential population potentially affected by the offsite impacts, (per the definition in §§ 68.22(a) and 68.30(a)), using the most recent Census data, or other updated information, and noting the presence of institutions, parks and recreational areas, and major commercial, office, and industrial building.

31. Section 68.33(a-b) of CAPP provides that the owner or operator shall list in the RMP environmental receptors within a circle determined by the distance to the endpoint (per the definition in § 68.22(a)), relying on information provided on local U.S. Geological Survey (U.S.G.S.) maps or on any data source containing U.S.G.S. data to identify environmental receptors.

32. Section 68.36(a) of CAPP provides that the owner or operator shall review and update the offsite consequence analyses at least once every five years.

33. Section 68.39 of CAPP provides, in pertinent part, that the owner or operator shall maintain records, for the offsite consequence analyses:

- a. For worst-case scenarios and alternative release scenarios, a description of the vessel or pipeline and substance identified, assumptions and parameters used, and the rationale for the selection of the scenarios, as well as the anticipated effect of the controls and mitigation on the release quantity and rate (Section 68.39(a-b));
- b. Documentation of estimated quantity released, release rate, and duration of release (Section 68.39(c));
- c. Methodology used to determine distance to endpoints (Section 68.39(d)); and
- d. Data used to estimate population and environmental receptors potentially affected (Section 68.39(e)).

c. Process Safety Information

34. Section 68.65 of CAPP provides, in pertinent part, that before conducting any process hazard analysis required by CAPP, the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information pertaining to the hazards of the regulated substances, the technology of the process and the equipment in the process, including at least the following:

- a. Section 68.65(c)(1) of CAPP:
 - i. A block flow diagram or simplified process flow diagram (Section 68.65(c)(1)(i));
 - ii. Safe upper and lower limits for such items as temperatures, pressures, flows or compositions (Section 68.65(c)(1)(iv)); and
 - iii. An evaluation of the consequences of deviations. (Section 68.65(c)(1)(v)).
- b. Section 68.65(d)(1) of CAPP:

- i. Materials of construction (Section 68.65(d)(1)(i));
 - ii. Piping and instrument diagrams (P&ID's) (Section 68.65(d)(1)(ii));
 - iii. Electrical classification (Section 68.65(d)(1)(iii));
 - iv. Relief system design and design basis (Section 68.65(d)(1)(iv));
 - v. Ventilation system design (Section 68.65(d)(1)(v));
 - vi. Design codes and standards employed (Section 68.65(d)(1)(vi)); and
 - vii. Safety systems (e.g. interlocks, detection or suppression systems) (Section 68.65(d)(1)(viii)).
- c. Section 68.65(d)(2) of CAPP provides that the owner or operator shall document that equipment complies with recognized and generally accepted good engineering practices.

d. Process Hazard Analysis

35. Section 68.67 of CAPP provides, in pertinent part, that the owner or operator of a stationary source with a process subject to Program 3 shall:

- a. Perform an initial process hazard analysis appropriate to the complexity of the process; identify, evaluate, and control the hazards involved in the process; and document the priority order for conducting process hazard analyses based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and operating history of the process. These process hazard analyses shall be updated and revalidated, based on their completion date (Section 68.67(a));
- b. Use one or more of the methodologies, listed in §§ 68.67(b)(1-7), that are appropriate to determine and evaluate the hazards of the process being analyzed (Section 68.67(b));

- c. Address, in the process hazard analysis, the hazards of the process; the identification of any previous incident which had a likely potential for catastrophic consequences; engineering and administrative controls applicable to the hazards and their interrelationships; the consequences of failure of engineering and administrative controls; stationary source siting; human factors; and a qualitative evaluation of a range of the possible safety and health effects of failure of controls (Section 68.67(c)(1-7));
- d. Perform the process hazard analysis by a team with expertise in engineering and process operations, with at least one employee with experience and knowledge specific to the process being evaluated, and with one individual knowledgeable in the specific process hazard analysis methodology being used (Section 68.67(d));
- e. Establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions (Section 68.67(e));
- f. At least every five (5) years after the completion of the initial process hazard analysis, update and revalidate the process hazard analysis by a team meeting the requirements in § 68.67(d), to assure that the process hazard analysis is consistent with the current process (Section 68.67(f)); and

- g. Retain process hazards analyses and updates or revalidations for each process subject to Program 3, as well as the documented resolution of recommendations described in § 68.67(e) for the life of the process (Section 68.67(g)).

e. Operating Procedures

36. Section 68.69(a) of CAPP provides, in pertinent part, among other provisions, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information, and that address the elements in §§ 68.69(a)(1)(iv-vii) and 68.69(a)(2-4).

37. Section 68.69(c) of CAPP provides that the operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.

f. Training

38. Section 68.71(a)(1) of CAPP provides that each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in 40 C.F.R. § 68.69. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

39. Section 68.71(b) of CAPP provides that refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures

of the process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

40. Section 68.71(c) of CAPP provides that the owner or operator shall ascertain, verify, and record that each employee involved in operating a process has received and understood the training required by Section 68.71 of CAPP.

g. Mechanical Integrity

41. Section 68.73(b) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall establish and implement written procedures to maintain the ongoing integrity of process equipment, as identified at 40 C.F.R. § 68.73(a).

42. Section 68.73(c) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

43. Section 68.73(d)(1-4) of CAPP provides that inspections and tests shall be performed on process equipment that: follow recognized and generally accepted good engineering practices; are conducted at a frequency consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience; and are documented.

h. Compliance Audits

44. Section 68.79(a) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D, Program 3 Prevention Program, at least every

three years to verify that procedures and practices developed under Subpart D, referenced above, are adequate and are being followed.

45. Section 68.79(b) of CAPP provides that the compliance audit shall be conducted by at least one person knowledgeable in the process.

46. Section 68.79(c) of CAPP provides that a report of the findings of the audit shall be developed.

47. Section 68.79(d) of CAPP provides that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

48. Section 68.79(e) of CAPP provides that the owner or operator shall retain the two (2) most recent compliance audit reports.

i. Employee Participation

49. Section 68.83(a) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall develop a written plan of action regarding the implementation of the employee participation required by Section 68.83 of CAPP.

50. Section 68.83(b) of CAPP provides that the owner or operator shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management required by CAPP.

51. Section 68.83(c) of CAPP provides that the owner or operator shall provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under CAPP.

i. RMP Updates

52. Section 68.190(a) of CAPP provides that the owner or operator shall review and update the RMP as specified in § 68.190(b) and submit it in the method and format to the central point specified by EPA as of the date of submission.

k. RMP Registration

53. Section 68.160(b)(6) of CAPP provides that the completed registration form for the RMP shall include updated emergency contact information.

Factual Allegations and Alleged Violations

a. Applicability

54. On July 30, 2019, EPA conducted an announced inspection of the City of La Salle's water treatment plant located at 234 Union Street, La Salle, Illinois ("the Facility").

55. At the time of the inspection, the City operated a water chlorination process with chlorine as a liquified compressed gas ("the Process") at the Facility.

56. At the time of the inspection, the Facility maintained a maximum inventory of 6,000 pounds of the regulated substance, chlorine, as a liquified compressed gas in 1-ton cylinders, which exceeded the threshold quantity of 2,500 pounds for chlorine present at the Facility, as determined under 40 C.F.R. § 68.115.

57. At the time of the inspection, the Facility's Process was, and is, a "process," as that term is defined at 40 C.F.R. § 68.3.

58. At the time of the inspection, the Facility's Process was a "covered process," as that term is defined at 40 C.F.R. § 68.3.

59. At the time of the inspection, the Facility's worst-case release assessment conducted under Subpart B of Part 68 and 40 C.F.R. § 68.25 determined that the distance to the toxic endpoint for chlorine (0.0087 mg/L, as listed in Appendix A of Part 68) was greater than the

distance to any public receptor. The Facility therefore did not meet the eligibility requirements of 40 C.F.R. § 68.10(g) for Program 1.

60. At the time of the inspection, the Facility's covered process was subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

61. Based on Paragraphs 56 through 60, at the time of the inspection, the Facility had a covered process that was subject to requirements of Chemical Accident Prevention Provisions in accordance with 40 C.F.R. § 68.10(a) and the requirements of Program 3 in accordance with 40 C.F.R. § 68.10(i).

62. The City provided numerous documents for the July 30, 2019 inspection. These documents were related to various aspects of Program 3 requirements under CAPP, including: hazard assessment, the Program 3 prevention program, and the RMP.

b. Hazard Assessment

63. The City failed to estimate the residential population potentially affected by the offsite impacts, in violation of 40 C.F.R. § 68.30.

64. The City failed to list the RMP environmental receptors, in violation of 40 C.F.R. § 68.33.

65. The City failed to review and update the offsite consequence analyses at least once every five years, in violation of 40 C.F.R. § 68.36(a).

66. The City failed to maintain records for the worst-case release scenario, alternate release scenario, and supporting information, in violation of 40 C.F.R. § 68.39.

c. Process Safety Information

67. The City failed to compile written process safety information on the technology of the process, including: a block flow diagram or simplified process flow diagram of the chlorine process; the safe and lower limits for such items as temperatures, pressures, flows, or

compositions; and an evaluation of the consequences of deviation, in violation of 40 C.F.R. §§ 68.65(c)(1)(i, iv, v).

68. The City failed to compile written information on the P&ID updates, materials of construction; electrical classification of the equipment in the chlorine system; the relief system design and design basis; ventilation system design; design codes and standards employed; and safety systems, in violation of 40 C.F.R. §§ 68.65(d)(1)(i-vi, viii).

69. The City failed to document that the equipment in the chlorine system complies with the recognized and generally accepted good engineering practices, in violation of 40 C.F.R. § 68.65(d)(2).

d. Process Hazard Analysis

70. The City failed to conduct, update, revalidate, and retain records of an initial process hazard analysis, due in June 2004, that included: [1] factors listed in §§ 68.67(c)(1-7), [2] the involvement of a team with the appropriate technical background; and [3] a system to address, document, and communicate the timely resolution of the team's findings and recommendations. These were violations of 40 C.F.R. §§ 68.67(a, c-g).

71. The City failed to use one or more of the methodologies, listed in §§ 68.67(b)(1-7), to determine and evaluate hazards of processes subject to Program 3, in violation of 40 C.F.R. § 68.67(b).

e. Operating Procedures

72. The City failed to develop written operating procedures for handling, storing, receiving, and hooking up chlorine cylinders that addressed the following: [a] the following operating phases – emergency shutdown (including the conditions under which emergency shutdown is required), emergency operations, normal shutdown, and startup following a turnaround or after emergency shutdown; [b] operating limit deviations; [c] safety and health

considerations; [d] safety systems and their functions, such as chlorine sensor operation; and [e] checks on the chlorine cylinders hydrotest dates when the cylinders are received. These were violations of 40 C.F.R. §§ 68.69(a)(1)(iv-vii) and (a)(2-4).

73. The City failed to certify annually that the operating procedures were current and accurate, in violation of 40 C.F.R. § 68.69(c).

f. Training

74. The City failed to document training provided to one of the three full-time operators involved in operating processes subject to Program 3 and to provide refresher training to two of operators on the current operating procedures, in violation of 40 C.F.R. § 68.71.

g. Mechanical Integrity

75. The City failed to establish and implement written procedures to maintain the ongoing integrity of process equipment, in violation of 40 C.F.R. § 68.73(b).

76. The City failed to train each employee involved in maintaining the on-going integrity of process equipment, in violation of 40 C.F.R. § 68.73(c).

77. The City failed to inspect and test process equipment in accordance with recognized and generally accepted good engineering practices at a frequency consistent with applicable manufacturers' recommendations and good engineering practices and document those findings, in violation of 40 C.F.R. § 68.73(d).

h. Compliance Audits

78. The City had never conducted a compliance audit, which was first due in June 2002 and subsequently required every three years, in violation of 40 C.F.R. § 68.79.

i. Employee Participation

79. The City failed to develop an employee participation plan to implement employee participation, such as in the development of process hazard analyses and process safety management, in violation of 40 C.F.R. §§ 68.83(a) and (b).

80. The City failed to provide to employees and their representatives access to information required under CAPP, in violation of 40 C.F.R. § 68.83(c).

j. RMP Updates

81. The City failed to review, update and submit a five-year RMP update to the RMP Reporting Center since the initial RMP submission on June 22, 1999, in violation of 40 C.F.R. § 68.190(a).

k. RMP Registration

82. The City failed to submit a registration form to update the emergency contact information, which changed in March 2016, in violation of 40 C.F.R. § 68.160(a)(6).

l. Finding of Violation (FOV)

83. On June 29, 2021, EPA issued a FOV (2021 FOV) to the City for the alleged violations described in this CAFO.

84. On August 17, 2021, EPA and representatives of the City met to discuss the 2021 FOV.

85. On August 16, 2021, the City reduced inventory to less than 2,500 lbs. of chlorine at the Facility.

86. On September 8, 2021, the City further reduced inventory to less than 1,500 lbs. of chlorine at the Facility.

87. In September 2021, the City began the process to convert the Facility from utilizing a gaseous chlorine disinfection process to a liquid hypochlorite disinfection process.

88. In November 2021, the City no longer maintained 1-ton chlorine vessels at the Facility and began utilizing 150 lbs. cylinders.

89. In early May 2023, the City installed a temporary hypochlorite disinfection process at the Facility.

90. As of May 10, 2023, the City no longer holds gaseous chlorine in its Facility's inventory.

91. The installation of a permanent liquid hypochlorite disinfection process is expected to be finalized before the end of 2023 at the Facility.

Civil Penalty

92. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, the City's full cooperation, and prompt return to full compliance, Complainant has determined that an appropriate civil penalty to settle this action is \$25,622.

93. Penalty Payment. Respondent agrees to:
- a. pay the civil penalty of \$25,622 within 30 days after the effective date of this CAFO.
 - b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
<p>Automated Clearinghouse (ACH) payments made through the US Treasury</p>	<p>US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
<p>Wire transfers made through Fedwire</p>	<p>Federal Reserve Bank of New York ABA: 021030004 Account Number: 68010727 SWIFT address: FRNYUS33 33 Liberty Street New York, NY 10045 Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through Pay.gov</p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> • Go to Pay.gov and enter “SFO 1.1” in the form search box on the top left side of the screen. • Open the form and follow the on-screen instructions. • Select your type of payment from the "Type of Payment" drop down menu. • Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p>For standard delivery: U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, Missouri 63197-9000</p> <p>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc): U.S. Environmental Protection Agency Government Lockbox 979077 U.S. EPA Fines and Penalties 1005 Convention Plaza SL-MO-C2-GL St. Louis, Missouri 63101</p>

94. Within 24 hours of the payment of the civil penalty respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Robert L. Thompson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Thompson.robertl@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

95. This civil penalty is not deductible for federal tax purposes.

96. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

97. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

98. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Thompson.robertl@epa.gov (for Complainant), and j.grove@lasalle-il.gov (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

99. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

100. The effect of the settlement described in paragraph 99, above, is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in paragraphs 85-91 of this CAFO and Respondent's letter dated May 30, 2023.

101. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

102. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 99, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

103. Respondent certifies that it is complying fully with 42 U.S.C. § 7412(r)(1), the General Duty Clause, consistent with the Compliance Plan in the concurrent Administrative Consent Order.

104. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

105. The terms of this CAFO bind Respondent, its successors and assigns.

106. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

107. Each party agrees to bear its own costs and attorney's fees in this action.

108. This CAFO constitutes the entire agreement between the parties.

City of La Salle, Illinois, Respondent

Date

Jeff Stone, Mayor
[Name of Respondent]
[Title of Respondent]

36-6005965
Tax Identification Number

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order
In the Matter of: City of La Salle, Illinois, Water Plant
Docket No. CAA-05-2024-0003**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5