



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 27 2013

REPLY TO THE ATTENTION OF:
SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mathew Mangatt
Water Treatment Plant Manager
Detroit Water and Sewerage Department
8300 W. Warren Road
Dearborn, Michigan 48126

RE: Complaint and Expedited Settlement Agreement
ESA Docket No. RMP-13-ESA-010
Docket No. CAA-05-2013-0039

Dear Mr. Mangatt:

Enclosed please find a copy of the fully executed Expedited RMP Settlement Agreement (ESA). The ESA is binding on EPA and Respondent. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Monika Chrzaszcz at (312) 886-0181, or chrzaszcz.monika@epa.gov, if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. E. Hans", with a horizontal line extending to the right.

Michael E. Hans, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590



DOCKET NO: RMP-13-ESA-010

This ESA is issued to: Detroit Water and Sewerage Department Springwells Water Treatment Plant

at: 8300 W. Warren Road, Dearborn, Michigan 48126

CAA-05-2013-0039

for violations of Section 112(r)(7) of the Clean Air Act.

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and the Detroit Water and Water Sewerage Department (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly “the Parties”) have agreed 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. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Superfund Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA.

ALLEGED VIOLATIONS

On October 18, 2013 an authorized EPA representative conducted a compliance inspection of the Detroit Water and Sewerage Springwells Water Treatment Plant located at 8300 W. Warren Road, Dearborn, Michigan 48126 (“Facility”) to determine its compliance with the Risk Management Plan (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the October 18, 2013 inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.67(e) Respondent failed to establish a system to promptly address the Process Hazard Analysis team’s findings and recommendations, assure that the recommendations are resolved in a timely manner and documented, document what actions are to be taken, complete actions as soon as possible, and develop a written schedule of when these actions are to be completed.

2. 40 C.F.R. § 68.73(d)(3) Respondent failed to ensure the frequency of inspection and test of process equipment is consistent with applicable manufacturers; recommendations, good engineering practices, and prior operating experience.
3. 40 C.F.R. § 68.79(a) Respondent failed to certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed.
4. 40 C.F.R. § 68.79(d) Respondent failed to determine and document an appropriate response to each of the findings of the compliance audit and document the deficiencies have been corrected.
5. 40 C.F.R. § 68.87(b)(1) Respondent failed to obtain and evaluate information regarding the contract owner or operator's safety performance and program when selecting a contractor.
6. 40 C.F.R. § 68.87(b)(5) Respondent failed to periodically evaluate the performance of the contract owner or operator in fulfilling their obligations.
7. 40 C.F.R. § 68.195(b) Respondent failed to submit corrected emergency contact information within thirty days of a change.

SETTLEMENT

In consideration of Respondent's full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **\$6,400**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$6,400** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The **Docket Number of this ESA must be included on the check.** (The Docket Number is RMP-13-ESA-010.)

This signed original ESA and **a copy of the check must be sent by certified mail to:**

Monika Chrzaszcz
Chemical Emergency
Preparedness and Prevention Section (SC-5J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated there under, or any other applicable law or requirement.


If the signed original ESA **with an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

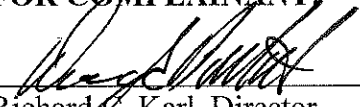
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): MATHEW J.A. MANGATT
Title (print): Water Treatment Plant Manager
Respondent

Date: 8/5/2013

FOR COMPLAINANT:


Richard C. Karl, Director
5-2 Superfund Division

Date: 8/16/2013

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.



Date: 8-20-13

Susan Hedman
Regional Administrator



02-AUG-13

TREASURER UNITED STATES OF AMERICA

1069311

A

RMP-13-ESA-010 25-JUN-13

(41) HOLD DWSO PENALTY CITATION PAYMENT ISSU

0.00

6,400.00

CAA-05-2013-0039



COPY

0.00

6,400.00

ATTENTION

ALL ORIGINAL INVOICES ARE TO GO DIRECTLY TO ACCOUNTS PAYABLES
COPIES MAY GO TO DEPARTMENTS

▼ REMOVE DOCUMENT ALONG THIS PERFORATION ▼

CITY OF DETROIT

9-9
720

CHECK TYPE ACCOUNTS PAYABLES

CHECK DATE 02-AUG-13

CHECK NUMBER 3275242

CHECK AMOUNT *****6,400.00

PAY EXACTLY

Six Thousand Four Hundred Dollars And 00 Cents*****

PAY TO THE ORDER OF:

TREASURER UNITED STATES OF AMERICA
C/O U S ENVIRONMENTAL PROTECTION AG
REGION 5 - P O BOX 70753

CHICAGO, IL 60673

VOID UNLESS PRESENTED WITHIN 90 DAYS

TREASURER

COMERICA BANK
Detroit, Michigan

DOCUMENT CONTAINS GREEN PANTOGRAPH & MICROPRINTING. BACK HAS THERMOCHROMIC INK & A WATERMARK, HOLD AT AN ANGLE TO VIEW. VOID IF NOT PRESENT.

⑈ 3 275 24 2⑈ ⑆ 072000096⑆ 185227568 2⑈

CKS 100 * 40585