

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2020-8012(b)

**This ESA is issued to: Green River Valley Water District
4655 N Jackson Highway
Munfordville, Kentucky 42765**

for violating 40 C.F.R. § 68.67(e), 40 C.F.R. § 68.67(f), 40 C.F.R. § 68.69(c), 40 C.F.R. § 68.69(d), 40 C.F.R. § 68.77(b), 40 C.F.R. § 68.79(a), 40 C.F.R. § 68.87(b), 40 C.F.R. § 68.195(b), and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Green River Valley Water District (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 4655 North Jackson Highway, Munfordville, Kentucky, on August 13, 2019, EPA alleges that the Respondent violated the Act's Section 112(r)(7), Chemical Accident Prevention Provisions, 42 U.S.C. § 7412(r)(7), when at the time of inspection Respondent did not provide evidence that:

It established a system to promptly address the Process Hazard Analysis (PHA) team's findings and recommendations; it assured that the recommendations were resolved in a timely manner and documented; it documented what actions were to be taken; it completed actions as soon as possible; it developed a written schedule of when these actions were to be completed; and it communicated the actions to operating, maintenance, and other employees whose work assignments were in the process and who may be affected by the recommendations, as required by 40 C.F.R. § 68.67(e);

It updated and revalidated its PHA at least every five (5) years after the completion of the initial PHA to assure that the PHA was consistent with the current process, as required by 40 C.F.R. § 68.67(f);

It certified annually that its operating procedures were current and accurate and that the procedures were reviewed as often as necessary, as required by 40 C.F.R. § 68.69(c);

It developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout, as required by 40 C.F.R. § 68.69(d);

It performed a Pre-Startup Safety Review after the facility installed a new chlorine sensor, because the modification was significant enough to require a change in the Process Safety Information as required by 40 CFR § 68.77(b)(3);

It certified that it 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, as required by 40 C.F.R. § 68.79(a);

It developed and implemented safe work practices consistent with § 68.69(d) to control the entrance, presence, and exit of the contract owner or operator and contract employees in the covered process areas, as required by 40 C.F.R § 68.87(b)(4); and

It updated the emergency contact information required by 40 C.F.R. § 68.160(b)(6) within thirty days of a change to the emergency contact by submitting the corrected information, as required by 40 C.F.R. § 68.195(b).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$3,680**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$3,680**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$3,680** in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

1005 Convention Plaza

SL-MO-C2-GL

St. Louis, MO 63101

Delivery Location Phone Number: 314- 425-1819

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk

U.S. EPA Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

bullock.patricia@epa.gov, and

Om P. Devkota

U.S. EPA Region 4

Air Enforcement Branch

61 Forsyth Street S.W.

Atlanta, Georgia 30303

devkota.om@epa.gov

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:

Phillip Doyle

Date: 7-23-20

Name (print): Phillip Doyle

Title (print): Chairman
Green River Valley Water District

FOR COMPLAINANT:

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Expedited Settlement Agreement” and “Final Order” in the Matter of Green River Valley Water District, Docket No. CAA-04-2020-8012(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Mr. David Paige, Manager
Green River Valley Water District
1180 East Main Street
Horse Cave, Kentucky 42749
dsp@scrtc.com
(270) 528-1221

Joye Beth Spinks
Associate Attorney
English, Lucas, Priest & Owsley, LLP
1101 College Street
Bowling Green, KY 42102
jspinks@elpolaw.com
(270) 781-6500

To EPA: Om Devkota, RMP Inspector
Devkota.om@epa.gov
(404) 562-8963

Debashis Ghose, Attorney Adviser
Ghose.Debashis@epa.gov
(404) 562-9521

U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Patricia A. Bullock, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960