



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101  
ENVIRONMENTAL PROTECTION AGENCY-REGION VII  
REGIONAL HEARING CLERK

08 JUN 18 AM 11:43

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2008-0021

**This ESA is issued to:** Quindaro Water Treatment Plant

**At:** 3601 North 12<sup>th</sup>, Kansas City, Kansas 66104

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

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The United States Environmental Protection Agency, Region 7 (EPA) and the Quindaro Water Treatment Plant, 3601 North 12<sup>th</sup>, Kansas City, Kansas 66104 (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(B)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air, and Waste Management Division. The Respondent is the Quindaro Water Treatment Plant, 3601 North 12<sup>th</sup>, Kansas City, Kansas 66104.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act. Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, where the total penalty exceeds \$270,000 or where the first alleged date of violation occurred more than 12 months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

**ALLEGED VIOLATIONS**

On June 20, 2007, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 3601 North 12<sup>th</sup>, Kansas City, Kansas 66104, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the Clean Air Act by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet (RMP Findings), which is hereby incorporated by reference.

**SETTLEMENT**

In consideration of Respondent's size of business, its full compliance history, its good faith effort 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, described in the enclosed RMP Findings, for the total penalty amount of **\$4550**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in herein and in the RMP Findings, 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 Clean Air Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$4550** in payment of the full penalty amount to the following address:

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

The Docket Number of this ESA is CAA-07-2008-0021, and must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Deanna Smith  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

A copy of the check must also be sent to:

Kathy M. Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Clean Air Act referenced in the RMP

Findings. The EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of it (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 herein and in the RMP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

 f. Don Gray  
Name (print): Marc D. Conklin  
Asst. General Manager / CAO

Date: 6-6-08

Title (print): \_\_\_\_\_  
Quindaro Water Treatment Plant

FOR COMPLAINANT:



Becky Weber  
Director  
Air and Waste Management Division  
EPA Region 7

Date: 4/17/08



Sarah Thibos LaBoda  
Assistant Regional Counsel  
EPA Region 7

Date: 6/13/08

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

Karina Borromeo

Date: June 18, 2008

Karina Borromeo  
Regional Judicial Officer

**Risk Management Program Inspection Findings**

Quindaro Water Treatment Plant  
3601 North 12th  
Kansas City, Kansas 66104

CAA § 112(r) Violations

**VIOLATIONS**

**PENALTY AMOUNT**

General

Management [§ 68.15]

The owner or operator failed to develop a management system to oversee the implementation of the risk management program elements. [§ 68.15(a)]

\$300

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Prevention Program

Safety Information [§ 68.48]

The owner or operator failed to compile and maintain up-to-date Material Safety Data Sheets. [§ 68.48(a)(1)]

\$150

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Prevention Program

Hazard Review [§ 68.50]

The owner or operator failed to conduct a review of the hazards associated with the regulated substances, process, and procedures. [§ 68.50(a)]

\$450

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Prevention Program

Operating Procedures [§ 68.52]

The owner or operator failed to prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process. [§ 68.52(a)]

\$750

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Prevention Program

Maintenance [§ 68.56]

The owner or operator failed to prepare and implement procedures to maintain the ongoing mechanical integrity of the process equipment. [§ 68.56(a)]

\$600

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Prevention Program

Compliance Audits [§ 68.58(a)]

The owner or operator failed to certify that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed. [§ 68.58(a)]

\$300

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Risk Management Plan

[§§ 68.150-68.195]

- The owner or operator failed to review, update, and submit a five-year update. [§ 68.190(b)(1)]
- The owner or operator failed to submit correct emergency contact information within thirty days of a change. [§ 68.195(b)]
- The owner or operator failed to indicate the correct response plan on their submitted Risk Management Plan. [§ 68.180(a)]
- The owner or operator failed to submit all the information in Section 8 of the Risk Management Plan. [§ 68.170(a)]

\$2000

*How was this addressed:*

QWTP was deregistered from RMP. (See attached)

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Total Unadjusted Penalty

\$4550

Calculation of Adjusted Penalty

1<sup>st</sup> Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix for Private Industry. This facility is used as a back-up facility and has not been used since 2005, but in the event the facility is used, the service size population is above 50,000, which gives it a multiplier factor of 1. ✓

2<sup>nd</sup> Adjusted Penalty = \$4550 (Unadjusted Penalty) X 1 (Size-Threshold Multiplier) is \$4550. ✓

3<sup>rd</sup> An Adjusted Penalty of \$4550 would be assessed to Quindaro Water Treatment Plant for violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA). ✓

TOTAL ADJUSTED PENALTY

\$4550

The approximate cost to correct the above items: \$ 2,000<sup>00</sup>\*

Compliance staff name: Patrick J. Cassidy

Signed: Patrick Cassidy Date: 6-4-08

\*  
≈ 50<sup>00</sup>/hr  
X 240 HOURS (LABOR)  
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≈ \$2000<sup>00</sup>

IN THE MATTER OF Quindaro Water Treatment Plant, Respondent  
Docket No. CAA-07-2008-0021

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement (ESA) was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Sarah Thibos LaBoda  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Original by Certified Mail Return Receipt to:

Marc D. Conklin  
Assn. General Manager/CAO  
Quindaro Water Treatment Plant  
3601 North 12<sup>th</sup> Street  
Kansas City, Kansas 66104

Dated: 6/18/08



Kathy Robinson  
Hearing Clerk, Region 7