

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Catherine Smith 9/24/18
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA-01-2018-0065

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

XAVIER Castro, Vice President
Suez Water Environmental Services, Inc.
190 M Street Extension
Agawam, MA 01001

Total Dollar Amount of Receivable \$ 11,400.00 Due Date: 10/24/18

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____

2ND \$ _____ on _____

3RD \$ _____ on _____

4TH \$ _____ on _____

5TH \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

_____ Phone Number



U. S. ENVIRONMENTAL PROTECTION AGENCY – NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100 (OES04-4)
BOSTON, MA 02109-3912

RECEIVED

SEP 24 2018

EPA ORC
Office of Regional Hearing Clerk

VIA HAND DELIVERY

September 24, 2018

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: SUEZ—Springfield Wastewater Treatment Facility: Expedited Settlement Agreement,
Docket No. CAA-01-2018-0065

Dear Ms. Santiago:

Attached for filing in the above-referenced matter are an original and one copy of an executed Expedited Settlement Agreement (“ESA”). Also attached are an original and one copy of a Certificate of Service. EPA will send copies of the ESA, the Certificate of Service, and this letter to the Respondent by Certified Mail. Thank you for your assistance. Please call me at 617-918-1777 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Catherine Smith", with a long horizontal flourish extending to the right.

Catherine Smith
Senior Enforcement Counsel

cc: Len Wallace, EPA
Mickey Nowak, Project Manager, SUEZ Springfield
Jonathan M. Prince, Esq., SUEZ
Xavier Castro, Vice President, Northeast Services, SUEZ

Enclosures:

1. Original ESA and copy of ESA
2. Certificate of Service and copy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

SEP 24 2018

EPA ORC
Office of Regional Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2018-0065
This ESA is issued to: SUEZ Water Environmental Services, Inc.
Springfield Regional Wastewater Treatment Facility
Agawam, MA 01001

This Expedited Settlement Agreement (ESA) is being entered into by the U.S. Environmental Protection Agency Region 1 (EPA), by its duly delegated official, and by SUEZ Water Environmental Services, Inc. (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the United States Department of Justice have jointly determined that EPA may pursue this type of case as an administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

ALLEGED VIOLATIONS

On or about November 1, 2016, an authorized representative of the EPA conducted a compliance inspection of the Springfield Regional Wastewater Treatment Facility, which is operated by Respondent and located at 190 M Street Extension, Agawam, Massachusetts, to determine compliance with the Risk Management Program (RMP) regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act (the "Inspection"). That Inspection was followed up by document review and correspondence about compliance in 2017 and 2018. EPA has determined that Respondent violated the RMP regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary (Summary), which is hereby incorporated by reference. Since the Inspection, Respondent has made good faith efforts to come into compliance.

SETTLEMENT

In consideration of the penalty assessment factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), and upon consideration of the entire record, the parties enter into the ESA in order to settle the alleged violations described in the enclosed Summary for the total penalty amount of **\$11,400**.

This settlement is subject to the following terms and conditions:

For purposes of this proceeding, Respondent waives any objections that it may have regarding jurisdiction; neither admits nor denies the specific factual allegations contained herein and in the Summary; consents to the assessment of the penalty as stated above; waives its rights to contest the allegations contained herein or in the Summary, 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. Respondent also waives any collateral estoppel and res judicata claims relating to alleged violations of Section 112(r)(1) of the Act, 42 U.S.C.

§ 7412(r)(1), arising from the Inspection. 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 Respondent has corrected the alleged violations listed in the enclosed Summary.

This signed ESA must be sent electronically and also by certified mail to:

Catherine Smith
Senior Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912
smith.catherine@epa.gov

Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the Act referenced in the Summary.

Nothing in this ESA shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This ESA does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the Act and regulations promulgated or permits issued thereunder.

If the signed original ESA is not returned to the EPA Region 1 at the above address by Respondent within **20** days of the date of Respondent's receipt of it, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the alleged violations identified herein and in the Summary.

Respondent agrees to submit payment in full of \$11,400 within 30 days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.

Payment instructions are included on the enclosed "Payment Instructions," which is hereby incorporated by reference.

Failure to pay the penalty when due may subject Respondent to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the penalty, including accrued interest, attorney's fees, collection costs, and nonpayment penalties.

For the purpose of the identifying requirement of 26 U.S.C. § 162(f)(2)(A)(ii) of the Internal Revenue Code, performance of the corrective actions for the alleged violations identified in the Summary is restitution or required to come into compliance with the law.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Xavier Castro Date: 9/13/18
 Name (print): XAVIER CASTRO
 Title (print): VP NORTHEAST SERVICES / SEMA

FOR COMPLAINANT:

Tim Conway Date: 9/19/18
 Tim Conway
 Acting Director
 Office of Environmental Stewardship
 U.S. EPA, Region 1

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

LeAnn Jensen Date: 9/21/18
 LeAnn Jensen
 Regional Judicial Officer
 U.S. EPA, Region 1

PAYMENT INSTRUCTIONS

Respondent may pay the penalty by check (mail or overnight delivery), wire transfer, ACH, or online payment. Additional payment instructions are available at:
<http://www2.epa.gov/financial/makepayment>.

Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

If paid by check, the docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

Concurrently with payment, Respondent must send photocopies of the check, or proof of other payment method to the following addressees:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA04-6
Boston, MA 02109-3912
santiago.wanda@epa.gov

Catherine Smith
Senior Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912
smith.catherine@epa.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY
RISK MANAGEMENT PROGRAM INSPECTION FINDINGS,
ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM

REASON FOR INSPECTION: This inspection was for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. § 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68.

FACILITY NAME:
 Springfield Regional Wastewater Treatment Facility
 (operated by SUEZ Water Environmental Services,
 Inc. ("SUEZ"))

PRIVATE GOVERNMENTAL/MUNICIPAL
 # of EMPLOYEES: 39 [The facility is managed by a private entity.]

FACILITY ADDRESS:
 190 M Street Extension
 Agawam, MA 01001

INSPECTION START DATE AND TIME: 11/1/2016
INSPECTION END DATE AND TIME : 11/1/2016

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER:
 Mickey Nowak, Project Manager, SUEZ
 (413) 246-3915

EPA FACILITY ID#:
 1000 0008 2251

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S):
 See above.

INSPECTOR NAME(S), TITLE(S):
 Leonard B. Wallace IV, EPA
 David F. Oberhauser, US EPA/SEE/NOWCC
 James Valentine US EPA/SEE/NOWCC
 Tyler Nelson, ERG

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)? YES NO

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195?
 YES NO

DATE RMP INITIALLY FILED WITH EPA: 1999 **DATE OF LAST RMP UPDATE:** May 5, 2016

1) **PROCESS/NAICS CODE:** Wastewater Treatment **PROGRAM LEVEL:** 1 2 3
REGULATED SUBSTANCE: Chlorine **MAX. QUANTITY IN PROCESS:** 40,000 lbs

2) **PROCESS/NAICS CODE:** _____ **PROGRAM LEVEL:** 1 2 3
REGULATED SUBSTANCE: _____ **MAX. QUANTITY IN PROCESS:** _____ (lbs)

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? YES NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1 PROCESS CHECKLIST PROGRAM LEVEL 2 PROCESS CHECKLIST PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER ATTACHMENTS: _____
INSPECTION SYMBOL KEY: Y - YES, N - NO, N/A - NOT APPLICABLE, S - SATISFACTORY, M - MARGINAL, U - UNSATISFACTORY

Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form

1. Program Level 3 Alleged Violations and Unadjusted Penalties

Section C – Prevention Program [68.65 - 68.87]	
Process Safety Information: Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or that existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use is designed, maintained, inspected, tested, and operating in a safe manner [68.65(d)(3)]? Examples of alleged violations include:	
<ul style="list-style-type: none"> – <i>Eyewash shower stations:</i> At the time of the inspection, there was no safety shower outside the Chlorine Storage Building next to the eyewash station; the eyewash station outside that building was not tempered to prevent water from freezing; and there was no proper eyewash station in the Chlorinator Room. <i>See, e.g.,</i> 29 C.F.R. § 1910.151(c); ANSI/ISEA Z358.1-2009, and Chlorine Institute Pamphlet 155, Section 9.3 (May 2014). 	\$ 1,500.00
<ul style="list-style-type: none"> – <i>Pipe and Door Labeling:</i> At the time of the inspection, there was a lack of sufficiently visible labeling on pipes and doors in the Chlorine Storage Building to identify the presence of chlorine. <i>See, e.g.,</i> ANSI/ASME 13.1-2007; Chlorine Institute Pamphlet 6, Section 10, NFPA 400 Hazardous Materials Code, Section 6.1.8.2.1 (2010). Other chemical storage areas on-site also had labeling deficiencies. 	\$ 1,500.00
<ul style="list-style-type: none"> – <i>Combustibles near chlorine equipment:</i> Chlorine is very reactive with organic, combustible materials. At the time of the inspection, there were combustible materials stored in the Chlorine Storage Building next to the chlorine containers, such as a wooden cabinet, cardboard boxes, and a cork board. Also, the ladder to the upper walkway was cluttered with equipment and materials, including combustible items. <i>See, e.g.,</i> Chlorine Institute Pamphlet 155, Sections 7.1 and 4.4.1. 	\$ 1,500.00
<ul style="list-style-type: none"> – <i>Emergency warning systems:</i> At the time of the inspection, there was no visible or audible alarm in the chlorine container storage room that could indicate an emergency. <i>See e.g.,</i> Chlorine Pamphlet 64, Section 3; and NFPA 400, Sections 21.3.9.3.2.1, 21.3.9.6 and 21.3.9.6.1. This problem was compounded by: insufficient windsocks throughout the facility (Chlorine Institute Pamphlet 1, Section 5.2 (May 2014); the small size of the release warning light on the Chlorine Storage Building such that it could not be seen from a distance; and the lack of easily visible labeling on both the warning lights/horns outside the facility and the chlorine alarm button located in the administration area (which button was also inaccessible). 	\$ 1,500.00
<ul style="list-style-type: none"> – <i>Exit issues:</i> At the time of the inspection, the exit door from the Chlorinator Room had no crash bar for safe exit in an emergency. <i>See e.g.,</i> NFPA 400 Section 6.2.1.4.5. 	\$ 1,500.00
<ul style="list-style-type: none"> – <i>Containment of gas from equipment:</i> At the time of the inspection, there were insufficient means to impede a chlorine gas release in one area of the Chlorine Storage Building from going to other locations. For example, there were open pipe holes in the wall between the chlorine cylinder room and the Chlorinator Room through which leaked chlorine gas could flow. <i>See, e.g.,</i> NFPA 400, Section 21.2.4.1 (requiring that gas rooms shall operate at a negative pressure in relationship to the surrounding area). Also, the exit pipe for a storm drain in the Chlorinator Room could discharge leaked chlorine gas without warning into the evacuation route outside. 	\$ 1,500.00

Section C – Prevention Program [68.65 - 68.87]

<p><u>Operating Procedures:</u> Has the owner or operator developed and implemented written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and addressing all the required elements in 40 C.F.R. § 68.69(a)?</p>	
<p>– At the time of the inspection, the operating procedures for delivering and changing out chlorine cylinders did not address the consequences of deviation and steps required to correct or avoid deviation, in violation of 40 C.F.R. § 68.69(a)(2).</p>	<p>\$ 1,200.00</p>
<p>– Nor was the Facility (a) implementing operating procedures with sufficient precautions to prevent exposure, including engineering controls, administrative controls, and personal protective equipment, in alleged violation of 40 C.F.R. § 68.69(a)(3); or (b) implementing safe work practices to control hazards during operations in alleged violation of § 68.69(d), because:</p> <ul style="list-style-type: none"> • the SCBA in the Chlorinator Room was in a locked locker within the room and therefore inaccessible during a release, and • HAZMAT kits in the chlorine container storage room were inaccessible. 	<p>\$ 1,200.00</p>

Total unadjusted penalty: \$11,400

2. Size-Threshold Quantity Multiplier

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

Expedited Settlement Penalty Matrix: Private Industries

# of Employees	1 – 5*	>5 – 10*	> 10*
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	1.0
> 100	1.0	1.0	1.0

* Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site.

Size/Threshold Quantity multiplier from Expedited Settlement Penalty Matrix: **1.0**

3. Proposed Penalty

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

Proposed Penalty = **\$11,400** (Unadjusted Penalty)
 x **1.0** (Size/Threshold Quantity Multiplier)
 = **\$11,400**

SUEZ—Springfield Wastewater Treatment Facility: Expedited Settlement Agreement, Docket No. CAA-01-2018-0065

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Expedited Settlement Agreement has been sent to the following persons on the date and in the manner noted below:

Original and one copy,
hand-delivered:

Ms. Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3812

Copy, by certified mail:

Jonathan M. Prince, Esq.
Corporate Attorney – Environmental Services
SUEZ
461 From Road, Suite 400
Paramus, New Jersey 07652

Mickey Nowak
Project Manager, SUEZ Springfield
Springfield Regional Wastewater Treatment Facility
190 M Street Extension
Agawam, MA 01001

Xavier Castro
Vice President, Northeast Services
SUEZ
461 From Road, Suite 400
Paramus, New Jersey 07652

Date: Sept. 24, 2018



Catherine Smith
Senior Enforcement Counsel
U.S. Environmental Protection Agency,
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3812
617-918-1777
smith.catherine@epa.gov