



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105



EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA(112r)-09-2023-0047

This ESA is issued to: North Marin Water District
999 Rush Creek Place
Novato, California 94948

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Stafford Water Treatment Plant, 3015 Novato Blvd., California 94948

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region IX, by its duly delegated official, Amy C. Miller-Bowen, Director, Enforcement and Compliance Assurance Division, and North Marin Water District (“Respondent”) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Following its September 19, 2022 inspection, EPA alleges Respondent’s failure to:

1. Document adequately information concerning the technology of the process, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.65(c)(1).
2. Document adequately information pertaining to the equipment in the process, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.65(d)(1).
3. Document adequately that equipment complies with recognized and generally accepted good engineering practices, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.65(d)(2).
4. Address recommendations from the 2015 Process hazard analysis (PHA) in a timely manner, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.67(e).
5. Include steps of each operating phase, including normal startup and shutdown each season, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.69(a)(1).
6. Include the required safety and health considerations of the properties of, and hazards presented by, the chemicals used in the process in the operating procedures, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.69(a)(3)(i).
7. Certify annually that the operating procedures are current and accurate in 2021, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.69(c).
8. Develop safe working practices to provide for the hazard of opening process equipment or piping, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.69(d).
9. Provide adequate initial training in the operating procedures, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.71(a).
10. Provide refresher training at least every three years, in accordance with Section 112(r)(7) of the

- Clean Air Act and 40 C.F.R. § 68.71(b).
11. Conduct inspections and tests of process equipment are consistent with applicable manufacturers' recommendations and good engineering practices, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.73(d)(3).
 12. Correct equipment deficiencies outside of acceptable limits (defined by the process safety information in § 68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.73(e).
 13. Develop accurate emergency response procedures relating to use of the Chlorine Institute Emergency Kits, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.95(a)(1)(iii).
 14. Develop emergency response procedures for the use of equipment emergency response equipment and for its inspection, testing, and maintenance, such as the Chlorine Institute Emergency Kits, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.95(a)(2).

SETTLEMENT

In consideration of Respondent's population served, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$8,580**.

This settlement is subject to the following terms and conditions:

- 1) The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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. Each party to this action shall bear its own attorney's fees and costs, 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 above and has sent an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields). EPA encourages electronic payments, but **alternatively you may send a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of **\$8,580** in payment of the full penalty amount to the following address:

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

The payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment. Please send a copy of your payment confirmation and the signed ESA to Cyntia Steiner at: steiner.cyntia@epa.gov.

- 2) Pursuant to CAA § 114(a)(1)(B) [42 U.S.C. § 7414(a)(1)(B)] **please provide documentation to USEPA Region IX describing how each area of identified non-compliance has been addressed**. Such documentation is due to EPA within 45 calendar days of your receipt of this letter. If you have corrected non-compliance and intend to resolve EPA's penalty action through the enclosed ESA, your signature affirms that the listed violations have been corrected. When you return the signed ESA to EPA, please provide documentation describing how each area of identified non-compliance was addressed along with an estimate of the cost you incurred fixing those deficits.


Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed ESA with an attached copy of the payment is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT: North Marin Water District


Signature: Anthony Williams  Digitally signed by Anthony Williams
DN: C=US, E=twilliams@nmwd.com,
O=North Marin Water District,
OU=General Manager, CN=Anthony
Williams
Date: 2023.05.18 08:11:40-0700' Date: 5-18-2023

Name (print): **Anthony B. Williams**

Title (print): **General Manager**

FOR COMPLAINANT: Environmental Protection Agency

**AMY MILLER-
BOWEN**


 Digitally signed by AMY MILLER-
BOWEN
Date: 2023.05.31 08:58:33 -07'00'

Date: _____

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered, and Respondent pays the above penalty.

**BEATRICE
WONG**

 Digitally signed by BEATRICE
WONG
Date: 2023.06.07 11:10:07 -07'00'

Beatrice Wong Date
Regional Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Expedited Settlement Agreement in the matter of North Marin Water District, Docket No. CAA(112r)-09-2023-0047, was filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was sent by electronic mail to the following parties:

RESPONDENT Anthony B. Williams
 General Manager
 North Marin Water District
 TWilliams@nmwd.com

COMPLAINANT Andrew Helmlinger
 Assistant Regional Counsel
 U.S. EPA – Region IX
 75 Hawthorne Street
 San Francisco, CA 94105
 Helmlinger.Andrew@epa.gov

PONLY Digitally signed by
TU PONLY TU
 Date: 2023.06.07
 15:02:53 -07'00'

Ponly J. Tu Date
Regional Hearing Clerk
U.S. EPA – Region IX