



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

MAR - 1 2017

REPLY TO THE ATTENTION OF:

Ms. Misty Adams
Utilities Director
Bedford City Utilities, City of Bedford
1614 L Street
Bedford, Indiana 47421
MAdams@bedford.in.us

Re: Bedford City Utilities, Consent Agreement and Final Order.
Docket No. CAA-05-2017-0014

Dear Ms. Adams:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U. S. Environmental Protection Agency has filed the CAFO with the Regional Hearing Clerk on March 1, 2017. Please pay the civil penalty in the amount of \$20,000 in the manner prescribed in paragraph(s) 44 through 46 and reference your check with the docket number. Within 90 days of the above date, you will need to initiate the Supplemental Environmental Project (SEP) as prescribed in paragraphs 51 through 53. Within 30 days of completion of each SEP you are required to submit a final report regarding the Supplemental Environmental Projects as prescribed in paragraph 55.

Please feel free to contact Greg Chomycia at 312-353-8217 if you have any questions regarding the enclosed documents. Please direct any legal questions to Steve Kaiser, Associate Regional Counsel at 312-353-3804. Thank you for your assistance in resolving this matter.

Sincerely,

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

Enclosure

cc: Regional Hearing Clerk
U. S. EPA Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

CAA-05-2017-0014

IN THE MATTER OF:

City of Bedford, Indiana
Bedford City Utilities

Bedford, Indiana

Respondent.

Consent Agreement and Final Order
Pursuant to 40 C.F.R. § 22.13(b)

In a Proceeding to Assess a Civil Penalty
Under Section 113(d) of the
Clean Air Act, 42 U.S.C. § 7413(d)



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Superfund Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is the Bedford City Utilities, City of Bedford, Indiana (Bedford or Respondent), a municipal government authority organized under the laws of the State of Indiana.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be simultaneously commenced and concluded by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree 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.

6. Respondent consents to entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in the CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

10. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

11. Section 112(r)(7)(A) of the Act, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to

promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

12. Section 112(r)(7)(B)(i) of the Act, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

13. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

14. Under Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which have since been codified, as amended, at 40 C.F.R. § 68.130.

15. Section 112(a)(9) of the Act, 42 U.S.C. § 7412(a)(9), defines “owner or operator” as “any person who owns, leases, operates, controls or supervises a stationary source.”

16. Under Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under

Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which were codified, and amended, at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions.

17. “Stationary source” is defined to mean “any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.” 40 C.F.R. § 68.3.

18. “Process” is defined to mean “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.” 40 C.F.R. § 68.3.

19. Under Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), the Administrator has listed chlorine, CAS No. 7782-50-5, as a substance which, in the case of an accidental release, is known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. The Administrator has further identified a threshold quantity of 2,500 pounds of chlorine for determining whether sources are subject to the Risk Management Program. 40 C.F.R. § 68.130, Table 1.

20. 40 C.F.R. § 68.115 provides that a “threshold quantity of a regulated substance listed in § 68.130 is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold.”

21. 40 C.F.R. § 68.12 requires that the owner or operator of a stationary source subject to 40 C.F.R. Part 68 shall submit a single RMP, as provided in 40 C.F.R. §§ 68.150 through 68.185.

22. 40 C.F.R. § 68.12(d) requires that, in addition to meeting the general requirements of 40 C.F.R. § 68.12(a), the owner or operator of a stationary source with a process subject to Program 3 shall meet additional requirements identified at 40 C.F.R. § 68.12(d).

23. Section 113(d) of the Act, 42 U.S.C. §7413(d), and 40 C.F.R. Part 19 provide that the Administrator of the EPA may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for each violation of Section 112(r) of the Act that occurred after March 15, 2004 through January 12, 2009; a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for each violation of Section 112(r) of the Act that occurred after January 12, 2009 through December 6, 2013; and a civil penalty of up to \$37,500 per day of violation up to a total of \$320,000 for each violation of Section 112(r) of the Act that occurred after December 6, 2013 through November 2, 2015; and a civil penalty of up to \$44,359 per day of violation up to a total of \$356,312 for each violation of Section 112(r) of the Act that occurred after November 2, 2015 but are assessed on or after August 1, 2016.

24. Section 113(d)(1) of the Act limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

25. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

26. Respondent is an Indiana municipal government authority, and is thus a “municipality,” as that term is defined in Section 302(f) of the Act, 42 U.S.C. § 7602(f).
27. Respondent was and is a “person,” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
28. At all times relevant to this CAFO, Respondent owned and operated a water treatment facility located at 2704 Illinois Street, Bedford, Indiana (the Facility).
29. For purposes of the requirements of 40 C.F.R. Part 68, Respondent is the “owner or operator” of the Facility, as that term is defined at Section 112(a)(9) of the Act, 42 U.S.C. § 7412(a)(9).
30. The Facility is a “stationary source,” as that term is defined at 40 C.F.R. § 68.3.
31. At all times relevant to this CAFO, Respondent used, stored, handled, and moved, multiple one-ton containers of the regulated substance chlorine at the Facility in amounts over the chlorine threshold quantity of 2,500 tons per year.
32. Respondent’s use, storage, handling, and movement of the chlorine containers at the Facility was a “process,” as that term is defined at 40 C.F.R. § 68.3.
33. Respondent’s use, storage, handling, and movement of the chlorine containers at the Facility was a “covered process” as that term is defined at 40 C.F.R. § 68.3.
34. Respondent’s chlorine process at the Facility did not meet the Program 1 requirements of 40 C.F.R. § 68.10(b), and was subject to the OSHA Process Safety Management Standard.
35. On June 18, 1999, Respondent submitted its initial RMP for the chlorine process at the Facility. This RMP indicated the process at the facility is subject to Program 3 requirements.

36. Respondent's chlorine process at the Facility was a process subject to the Program 3 Risk Management Program requirements.

37. On June 18, 2004 and March 17, 2010, Respondent submitted its revised and updated RMP for the chlorine process at the Facility.

38. On April 10, 2015, Respondent submitted to U.S. EPA its current revised and updated RMP for the chlorine storage process at the Facility.

39. On February 12, 2015, authorized representatives of U.S. EPA conducted a compliance inspection at the Facility to determine Respondent's compliance with the Risk Management Program regulations.

40. On August 18, 2015, EPA issued an information request to the Respondent.

41. On September 1, 2015, the Respondent sent a Response ("Response") to the Information Request.

42. Based on the inspection and information provided in the Response, U.S. EPA alleges that Respondent has committed the following violations:

a. The owner or operator failed to document names or positions of people responsible for the implementation of the Program elements and to document the lines of authority between them in violation of 40 C.F.R. § 68.15(c).

b. The owner or operator failed to maintain records of the off-site consequence analysis in violation of 40 C.F.R. § 68.39.

c. The owner or operator failed to document information pertaining to the process, specifically, process chemistry; maximum intended inventory; safe upper and lower parameters; and consequences of deviation from safe parameters in violation of 40 C.F.R. § 68.65(c)(1).

d. The owner or operator failed to document information pertaining to the process, specifically, materials of construction; piping and instrumentation diagrams; electrical classification; relief system design and design basis; ventilation system design; design codes and standards employed; and safety systems in violation of 40 C.F.R. § 68.65(d)(1).

e. The owner or operator failed to document compliance with recognized and generally accepted good engineering practices in violation of 40 C.F.R. § 68.65(d)(2).

f. The owner or operator failed to conduct a process hazard analysis in violation of 40 C.F.R. § 68.67(a).

g. The owner or operator failed to develop operating procedures for all normal operations, specifically, receipt of full chlorine cylinders in violation of 40 C.F.R. § 68.69(a)(1)(ii).

h. The owner or operator failed to include, in its operating procedures, consequences of deviation and the steps required to correct or avoid deviations in violation of 40 C.F.R. § 68.69(a)(2).

i. The owner or operator failed to certify that the operating procedures are current and accurate on an annual basis in violation of 40 C.F.R. § 68.69(c).

j. The owner or operator failed to train employees operating the process on operating procedures in violation of 40 C.F.R. § 68.71.

k. The owner or operator failed to establish and implement written procedures to maintain the ongoing integrity of process equipment in violation of 40 C.F.R. § 68.73(b).

l. The owner or operator failed to train every employee involved in maintaining the on-going integrity of the process equipment in violation of 40 C.F.R. § 68.73(c).

m. The owner or operator failed to perform inspections and tests on process equipment in violation of 40 C.F.R. § 68.73(d).

n. The owner or operator failed to establish and implement written procedures to manage changes to the covered process in violation of 40 C.F.R. § 68.75(a).

o. The owner or operator failed to conduct an audit evaluating compliance with the provisions of the prevention program at least every three years in violation of 40 C.F.R. § 68.79(a).

p. The owner or operator failed to develop a written plan to include employee participation in the development of the Risk Management Program (Program) in violation of 40 C.F.R. § 68.83.

q. The owner or operator failed to obtain and evaluate the safety performance and programs when selecting a contractor in violation of 40 C.F.R. § 68.87(b)(1).

Civil Penalty

43. Based on the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), U.S. EPA's Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68 (June 2012), the facts and circumstances of this case, other factors such as cooperation, promptly returning to compliance, and Respondent's agreement to perform a supplemental environmental project (SEP), as described below, Complainant has determined that an appropriate civil penalty to settle this action is \$20,000.00.

44. Within 120 days after the effective date of this CAFO, Respondent must pay a \$20,000.00 civil penalty by ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

U.S. Treasury REX Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

45. In the comment area of the electronic funds transfer, state Respondent's name, the docket number of this CAFO.

46. A transmittal letter stating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent must send a notice of payment that states Respondent's name and transmittal letter to:

Attn: Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Greg Chomycia (SC-5J)
Chemical Emergency Preparedness and Prevention Section
Superfund Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Steven Kaiser (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

47. This civil penalty is not deductible for federal tax purposes.

48. If Respondent does not timely pay the civil penalty, or any stipulated penalties under paragraph 60, EPA may bring an action to collect any unpaid portion of the penalty with

interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

49. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

Supplemental Environmental Projects

50. Respondent must complete a supplemental environmental project (SEP) at the Facility designed to protect the environment and public health by preventing and reducing the risk of a release of chlorine and described below.

51. At the Facility, Respondent must install a electrolysis process that creates chlorine as needed from brine no later than November 15, 2017.

52. Respondent must spend at least \$500,000 for the engineering design, project management, purchase and installation of the SEP.

53. Respondent will begin installation of the electrolysis equipment in its water treatment process within 90 days of the date of this CAFO and must fully complete the SEP within 270 days of the effective date of this CAFO.

54. Through its signature on this CAFO, Respondent certifies as follows:

That Bedford is not required to perform or develop this SEP by any law, regulation, grant, order, or agreement or as injunctive relief as of the date that Bedford executes this CAFO. Bedford further certifies that it has not received, and is not negotiating to receive, credit for this SEPs in any other enforcement action.

Bedford is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as this SEP. Bedford further certifies that, to the best of the signatory's knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as this SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO on behalf of Bedford (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

55. Respondent must submit a SEP completion report to EPA within 30 days after completion of the SEP. This report shall contain the following information:

- a. A detailed description of the SEP as completed;
- b. A description of any operating problems and the actions taken to correct the problems;
- c. The itemized cost of goods and services used to complete the SEP documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. A certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. A description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution prevention, if feasible).

56. Respondent must submit all reports required by this CAFO by first class mail to:

Greg Chomycia (SC-5J)
Chemical Emergency Preparedness and Prevention Section
Superfund Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

57. For each report that Respondent submits under paragraph 55 above, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

58. Following receipt of the SEP completion report described in paragraph 55 above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP completion report;
- b. There are deficiencies in the SEP as completed or in the SEP completion report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP completion report and EPA will seek stipulated penalties under paragraph 60 below.

59. If EPA exercises option b. under above, Respondent may object in writing to the deficiency notice within 30 days of receiving the notice. The parties will have 60 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEPs as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 60 below.

60. If Respondent violates any requirement of this CAFO, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b. below, if Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedules in paragraphs 53, Respondent must pay an additional penalty of \$66,000.
- b. If Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certifies, with supporting documents, that it has spent at least 90 percent of the amount set forth in paragraphs 52 above, Respondent will not be liable for any stipulated penalty under subparagraph a. above.
- c. If Respondent fails to comply with the schedule in paragraphs 53 above for implementing the SEPs, or fails to submit timely the SEP completion report required by paragraph 55 above, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100	1 st through 14 th day
\$250	15 th through 30 th day
\$500	31 st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until Respondent achieves compliance with the milestone.

61. EPA's determination of whether Respondent satisfactorily completed the SEP and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

62. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 0-46 above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts as provided in paragraph 49 above.

63. Any public statement that Respondent makes referring to the SEP must include the following language, “The City of Bedford undertook this project under the settlement of the United States Environmental Protection Agency’s enforcement action against The City of Bedford for violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r).”

64. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event that caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent’s past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b. above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

65. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing this SEPs.

General Provisions

66. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in this CAFO.

67. The CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

68. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws and regulations. Except as provided in Paragraph 66, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by Complainant.

69. Respondent certifies that it is complying fully with Section 112(r) of the Act and 40 C.F.R. Part 68.

70. The terms of this CAFO bind Respondent, its successors, and assigns.

71. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

72. Each party agrees to bear its own costs and attorneys' fees in this action.

73. This CAFO constitutes the entire agreement between the parties.

74. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: kaiser.steven@epa.gov (for Complainant), and Tom Dimond at Thomas.Dimond@icemiller.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

75. The effective date of this CAFO is the date when this CAFO is filed with the Regional Hearing Clerk's office.

In the Matter of: Bedford City Utilities, Bedford, Indiana

Docket No. CAA-05-2017-0014

City of Bedford, Indiana, Respondent

Date: 1/25/17

By: Misty Adams
Misty Adams, Utilities Director
Bedford City Utilities, City of Bedford

Date: 1/25/17

By: Shawna M. Girgis
Shawna M. Girgis, Mayor
City of Bedford

United States Environmental Protection Agency, Complainant

Date: 2/27/2017

By: Douglas Ballotti
for Douglas Ballotti, Acting Director
Superfund Division

In the Matter of: Bedford City Utilities, Bedford, Indiana
Docket No. CAA-05-2017-0014

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

February 28, 2017
Date

Ann L. Coyle
Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency

In the Matter of: Bedford City Utilities, Bedford, Indiana
Docket No. CAA-05-2017-0014

Certificate of Service

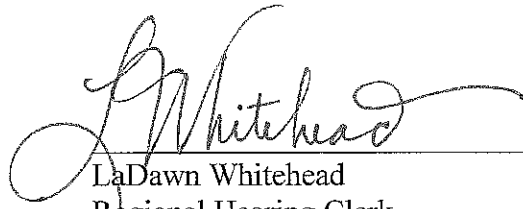
I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on March 1, 2017 in the following manner to the addressees:

Copy by E-mail to
Attorney for Respondent: Tom Dimond
Thomas.Dimond@icemiller.com

Copy by E-mail to
Attorney for Complainant: Steve Kaiser
kaiser.steven@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: March 1, 2017



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5