



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
August 5, 2022

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

Brian Tucker
Operations Director
Sangamon County Water Reclamation District
3000 North 8th Street
Springfield, Illinois 62707

Email: btucker@scwrd.org

Dear Brian Tucker:

I have enclosed a file-stamped Expedited Settlement Agreement (ESA) which resolves Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant, docket no.

[CAA-05-2022-0022](#). As indicated by the filing stamp on its first page, we filed the ESA with the Regional Hearing Clerk on [August 5, 2022](#).

Please direct any questions regarding this case to Robert Guenther, Associate Regional Counsel, (312) 886-0566.

Sincerely,

Brian Dickens

Digitally signed by Brian Dickens
Date: 2022.08.04 09:07:34
-05'00'

Brian Dickens, Supervisor
Air Enforcement and Compliance Assurance Section (MN-OH)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail
Coyle.ann@epa.gov

Regional Hearing Clerk/via electronic mail
R5hearingclerk@epa.gov

Robert Guenther, Associate Regional Counsel/via electronic mail
Guenther.Robert@epa.gov

Kent Mohr, Illinois Environmental Protection Agency/via electronic mail
Kent.Mohr@Illinois.gov



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

ESA NO: EPA-5-22-CAA-ESA-02

Docket No: [CAA-05-2022-0022](#)

This ESA is issued to Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant

at: 3300 Mechanicsburg Road, Springfield, Illinois 62707

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

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5 (“EPA”), and Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant (“Sugar Creek WWTP” or “Respondent”), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly “the Parties”) have agreed 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. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Enforcement & Compliance Assurance Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the CAA, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA. The Regional Administrator has delegated the authority to issue Final Orders ratifying settlements pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) to the Regional Judicial Officer, Office of Regional Counsel, EPA Region 5.

ALLEGED VIOLATIONS

On August 25, 2021, two authorized EPA representatives conducted a compliance inspection of Sugar Creek WWTP at 3300 Mechanicsburg Road, Springfield, Illinois (“Sugar Creek WWTP”) to determine the Facility’s compliance with the Chemical Accident Prevention Provisions promulgated pursuant to Section 112(r) of the CAA and set forth at 40 C.F.R. Part 68. Based on the August 25, 2021, inspection, EPA has determined that Respondent violated the following provisions:

1. 40 C.F.R. § 68.65(d)(1)(i) - Failure to include the materials of construction in the process safety information.

2. 40 C.F.R. § 68.65(d)(1)(ii) - Failure to include a piping and instrumentation diagram in the process safety information.
3. 40 C.F.R. § 68.65(d)(1)(v) - Failure to include the ventilation system design in the process safety information.
4. 40 C.F.R. § 68.65(d)(1)(vi) - Failure to include the design codes and standards employed in the process safety information.
5. 40 C.F.R. § 68.67(e) - Failure to establish a system to promptly address the process hazard analysis team's findings and recommendations.
6. 40 C.F.R. § 68.69(c) - Failure to certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources.
7. 40 C.F.R. § 68.73(d)(4) - Failure to document each inspection and test that had been performed on process equipment, and identified the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.
8. 40 C.F.R. § 68.75(a) - Failure to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process.
9. 40 C.F.R. § 68.83(a) - Failure to develop a written plan of action regarding the implementation of the employee participation.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of \$8,100.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the CAA, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has made payment in the amount of \$8,100 by either of the two following methods:

Payment method 1 – Preferred (electronic): Pay online through the Department of the

Treasury using WWW.PAY.GOV. In the Search Public Form field, enter “SFO 1.1”, click “EPA Miscellaneous Payments - Cincinnati Finance Center” and complete the SFO Form Number 1.1. The payment shall be identified in the online system with the ESA Number listed below.

On the same day, after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: “Payment Confirmation for Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant ESA Number **EPA-5-22-CAA-ESA-02.**” Attach a copy of the ESA and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant, and the ESA Number listed below, with a copy of the ESA to:

U. S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Attn: ESA Number EPA-5-22-CAA-ESA-02

Respondent may use a Private Carrier instead of the US Postal Service, to mail a certified check payable to the United States of America to the following address:

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

A scan of the signed original ESA and proof of payment (either electronic payment receipt or copy of check) must be sent by email to:

Charles Hall
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Hall.Charles@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Upon Respondent's submission of the signed original ESA, and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the CAA or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the CAA, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with proof of payment is not returned to the EPA Region 5 office at the above emails in correct form by Respondent within 30 days of the date of Respondent's receipt of this ESA (60 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 in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

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

FOR RESPONDENT:

Signature: Richard Ciotti Date: 7-26-22

Name (print): Richard Ciotti

Title (print): Board President

Respondent

FOR COMPLAINANT:

**MICHAEL
HARRIS**

 Digitally signed by MICHAEL
HARRIS
Date: 2022.08.02 11:45:29 -05'00'

Michael D. Harris, Director
Enforcement and Compliance Assurance Division

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

ANN COYLE

Digitally signed by ANN COYLE
Date: 2022.08.03 09:38:05
-05'00'

Ann L. Coyle
Regional Judicial Officer

Expedited Settlement Agreement

In the matter of: Sangamon County Water Reclamation District Sugar Creek Wastewater Treatment Plant

Docket Number: [CAA-05-2022-0022](#)

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number [CAA-05-2022-0022](#), which was filed on August 5, 2022, in the following manner to the following addressees:

Copy by E-mail to Respondent: Brian Tucker
btucker@scwrd.org

Copy by E-mail to Attorney for Complainant: Robert Guenther
Guenther.Robert@epa.gov

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

Julianne Grange
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5