



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

FILED

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U.S. EPA, REGION IX
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2008-0028
This ESA is issued to: City of Casa Grande
Casa Grande Arizona

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Casa Grande Water Reclamation Facility, RMP Identifier 1000 0016 9541
1194 W. Kortsen Road, Casa Grande, AZ 85222

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by the City of Casa Grande, Arizona, (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). On November 13, 2007, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

- I. Respondent was required to review and update its risk management plan (RMP) for the stationary source referenced above and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. § 68.190(b), by the five-year anniversary date of their most recent completed submittal. Respondent failed to review and update its RMP and submit it to EPA on or before May 15, 2005, in violation of Section 112(r)(7) of the Act and 40 C.F.R. § 68.190(b).
- II. Respondent was required to develop and implement written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information. 40 C.F.R. §68.69(a) and Section 112(r)(7) of the Act. Respondent failed to comply with 40 C.F.R. § 68.69(a), in violation of Section 112(r)(7) of the Act.
- III. Respondent was required to establish and implement written procedures to maintain the ongoing integrity of the process equipment and to document implementation of the procedures. 40 C.F.R. §§ 68.73 (b) and Section 112(r)(7) of the Act. Respondent failed to comply with 40 C.F.R. §§ 68.73(b), in violation of Section 112(r)(7) of the Act.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$1,340**.

This settlement is subject to the following terms and conditions:

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 a cashier's check or certified check

(payable to the "Treasurer, United States of America") in the amount of \$1,340 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 check should reference Respondent's name and a copy of this ESA must be included with the check. This original ESA and a copy of the check must be sent by certified mail to:

Mary Wesling (SFD-9-3)
U.S. Environmental Protection Agency
Region IX (SFD-9-3)
75 Hawthorne Street
San Francisco, CA 94105

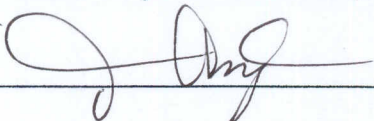
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, 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 original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, 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 – City of Casa Grande, Arizona.

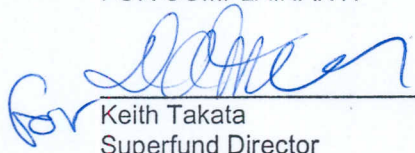
Signature: 

Date: 6-23-08

Name (print): Jerry Anglin

Title (print): Wastewater Superintendent

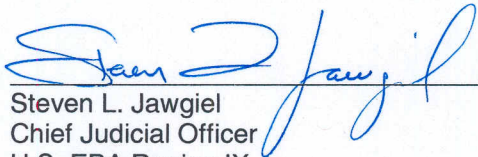
FOR COMPLAINANT:



Keith Takata
Superfund Director
U.S. EPA Region IX

Date: 9 July 2008

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



Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

Date: 07/15/08

CERTIFICATE OF SERVICE

Docket No. CAA-09-2008- 0028

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with the Docket number referenced above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested, to:

Mr. James Thompson
City Manager CEO
City of Casa Grande
510 East Florence Blvd.
Casa Grande, AZ 85222

July 15, 2008
Date

Danielle E Carr

Danielle Carr
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105