



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 10
 1200 Sixth Avenue, Suite 900
 Seattle, Washington 98101-3140

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HEARINGS CLERK
 EPA -- REGION 10

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2017-0085
This ESA is issued to: Mill Creek Water Treatment Plant
 581 Mill Creek Road
 Walla Walla, Washington 99362

APR 21 2017

U.S. EPA REGION 10
 Office of Compliance & Enforcement

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On December 9, 2016, 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

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary, which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good-faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in the enclosed Summary for the total penalty amount of **\$3,060**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, 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 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 violations listed in the enclosed Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$3,060 in payment of the full penalty amount to the following address:

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

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

This original ESA and a copy of the check must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator
Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mail Stop: OCE-101
Seattle, Washington 98101

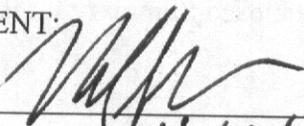
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA at the above address by Respondent within 45 days of the date of Respondent's receipt of it (90 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 herein and in the Summary.

This ESA is binding on the parties signing below.

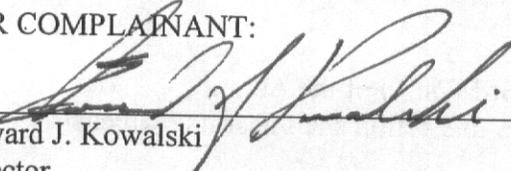
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): Nabiel Shawa
Title (print): Nabiel Shawa
Cost to correct violation(s): \$ 3,000.00

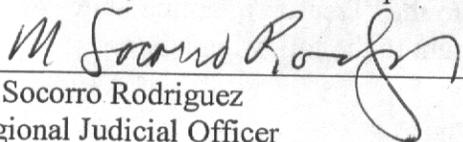
Date: 4/17/2017

FOR COMPLAINANT:


Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 4/24/2017

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


M. Socorro Rodriguez
Regional Judicial Officer

Date: 4/24/2017



U.S. ENVIRONMENTAL PROTECTION AGENCY

Risk Management Program Inspection Findings and Alleged Violations Summary Region 10

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME Mill Creek Water Treatment Plant	<input type="checkbox"/> PRIVATE # EMPLOYEES _____	<input checked="" type="checkbox"/> GOVERNMENTAL/MUNICIPAL POPULATION SERVED: <u>58,781</u>
FACILITY LOCATION 581 Mill Creek Road, Walla Walla, Washington	INSPECTION START DATE AND TIME: August 3, 2016 - 08:30	
MAILING ADDRESS 581 Mill Creek Road, Walla Walla, Washington 99362	INSPECTION END DATE AND TIME: August 3, 2016 - 12:15	
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Tom Krebs, Water Plant Supervisor, (509) 522-3775	EPA FACILITY ID# 1000 0004 1233	
FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S) Frank Nichol森, Utility Engineer, Nathen Black, Assistant Utility Engineer Michael Neher, Treatment Plant Operator	INSPECTOR NAME(S), TITLE(S), PHONE NUMBER(S) Robert Hales, US EPA SEE Grantee, Lead RMP Inspector, 206-553-4090 Peter Phillips, US EPA SEE Grantee, RMP Inspector, 206-553-1757 Javier Morales, US EPA Region 10, RMP Coordinator, 206-553-1255 Terry Garcia, US EPA SEE Grantee, RMP Inspector, 206-553-1761	
	INSPECTOR SIGNATURE 	DATE 3-19-17

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
DATE RMP FILED WITH EPA: <u>06/16/99</u>	DATE OF LATEST RMP UPDATE: <u>06/16/2014</u>	
1) PROCESS/NAICS CODE: <u>22131</u> REGULATED SUBSTANCE: <u>chlorine</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> MAX. QUANTITY IN PROCESS: <u>16,900 (lbs.)</u>	

DESCRIPTION OF ALLEGED VIOLATIONS

CAA Section 112(r) and its implementing regulations in 40 C.F.R. Part 68 require an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance (listed in § 68.130) in a process, to develop a Risk Management Plan (RMP) and Risk Management Program.

Four EPA representatives inspected the Mill Creek Water Treatment Plant on August 3, 2016. Based upon this inspection the Mill Creek Water Treatment Plant is in violation of the following risk management program elements:

- Hazard Assessment:** Mill Creek Water Treatment Plant failed to review and update the off-site consequence analyses at least once every five years as required by 40 C.F.R. § 68.36(a). Mill Creek Water Treatment Plant provided a copy of their original RMP report developed for their initial RMP submission dated August 20, 2004 that included their off-site consequence analyses.
- Operating Procedures:** Mill Creek Water Treatment Plant failed to develop and implement written procedures that provide clear instructions for safety conducting activities involved in the chlorine storage process consistent with the process safety information addressing steps for each operating phase as required by 40 C.F.R. § 68.69(a). Mill Creek Water Treatment Plant was unable to produce operating procedures for the loading and unloading of the 150-pound chlorine cylinders.
- Operating Procedures:** Mill Creek Water Treatment Plant failed to certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as required by 40 C.F.R. § 68.69(c). Mill Creek Water Treatment Plant most current operating procedures were certified on May 29, 2015.
- Compliance Audits:** Mill Creek Water Treatment Plant failed to certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed as required by 40 C.F.R. § 68.79(a). During the inspection, Mr. Nichol森 stated that a compliance audit was verbally conducted at Mill Creek Water Treatment Plant on June 2014. There was no compliance audit report on file for the June 2014 audit. The June 16, 2014 RMP submittal reports that a compliance audit was completed on June 10, 2014. The only compliance audit that the Mill Creek Water Treatment Plant provided was a September 2005 Draft Report on Audit of the Risk Management and Process Safety Management Programs at Mill Creek WTP Walla Walla, WA prepared by Golder Associates, Inc.

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
ATTACHED CHECKLIST(S):	<input type="checkbox"/> PROGRAM LEVEL 1 PROCESS CHECKLIST <input type="checkbox"/> PROGRAM LEVEL 2 PROCESS CHECKLIST <input checked="" type="checkbox"/> PROGRAM LEVEL 3 PROCESS CHECKLIST	
OTHER ATTACHMENTS:	_____	

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: City of Walla Walla, Mill Creek Water Treatment Plant, Docket No.: CAA-10-2017-0085**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales, RMP Coordinator
1200 Sixth Avenue, OCE-101
Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Nabiel Shawa
City Manager
City Administration
City of Walla Walla
15 North Third Avenue
Walla Walla, Washington 99362

DATED this 26 day of April, 2017



Teresa Young
Regional Hearing Clerk
EPA Region 10