



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

FILED

2008 MAR 24 AM 8:27

U.S. EPA, REGION IX
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2008-0019
This ESA is issued to: City of Vallejo
555 Santa Clara, Vallejo, CA 94590

For: Violation of Section 112(r)(7) of the Clean Air Act.

At: City of Vallejo, Fleming Hill Water Treatment Plant, 202 Fleming Hill Road, Vallejo, CA 94590

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 City of Vallejo, Fleming Hill Water Treatment Plant (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

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. §§ 68.150(c), 68.190(a) and 68.195, by June 21, 2004. Respondent failed to review and update its RMP and submit it to EPA on or before June 21, 2004 in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195.

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 **\$2000.00**.

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 **\$2000.00** 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 check should reference Respondent's name and a copy of this ESA must be included with the check.

67162.



56-382/412

671621

DATE 03/06/2008

PAY TWO THOUSAND AND 00/100 DOLLARS *****

*****\$2,000.00

TO THE
ORDER
OF

U. S. ENVIRONMENTAL PROTECTION AG.
FINES & PENALTIES
CINCINNATI FINANCE CENTER
PO BOX 979077
ST LOUIS MO 63197-9000

Robert V. Stuck
FINANCE DIRECTOR

VOID AFTER 90 DAYS

11#6716211# 1:0412038241: 960019250311#

RUB OR BREATHE ON THE PINK LOCK & KEY ICONS - COLOR WILL FADE AND RETURN ON AN AUTHENTIC CHECK - IF COLOR DOES NOT FADE DO NOT ACCEPT

INVOICE DATE	INVOICE NUMBER	AMOUNT	DESCRIPTION
02/28/08	CAA-09-2008-00	2,000.00	FLEMING HILL

CITY OF VALLEJO
555 SANTA CLARA ST.
VALLEJO, CA 94590

CHECK AMOUNT

\$*****2,000.00

VENDOR NO.

CLAIM NO.

671621

9999001

671621

CERTIFICATE OF SERVICE

Docket No. CAA-9-2008-00

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:

Osby Davis
Mayor
City of Vallejo, Fleming Hill WTP
555 Santa Clara Street
Vallejo, CA 94590

Mar. 24, 2008
Date

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