

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

FILED

May 15, 2025

1:59 pm

**U.S. EPA REGION 3
HEARING CLERK**

IN THE MATTER OF:

**Borough of Carlisle, Pennsylvania
54 North Middlesex Road
Carlisle, Pennsylvania 17013**

Respondent

**Carlisle Region Water Pollution
Control Facility
54 North Middlesex Road
Carlisle, Pennsylvania 17013**

Facility

DOCKET NO.: CAA-03-2025-0042

**EXPEDITED SETTLEMENT AGREEMENT
AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. Borough of Carlisle, Pennsylvania ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement (the "Agreement") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act" or "CAA"), 42 U.S.C. § 7413(a)(3), and (d), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination of Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated the authority to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d), and 40 C.F.R. §§ 22.1(a)(2) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was a "person" as defined in Section 302(e) of the CAA, 42

U.S.C. § 7602(e), and the owner and operator of a “stationary source,” as the term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.

4. On January 24, 2024, a representative of EPA conducted an inspection of Respondent’s facility known as Carlisle Region Water Pollution Control Facility (the “Facility”) located at 54 North Middlesex Road in Carlisle, Pennsylvania to determine compliance with Section 112(r) of the Act, 42 U.S.C. § 7412(r), and the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68, and observed that during the violation period set forth in the ESA, Respondent was handling more than 2,500 pounds of chlorine at the Facility.
5. Chlorine is a regulated toxic substance for purposes of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), because it is listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130. The threshold quantity for the regulated toxic substance is 2,500 pounds for chlorine, pursuant to 40 C.F.R. § 68.130, Tables. More than a threshold quantity of a regulated substance is present in a process at the Facility.
6. Based on EPA’s inspection and subsequent investigation, Complainant has identified the following violations of the RMP regulations:
 - a. From at least January 24, 2019, until January 24, 2024, Respondent’s emergency response program did not include sufficient procedures, including an evacuation plan. Additionally, employees lacked emergency response program training in violation of 40 C.F.R. § 68.95(a).
 - b. From at least January 24, 2019, until January 24, 2024, Respondent had inadequate or incorrect signage warning of the dangers of chlorine. Specifically, the NFPA diamond in use was incorrect for identifying chlorine in violation of 40 C.F.R. § 68.48(a).
 - c. From at least January 24, 2019, until January 24, 2024, Respondent’s chlorine room’s exhaust system exhausted outside the building onto sidewalk and no warnings or labels were present on the vent identifying the hazard in violation of 40 C.F.R. § 68.48(b).
 - d. From at least January 24, 2019, until January 24, 2024, Respondent did not have Standard Operating Procedures that address the operation of the electric overhead hoist in violation of 40 C.F.R. § 68.52(a).
 - e. From April 5, 2022, until January 3, 2024, Respondent did not perform a compliance audit at least every three years to verify that the procedures and

practices are adequate and are being followed in violation of 40 C.F.R. § 68.58(a).

- f. From at least January 24, 2019, until January 24, 2024, Respondent did not have documentation of a management system, specifically an organizational chart or documentation of employees' responsibilities in implementing individual elements of the RMP, in violation of 40 C.F.R. § 68.15(c).
7. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.
8. Complainant and Respondent agree that settlement of this matter for a penalty of \$2,640 (TWO THOUSAND SIX HUNDRED FORTY DOLLARS) is in the public interest. In calculating this amount, Complainant considered the factors provided in CAA Section 113(e)(1), EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program, dated June 20, 2012, as well as the EPA Memoranda, "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated December 20, 2013, and "Revised Guidance on the Use of Expedited Settlement Agreements," dated November 24, 2014.
9. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$2,640** to "**United States Treasury**" with the case name, address, and docket number of this Agreement (CAA-03-2025-0042), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:
<https://www.epa.gov/financial/makepayment> . For additional instructions see:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa> .
10. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Liam Fisher
fisher.liam@epa.gov

and

Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov

11. The Respondent certifies that, since its last Risk Management Plan update required pursuant to 40 C.F.R. § 68.190, it has not done either of the following: (a) introduced a new regulated substance at the Facility in an amount greater than its threshold quantity; or (b) introduced a new process which uses a regulated substance in an amount greater than its threshold quantity.
12. In signing this Agreement, the Respondent admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
13. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the violations alleged in this Agreement, and (2) any documentation or information that he or she provided to EPA was true and accurate.
14. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
15. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) and Section 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement, following its filing with the Regional Hearing Clerk.
16. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

17. COST OF COMPLIANCE: Respondent certifies that it has expended \$2,497.23 to correct the alleged violation(s) and to come into compliance.
18. This Agreement is binding on the parties signing below and is effective upon filing of the ESA and Final Order by the Regional Hearing Clerk, in accordance with 40 C.F.R. § 22.31(b).
19. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
20. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind the Borough of Carlisle.
21. As permitted under 40 C.F.R. § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: fisher.liam@epa.gov (for Complainant), and mkenny@carlislepa.org (for Respondent).
22. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent:

Borough of Carlisle, Pennsylvania

Date: 5/9/2025

By:


Melissa Kenny, Senior Operator II

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Melvin,
Karen

Digitally signed by Melvin,
Karen
Date: 2025.05.15
07:43:26 -04'00'

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

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REGION 3
Philadelphia, Pennsylvania 19103**

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Respondent**EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER**

**Carlisle Region Water Pollution
Control Facility
54 North Middlesex Road
Carlisle, Pennsylvania 17013**

Facility**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Borough of Carlisle, Pennsylvania, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the factors provided in CAA Section 113(e)(1), EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program, dated June 20, 2012, as well as the EPA Memoranda, "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated December 20, 2013, and "Revised Guidance on the Use of Expedited Settlement Agreements," dated November 24, 2014.

NOW, THEREFORE, PURSUANT TO Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and in accordance with Section 18(b)(3) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, and having relied upon the representations of the parties set forth in this Agreement, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of \$2,640.00 (**TWO THOUSAND SIX HUNDRED FORTY DOLLARS**), in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and the regulations promulgated thereunder.

This Expedited Settlement Agreement and Final Order will be effective upon filing of the ESA and Final Order by the Regional Hearing Clerk.

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.05.15
11:46:09 -04'00'

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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	:	
Respondent	:	
	:	
Carlisle Region Water Pollution	:	
Control Facility	:	
54 North Middlesex Road	:	
Carlisle, Pennsylvania 17013	:	
	:	
Facility	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Melissa Kenny, Senior Operator II
Carlisle Borough, Pennsylvania
mkenny@carlislepa.org
54 North Middlesex Road
Carlisle, PA 17013

Liam Fisher
RMP Inspector
U.S. EPA, Region 3
fisher.liam@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.05.15 14:01:34 -0400

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3