



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 19 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas R. Morgan
General Manager
Montgomery Water Works
& Sanitary Sewer Board
22 Bibb Street
Montgomery, AL 36104

SUBJ: Expedited Settlement Agreement
Montgomery Water Works & Sanitary Sewer Board
Docket No. CAA-04-2007-8004(b)

Dear Mr. Morgan:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2007-8004(b)) involving the Montgomery Water Works & Sanitary Sewer Board. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date.

As required by the ESA, within fifteen days of receipt of this letter, a cashier's check or certified check in the amount of \$1220, made out to the "Treasurer, United States of America", should be submitted to the following address:

Mellon Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
500 Ross Street
Pittsburgh, Pennsylvania 15262-0001

The Docket No. should be included on the check. Also, a separate copy of the check and a written statement that payment has been made in accordance with this ESA should be sent to the following individuals:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,

A handwritten signature in black ink, appearing to read "Caron B. Falconer". The signature is fluid and cursive, with the first name "Caron" being the most prominent part.

Caron B. Falconer, Chief
EPCRA Enforcement Section

Enclosures (2)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT
AGREEMENT

DOCKET NO: CAA-04-2007-8004(b)

This ESA is issued to:

Montgomery Water Works & Sanitary Sewer Board
Day Street Pumping Station
2350 Day Street
Montgomery, Alabama 36108

for violating the following requirement of Section 112(r)(7) of the Clean Air Act:
40 CFR § 68.50; 40 CFR § 68.58; and 40 CFR § 68.190.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by the Montgomery Water Works & Sanitary Sewer Board (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 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted on August 10, 2005, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when:

Respondent did not provide evidence that it has updated the process hazard review at least every five years as required by 40 CFR § 68.50(d);

Respondent did not provide evidence that at least every three years, Respondent has evaluated its compliance with the prevention program requirements and certified that its procedures and practices are adequate and are being followed as required by 40 CFR § 68.58(a); and

Respondent did not provide evidence that it had reviewed, updated and submitted its Risk Management Plan within five years of the previous submittal as required by 40 C.F.R § 68.190(b)(1).

SETTLEMENT

In consideration of Respondent's size, 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 cited above, for the total penalty amount of \$1220.

RECEIVED
EPA REGION IV
2007 MAR 19 PM 1:08
HEARING CLERK

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violation listed in this ESA. Respondent shall pay a civil penalty of **\$1220**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days after receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1220**, in payment of the full penalty amount to the following address:

Mellon Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
500 Ross Street
Pittsburgh, Pennsylvania 15262-0001

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303

Upon Respondent's payment of the penalty, EPA will take no further civil action against Respondent for the alleged violation of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer
U. S. EPA - Region 4
61 Forsyth St., S. W.
Atlanta, Georgia 30303
(404) 562-8451

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Thomas R Morgan

Date: 3/1/07

Name (print): THOMAS R MORGAN

Title (print): GENERAL MANAGER
Montgomery Water Works & Sanitary Sewer Board

FOR COMPLAINANT:

Carol G. Kamberger

Date: 2/23/07

Beverly H. Banister
Director
Air, Pesticides & Toxics
Management Division
Region 4

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

Susan B. Schub

Date: 3/15/07

Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Montgomery Water Works & Sanitary Sewer Board, CAA-04-2007-8004(b), on the parties listed below in the manner indicated:

Caron B. Falconer
U. S. EPA - Region 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Alan Dion
U. S. EPA - Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Mr. Thomas R. Morgan
General Manager
Montgomery Water Works & Sanitary Sewer Board
22 Bibb Street
Montgomery, AL 36104

(Via Certified Mail -
Return Receipt Requested)

Date:

3-19-07



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundri Wilson on 3/14/07
(Name) (Date)

in the OEA, MATOL at (404) 562-9504
(Office) (Telephone Number)

- | | |
|--|---|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree USAO COLLECTS | <input type="checkbox"/> Administrative Order/Consent Agreement FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree DOJ COLLECTS | <input type="checkbox"/> Oversight Billing - Cost Package required: Sent with bill |
| <input type="checkbox"/> Other Receivable | <input type="checkbox"/> Not sent with bill |
| <input type="checkbox"/> This is an original debt | <input type="checkbox"/> Oversight Billing - Cost Package not required |
| | <input type="checkbox"/> This is a modification |

PAYEE: Montgomery Water Works & Sanitary Sewer Board
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 1220
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA-04-2007-8004(6)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: _____

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number is: _____ Date _____

If you have any questions, please call: Peggy Whitney of the Financial Management Section at: (404) 562-8238.

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|--|---|
| 1. Debt Tracking Officer Environmental Enforcement Section Department of Justice RM 1647 P.O. Box 7611, Benjamin Franklin Station Washington, D.C. 20044 | 2. Originating Office (EAD) 3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- | | |
|--|---|
| 1. Originating Office 2. Regional Hearing Clerk | 3. Designated Program Office 4. Regional Counsel (EAD) |
|--|---|