



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

MAR 03 2010

Mr. David Esquivel
Public Works Director
City of Cleburne
P. O. Box 677
Cleburne, TX 76033-0677

Re: Expedited Settlement Agreement-Final Order
Docket No. CAA-06-2010-3546

Dear Mr. Esquivel:

Enclosed for your records is a copy of the fully executed Expedited Settlement Agreement (ESA) for the CAA 112(r) violation found at the City of Cleburne Wastewater Treatment Plant located in Cleburne, Texas.

If you have any questions regarding this matter, please do not hesitate to call. I may be reached by phone at (214) 665-6632 or by email at GOODFELLOW.BOB@EPA.GOV.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Goodfellow", with a horizontal line extending to the right.

Bob Goodfellow
Response and Prevention Branch
EPA Region 6

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

FILED
2010 MAR -3 AM 8:44
REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: 06-2010-3546

**This complaint is issued to: City of Cleburne Wastewater Treatment Plant
At: 1801 Park Road, Cleburne, TX
for violating Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by 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 August 13, 2003, 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.

On November 16, 2009, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET ("FORM"), 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 attached FORM for the total penalty amount of \$ 650.00.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, 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 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 the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$ 650.00 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 63197-900051

The DOCKET NUMBER OF THIS EXPEDITED SETTLEMENT AGREEMENT must be included on the certified check. (The DOCKET NUMBER is located at the top left corner of this Expedited Settlement Agreement.)

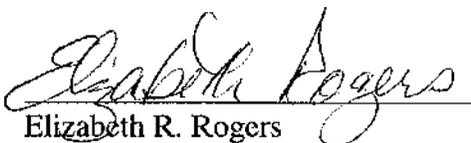
This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:

Elizabeth R. Rogers
RMP 112(r) Compliance Officer
Superfund Division (6SF-PC)
U. S. Environmental Protection Agency Region 6
1445 Ross Avenue, 12th Floor
Dallas, Texas 75202-2733

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March 2010, the original of the foregoing Final Order of Clean Air Act, Section 112(r) Expedited Settlement Agreement was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. David Esquivel
Public Works Director
City of Cleburne
P. O. Box 677
Cleburne, TX 76033-0677


Elizabeth R. Rogers
RMP 112(r) Compliance Officer