



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

**\*\* FILED \*\***  
 06AUG2015 05:43PM  
 U.S. EPA - Region 09

0005

DOCKET NO: CAA (112r)-09-2015-00

This ESA is issued to: City of Tracy  
 333 Civic Center Plaza  
 Tracy, CA 95376

For: Violation of Section 112(r)(7) of the Clean Air Act.  
 At: City of Tracy Waste Water Treatment Plant, 3900 Holly Dr., Tracy, CA 95304

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, the Superfund Director, and City of Tracy ("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). EPA is authorized to bring this action pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

I. 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. §§ 68.190(a) and 68.195. Respondent failed to review and update its RMP and submit it to EPA on or before 07-09-2014 in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.195.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, 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 **\$1,600.00**.

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 an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields) **or alternatively has sent a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of **\$1,600.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency  
 Fines and Penalties  
 Cincinnati Finance Center  
 PO Box 979077  
 St. Louis, MO 63197-9000

The online payment or cashier's check should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center. This original ESA and a copy of the check or online receipt must also be sent by certified mail to:

Angie Proboszcz (SFD-9-3)  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

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

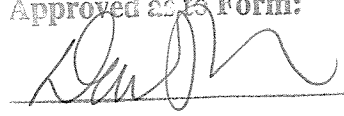
FOR RESPONDENT – Troy Brown

Signature: 

Date: 6/3/15

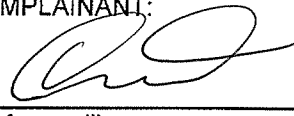
Name (print): Troy Brown

Approved as to Form:



Title (print): City Manager, City of Tracy

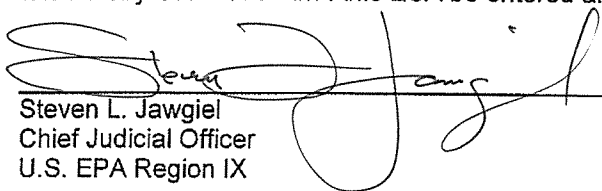
FOR COMPLAINANT:



Date: 7/30/15

Enrique Manzanilla  
Superfund Director  
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.

  
Steven L. Jawgiel  
Chief Judicial Officer  
U.S. EPA Region IX

Date: 08/06/15

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER for the Expedited Settlement Agreement (ESA) in the matter of City of Tracy Waste Water Treatment Plant [Docket Number CAA(112R)-09-2015-~~0005~~ ] has been signed by the Regional Judicial Officer and has been filed with the Regional Hearing Clerk.

The Final Order has been served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:  
(With Return Receipt)

Respondent -

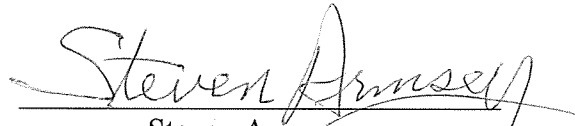
Mr. Troy Brown  
City Manager  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

HAND DELIVERED:

Complainant -  
(By Counsel)

Letitia Moore  
Office of Regional Counsel  
ENVIRONMENTAL PROTECTION AGENCY  
75 Hawthorne Street  
San Francisco, CA. 94105

Dated at San Francisco, CA, Aug. 6, 2015;

  
Steven Armsey  
Regional Hearing Clerk  
EPA, Region 9