



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
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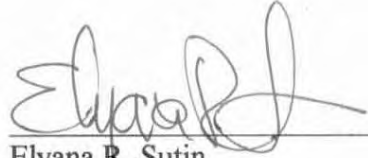
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DOCKET NO.: CAA-08-2009-0017

IN THE MATTER OF:)	
)	
SPANISH FORK WASTEWATER)	FINAL ORDER
TREATMENT PLANT)	
Spanish Fork, UT)	
)	
RESPONDENT)	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 30th DAY OF April, 2009.



 Elyana R. Sutin
 Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER)
)
) **EXPEDITED SETTLEMENT AGREEMENT**
)
 Spanish Fork Wastewater Treatment)
 Plant, Spanish Fork, Utah) (COMBINED COMPLAINT AND
) (CONSENT AGREEMENT)
)
 Respondent) **DOCKET NO. : CAA-08-2009-0017**
)

This Expedited Settlement Agreement (also known as a "Combined Complaint and Consent Agreement," hereafter "ESA") is entered into by the parties for the purpose of simultaneously commencing and concluding this matter.

This ESA is being entered into by the United States Environmental Protection Agency ("EPA"), Region 8, by its duly delegated official, the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, and by Spanish Fork Wastewater Treatment Plant, ("Respondent") pursuant to sections 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. §§ 7413(a)(3) and (d), and 40 C.F.R. § 22.13(b). The EPA and the U.S. Department of Justice have determined, pursuant to section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that the EPA may pursue this type of case through administrative enforcement action.

ALLEGED VIOLATIONS

On February 27, 2009, an authorized representative of the EPA conducted a compliance inspection of the Spanish Fork Wastewater Treatment Plant facility located at 175 East 2160 North Street, Spanish Fork, Utah, 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. The EPA found that the facility had violated regulations implementing section 112(r) of the Act by failing to comply with the specific requirements outlined in the attached *RMP Program Level 3 Process Checklist-Alleged Violations & Penalty Assessment* ("Checklist and Penalty Assessment").

SETTLEMENT

In consideration of the Respondent's facility service 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 this ESA in order to settle the violations for the total penalty amount of \$1,350. An explanation for the penalty calculation is found in the attached *Expedited Settlement Penalty Matrix*.

This settlement is subject to the following terms and conditions:

1. The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in the Checklist and Penalty Assessment and consents to the assessment of the penalty as stated above.
2. The 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, and consents to the EPA's approval of the ESA without further notice.
3. Each party to this action shall bear its own costs and fees, if any.
4. The Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent will correct the violations listed in the Checklist and Penalty Assessment no later than 60 days from the date the ESA is signed by the Respondent.

After the Regional Judicial Officer issues the Final Order, the Respondent will receive a fully executed copy of this ESA and the Final Order. Within twenty days (20) of receiving a signed Final Order, the Respondent shall remit payment in the amount of \$1,350. The payment shall reference the name and docket number of this case and be made by remitting a cashier's or certified check, for this amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Federal Express, Airborne, or other commercial carrier:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Wire Transfers:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727

ACH Transactions:

PNC Bank/Remittance Express
ABA: 051036706
Account Number: 310006
CTX Format, Transaction Code 22, checking

There is now an On Line Payment Option, available through the U.S. Department of Treasury. This payment option can be accessed from the information below:

www.PAY.GOV

A copy of the check, or notification that the payment has been made by one of the other methods listed above, shall be sent simultaneously to:

Tina Artemis, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street [8RC]
Denver, Colorado 80202-1129

and

David Cobb
EPCRA/RMP Enforcement Coordinator
US EPA, Region 8
1595 Wynkoop Street [8ENF-AT]
Denver, Colorado 80202-1129

The penalty specified in this ESA shall not be deductible for purposes of State or Federal taxes.

Upon the Respondent's receipt of the signed ESA and Final Order by the Regional Judicial Officer and payment of the penalty as set forth in this ESA, the EPA will take no further civil action against the Respondent for the alleged violations of the Act referenced in the Risk Management Plan Penalty Checklist. The EPA does not waive its right to take enforcement action for other violations of the Clean Air Act or for violations of any other statute.

If the signed original ESA is not returned to the EPA Region 8 office at the above address in correct form by the Respondent in a timely manner, the proposed ESA is withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations identified herein.

In addition, if the Respondent fails to comply with the provisions of this ESA, by either 1) failing to timely submit the above-referenced payment or 2) by failing to correct the violations no later than 60 days from the date the ESA is signed by the Respondent, the Respondent agrees

that this agreement shall become null and void, and that the EPA may file an administrative or civil enforcement action against the Respondent for the violations addressed herein.

This ESA is binding on the parties signing below.

Spanish Fork Wastewater Treatment Plant Expedited Settlement Agreement

FOR RESPONDENT:

Dennis R. Sorensen

Date: 4-14-2009

Name (print): Dennis R Sorensen

Title (print): Superintendent
Spanish Fork Wastewater Treatment Plant

FOR COMPLAINANT:

Sharon L Kerche for AMG

Date: 28 April 2009

Andrew M. Gaydosh, Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice

RMP PROGRAM LEVEL 3 PROCESS CHECKLIST

ALLEGED VIOLATIONS AND PENALTY ASSESSMENT

Facility Name: Spanish Fork Wastewater Treatment Plant

Inspection Date: **2/27/2009**

SECTION C: PREVENTION PROGRAM

PENALTY

Prevention Program – Operating Procedures [68.69]

Has the owner or operator certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary? **[68.69(c)]. No. Documentation of annual review and certification of SOPs was not available for review. There was a “chlorine tank changing precaution checklist” available but it was not dated/certified.**

600

Prevention Program – Training [68.71]

Has the owner or operator ascertained and documented in a record that each employee involved in operating a process has received and understood training or, if applicable, certified that employees operating the system prior to June 21, 1999 have the knowledge, skills, and abilities to safely carry out duties? **[68.71(a)(2) and 68.71(c)]. No. Initial training or certification was not documented. There was no documentation that employee understood the training. The Chlorine Institute recommends a minimum training that includes chlorine properties, health hazards (including delayed effects), chlorine containers, basics of transport/storage/handling containers, connecting/disconnecting/unloading containers, chlorine leaks, and first aid (The Chlorine Institute Pamphlet 155). Employee record must contain identity of employee, date of training, and means to verify training has been understood.**

300

300

Prevention Program – Mechanical Integrity [68.73]

Has the owner or operator ensured that the frequency of inspections and tests of process equipment is consistent with applicable manufacturers’ recommendations, good engineering practices, and prior operating experience? **[68.73(d)(3)] No. Chlorine alarm is calibrated by operators not using manufacturer’s recommended methodology (test kit U25734) and the calibration is not documented as in accordance with industry standards (The Chlorine Institute Pamphlet 155). Hoist load test has not been documented since 1997—there was no standard available or referenced for frequency of load testing (manufacturer recommendations or other standard).**

450

<p>Has the owner or operator documented each inspection and test that had been performed on process equipment, which identifies the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the test was performed, a description of the inspection or test performed, and the results of the inspection or test? [68.73(d)(4)] No. There was no documentation that process equipment has been inspected. There was not a daily, weekly, and/or monthly log of inspections, “walk-through’s”, or tests in process area.</p>	<p>450</p>
<p>Prevention Program – Compliance Audits [68.79]</p>	
<p>Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.79(d)] No. The audit dated 2-11-08 documented findings but had no dates listed for completion of corrective action or responsible parties.</p>	<p>150</p>
<p>SECTION G: EMERGENCY RESPONSE [68.90 – 68.95]</p>	
<p>Is there an emergency response plan maintained at the stationary source and does it contain the following: [68.95(a)1]</p> <ul style="list-style-type: none"> • Procedures for informing the public and local response agencies about accidental releases? [68.95(a)1)i] • Documentation of proper first aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)] • Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)] <p>No. SFWTP is located adjacent to the Longview Fiber manufacturing facility and City utilities; procedures must be documented for notifying these entities in the case of a release as well as notifying local responders (fire department, State reporting, etc). Specific first aid procedures for chlorine exposure must be included in response plan. Training in response plan contents and procedures (evacuation, first-aid, notification of the public, chlorine containment (if applicable)) must be documented for each employee and a system to review and update the plan as appropriate must be implemented.</p>	<p>375</p> <p>375</p> <p>375</p>
<p>BASE PENALTY</p>	<p>\$3375</p>

RECOMMENDATIONS:

Improve Process Hazard Analysis (PHA) Documentation

PHA findings and recommendations should be prioritized with corrective action, including dates for completion. Documentation of resolution should be included with PHA review with specific dates.

Develop Written Plan for Employee Participation

Facility did not have a written plan for employee participation in the RMP (development of PHAs, SOPs, training). Although there are few employees on-site, the RMP should clarify—in a written procedure—for employee participation to carry out the components of the RMP, including access to the results of the PHA if they are not involved in the analysis itself.



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**Spanish Fork Wastewater Treatment Plant, Spanish Fork, Utah
EXPEDITED SETTLEMENT PENALTY MATRIX**

MULTIPLIER FACTORS FOR CALCULATING PROPOSED PENALTIES FOR VIOLATIONS
FOUND DURING RMP INSPECTIONS

Governmental Entities*

Service Size (pop.)	Multiplier
0-10,000	.2
10,001-25,000	.4
25,001-50,000	.5
>50,000	1

*Primarily public drinking water and waste water systems (40 CFR Part 68, pg 31715, dated June 20, 1996)

PENALTY WORKSHEET

Adjusted Penalty = Unadjusted Penalty X Service Size Multiplier

The Unadjusted Penalty is calculated by adding up all the penalties listed on the Process Checklist of Alleged Violations & Penalty Assessment

The Service Size multiplier considers the population served by the entity. The penalty is the amount of the non-negotiable penalty that is calculated by multiplying the total Unadjusted Penalty and the Service Size multiplier.

PENALTY CALCULATION

Unadjusted Penalty X Service Size Multiplier = Adjusted Penalty

$$\$3375 \times .4 = \$1,350$$

Adjusted penalty = \$1,350

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT/FINAL ORDER** in the matter **SPANISH FORK WASTEWATER TREATMENT PLANT; DOCKET NO.: CAA-08-2009-0017**; these documents were filed with the Regional Hearing Clerk on April 30, 2009.

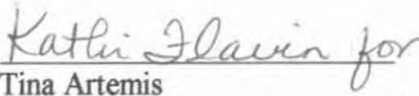
Further, the undersigned certifies that a true and correct copies of the documents were delivered to David Rochlin, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on April 30, 2009 to:

Dennis Sorensen, Manager
Spanish Fork Wastewater Treatment Plant
175 East 2160 North Street
Spanish Fork, UT 84660

E-mailed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

April 30, 2009


Tina Artemis
Paralegal/Regional Hearing Clerk

