



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

**FEB 06 2009**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. David Popham  
Plant Manager  
Five Star Water Supply District  
251 Lakeview Drive  
Wetumpka, Alabama 36092

SUBJ: Expedited Settlement Agreement  
Five Star Water Supply District  
Docket No. CAA-04-2009-8009(b)

Dear Mr. Popham:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2007-8009(b)) involving Five Star Water Supply District. 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. Penalty payment of \$600 has been received, and the United States Environmental Protection Agency, Region 4, Emergency Planning and Community Right-to-Know Act Enforcement Section, considers this matter closed.

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

Sincerely,

A handwritten signature in cursive script that reads "Caron B. Falconer".

Caron B. Falconer, Chief  
EPCRA Enforcement Section

Enclosures (2)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
EXPEDITED SETTLEMENT  
AGREEMENT**

**DOCKET NO: CAA-04-2009-8009(b)**

**This ESA is issued to:**

**Five Star Water Supply District  
251 Lakeview Drive  
Wetumpka, Alabama 36092**

**for violating 40 CFR § 68.48, 40 CFR § 68.58 and Section 112(r)(7) of the Clean Air Act**

RECEIVED  
EPA REGION IV  
2009 FEB -5 PM 3:29  
HEALTH AND SAFETY

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 Five Star Water Supply District (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 pursuant to 40 CFR § 22.13(b).

**ALLEGED VIOLATIONS**

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 251 Lakeview Drive, Wetumpka, Alabama, on February 13, 2008, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that:

It has compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment as required by 40 CFR § 68.48:

Safe upper and lower temperatures, pressures, flows, and compositions (40 CFR § 68.48(a)(3));

Equipment specifications (40 CFR § 68.48(a)(4)); and

Codes and standards used to design, build, and operate the process (40 CFR § 68.48(a)(5)); and

It has conducted audits to evaluate its compliance with the chemical accident prevention program requirements at least every three years, and based on such audits, certified that the procedures and practices are adequate and are being followed as required by 40 CFR § 68.58(a).

## 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 **\$600**.

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 violations listed in this ESA. Respondent shall pay a civil penalty of **\$600**. **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 **\$600**, in payment of the full penalty amount to one of the following addresses:

For payment sent via U.S. Postal Service  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson @ 314-418-4087

**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 violations 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:

David Popham for  
Five Star Water Supply District Date: 1-22-2009

Name (print): David Popham

Title (print): Plant Manager  
Five Star Water Supply District

FOR COMPLAINANT:

Nichol A. Schutt for Date: 1/20/09

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: February 5, 2009  
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 Five Star Water Supply District, CAA-04-2009-8009(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)

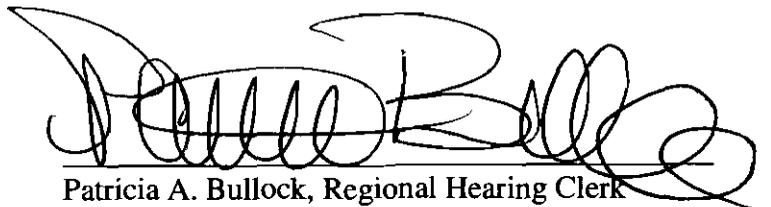
Elizabeth O'Sullivan  
U. S. EPA - Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Mr. David Popham  
Plant Manager  
Five Star Water Supply District  
251 Lakeview Drive  
Wetumpka, Alabama 36092

(Via Certified Mail -  
Return Receipt Requested)

Date: 2-6-09



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: Saundi Wilson on 2/4/09  
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9504  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required:  
Sent with bill

Other Receivable

Not sent with bill

This is an original debt

Oversight Billing - Cost Package not required

This is a modification

PAYEE: Five Star Water Supply District, Wetumpka AL  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 600  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA 04 2009 8009

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**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<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>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<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|