



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 25 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brandon Battles
Director of Talent Management
Zeco Inc. d/b/a Zeco Cummings, Inc.
3401 Cummings Road
Chattanooga, Tennessee 37419

Re: Expedited Settlement Agreement
Zeco Inc. d/b/a Zeco Cummings, Inc.
CAA-04-2019-8008(b)

Dear Mr. Battles:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter, Docket No. CAA-04-2019-8008(b), involving Zeco Cummings, Inc. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. **The penalty payment should be made within 15 days after the receipt of the signed, approved and filed ESA.**

If you need additional information in this matter, please contact Mr. Om P. Devkota at (404) 562-8963.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony G. Toney".

Anthony G. Toney
Chief
Chemical Safety and Enforcement Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2019-8008(b)

This ESA is issued to: Zeco, Inc. d/b/a Zeco Cummings, Inc.
3401 Cummings Road
Chattanooga, Tennessee 37419

for violating 40 CFR § 68.15, 40 CFR § 68.25, 40 CFR § 68.30, 40 CFR § 68.39, 40 CFR § 68.48, 40 CFR § 68.50, 40 CFR § 68.52, 40 CFR § 68.195 and 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, Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Zeco, Inc. d/b/a Zeco Cummings, Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(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 3401 Cummings Road, Chattanooga, Tennessee, on December 12, 2018, the EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Provisions, when at the time of inspection, Respondent did not provide evidence that:

It developed a management system to oversee the implementation of the Clean Air Act 112(r) Risk Management Program elements, as required by 40 CFR § 68.15(a).

It established and analyzed one worst-case scenario that is estimated to create the greatest distance to any direction to an endpoint defined in appendix A resulting from an accidental release of regulated toxic substance as required by 40 CFR § 68.25(a)(2)(i).

It determined the volatilization rate of toxic liquid by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution, as required by 40 CFR § 68.25(d)(2).

It identified the presence of institutions, parks, and recreational areas, major commercial office, and industrial buildings in the Risk Management Plan, as required by 40 CFR § 68.30(b).

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It maintained the records for alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate, as required by 40 CFR § 68.39(b).

It documented maximum intended inventory of equipment in which the regulated substances are stored or processed and maintained the safety information as required by 40 CFR § 48(a).

It conducted a review of the hazards associated with the regulated substances, processes, and procedures as required by 40 CFR § 68.50(a).

It identified safeguards used or needed to control the hazards or prevent equipment malfunctions or human error, as required by 40 CFR § 68.50(a)(3), when it did not display warning signs and safeguards needed to prevent human errors.

It developed and implemented written operating procedures that address initial startup, normal operations, temporary operations, and emergency shutdown and operations, as required by 40 CFR § 68.52.

It submitted corrected emergency contact information within thirty days of the change, as required by 40 CFR § 68.195.

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts 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 **\$8,500**.

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 appeal this ESA or otherwise 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.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$8,500**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$8,500**, in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

1005 Convention Plaza

SL-MO-C2-GL

St. Louis, MO 63101

Delivery Location Phone Number: 314- 425-1819

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:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303, and

Om P. Devkota
U.S. EPA Region 4
Chemical Management and Emergency
Planning Section
61 Forsyth Street S.W.
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Brandon Battles Date: 03/14/2019
Name (print): Brandon Battles
Title (print): IPT Director
Zeco, Inc. d/b/a Zeco Cummings, Inc.

FOR COMPLAINANT:

Carol L. Kemker Date: 4/17/19
Carol L. Kemker
Acting Director
Air, Pesticides and Toxics Management Division

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

Tanya Floyd Date: April 25, 2019
Tanya Floyd
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 (ESA), in the matter of Zeco Cummings, Inc., CAA-04-2019-8008(b), on the parties listed below in the manner indicated:

Om P. Devkota
U. S. EPA, Region 4
Air, Pesticides and Toxics
Management Division

(Via EPA's internal mail)

Michi Kono
U. S. EPA, Region 4
Office of Regional Counsel

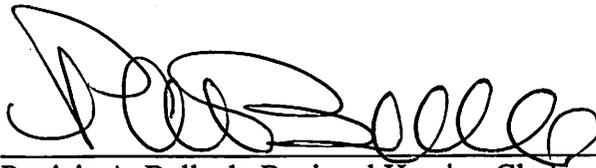
(Via EPA's internal mail)

Mr. Brandon Battles
Director of Talent Management
Zeco Inc. d/b/a Zeco Cummings, Inc.
3401 Cummings Road
Chattanooga, Tennessee 37419

(Via Certified Mail - Return Receipt Requested)

Date: _____

4-25-19



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511