



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

FILED

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U.S. EPA REGION IX
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2008-0012
This ESA is issued to: McKinleyville Community Services District
1656 Sutter Road, McKinleyville, CA 95519

For: Violation of Section 112(r)(7) of the Clean Air Act.

At: MCSD Wastewater Management Plant, 795 Hiller Road, McKinleyville, CA 95519

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by the McKinleyville Community Services 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 by 40 C.F.R. § 22.13(b). On November 30, 2006, 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.

ALLEGED VIOLATIONS

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

Karin Graves (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in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.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 – McKinleyville Community Services District

Signature: Thomas A. Marking

Date: 1/28/08

Name (print): Thomas A. Marking

Title (print): General Manager

FOR COMPLAINANT:

for Keith Takata

Date: 2-12-08

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

Date: 02/14/08

CERTIFICATE OF SERVICE

Docket No. CAA-9-2008-0012

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with the Docket number referenced above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested, to:

Greg Orsini
Operations Director
MCSD Wastewater Management Facility
1656 Sutter Road
Mckinleyville, CA 95519

Feb. 15, 2008
Date

for Steven Arnsay, Acting
Danielle Carr
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105