



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

FILED

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REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

Docket No: CAA 06-2022-3301

This ESA is issued to: City of Alexandria / Highway 28 West Site

At: 7880 Coliseum Blvd., Alexandria, Louisiana 71301

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

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and the City of Alexandria (Respondent) have agreed to a settlement of this action before filing a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's Policies¹ are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On June 6, 2019, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located in Alexandria, Louisiana to determine compliance with the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The EPA found that Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

- (1) 40 C.F.R. § 68.56(a) - Maintenance. *"(a) The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment."*
- (2) 40 C.F.R. § 68.56(d) - Maintenance. *"(d) The owner or operator shall perform or cause to be performed inspections and tests on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, and prior operating experience."*
- (3) 40 C.F.R. § 68.58(a) - Compliance Audits. *"(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart for each covered process, at least"*

¹ "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

every three years to verify that the procedures and practices developed under the rule are adequate and are being followed. When required as set forth in paragraph (f) of this section, the compliance audit shall be a third-party audit.”

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the criteria set forth in EPA’s policies¹, and upon consideration of the entire record, EPA and Respondent enter into this ESA in order to settle the violations, described above, for the total penalty amount of **\$3,000.00**. This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, 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. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed above and has paid the full penalty of **\$3,000.00** by certified or cashier’s check made payable to the “United States Treasury” and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

The Docket Number of this ESA is **CAA 06-2022-3301** and must be included on the payment. **The signed ESA and a copy of payment must be sent by email to:** flores.carlos@epa.gov.

Full payment of the ESA penalty shall only resolve Respondent’s civil monetary liability for the violations alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to EPA Region 6 at the above email address in correct form by Respondent within 30 days of the date of receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA’s ability to file additional enforcement actions for the violation identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: flores.carlos@epa.gov

To Respondent: Alainna.Mire@cityofalex.com

SIGNATURE BY RESPONDENT:

Signature: Alainna Renee' Mire

Date: June 29, 2022

Name (print): Alainna Renee' Mire

Title (print): Chief Resilience Officer/Assistant City

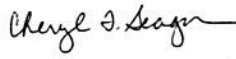
Attorney

Cost of Corrective Actions: 0

Respondent's Brief Description of Complying Action: The City of Alexandria Water Department has made modifications to its RMP to ensure that all maintenance, scheduled inspections and tests are performed to ensure the mechanical integrity of our regulated process equipment. All of the maintenance, scheduled inspections and tests have been incorporated into our Outlook System that will notify multiple RMP team members of these daily, weekly, monthly, semi-annual and annual tasks. We have also entered into a PSA with a third party contractor to facilitate Compliance Audits and Hazard Reviews of all existing facilities utilizing CL2 with an inventory above the RPM threshold. Again, I appreciate everything that your office has done to bring this to a close.

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

SIGNATURE BY EPA:



Digitally signed by CHERYL
SEAGER
Date: 2022.06.29 15:51:44 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

**THOMAS
RUCKI**

Digitally signed by THOMAS RUCKI
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=THOMAS RUCKI,
0.9.2342.19200300.100.1.1=68001003655804
Date: 2022.06.30 09:05:03 -04'00'

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct electronic copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via email to EPA: flores.carlos@epa.gov

Copy via email to Respondent: Alainna.Mire@cityofalex.com

Ms. Alainna Mire
Assistant City Attorney
City of Alexandria
P.O. Box 71
Alexandria, LA 71031

Copy via email to Regional Hearing Clerk: vaughn.loreana@epa.gov

Carlos Flores

United States Environmental Protection Agency
Region 6