



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAY 26 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Doyle
Manager
Shelbyville Water Treatment Plant
Shelbyville Municipal Water and Sewer Commission
1059 Washington Street
Shelbyville, Kentucky 40065

Re: Shelbyville Municipal Water and Sewer Commission
Expedited Settlement Agreement
CAA-04-2016-8010(b)

Dear Mr. Doyle:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2016-8010(b)) involving Shelbyville Municipal Water and Sewer Commission. 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. If you have any questions, please call Mr. Victor Weeks at (404) 562-9189.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Bookman for".

Robert W. Bookman
Chief
Chemical Management and Emergency
Planning Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2016-8010(b)

This ESA is issued to: Shelbyville Municipal Water and Sewer Commission
1059 Washington Street
Shelbyville, Kentucky 40065

for violating 40 CFR §§ 68.65, 68.67, 68.69, 68.73, 68.87, 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 (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Shelbyville Municipal Water and Sewer Commission (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 2759 Frankfort Road, Shelbyville, Kentucky 40065, on August 12, 2014, 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 compiled written process safety information for the equipment in the process which included the relief system design and design basis as required by 40 CFR § 68.65(d)(1)(iv) and the ventilation system design as required by 40 CFR § 68.65(d)(1)(v);

It retained process hazard analyses and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process as required by 40 CFR § 68.67(g);

It certified annually that the operating procedures are current and accurate as required by 40 CFR § 68.69(c);

It developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout as required by 40 CFR § 68.69(d);

It ensured the frequency of inspections and tests of process equipment is consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience as required by 40 CFR § 68.73(d)(3); and

USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL
2016 MAY 26 AM 7:27
HEARING CLERK

It periodically evaluated the performance of the contract owner or operator in fulfilling their obligations (as described at §§ 68.87(c)(1) – (c)(5)), as required by 40 CFR § 68.87(b)(5).

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 **\$1080**.

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) calendar days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$1080**. 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 **\$1080**, 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. Environmental Protection Agency
Government Lockbox 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

Saundi Wilson
U. S. EPA, Region 4
Office of Environmental Accountability
61 Forsyth Street S.W.
Atlanta, Georgia 30303, and

Victor Weeks
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 EPA and shall not be deductible for purposes of State or Federal taxes.

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:

Robert W. Bookman
U.S. EPA, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303
(404) 562-9169

THIS SECTION INTENTIONALLY LEFT BLANK

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

FOR RESPONDENT:

Tom Doyle Date: 4/18/2016
Name (print): THOMAS Doyle
Title (print): MANAGER
Shelbyville Municipal Water and Sewer Commission

FOR COMPLAINANT:

Beverly H. Banister Date: 5/3/2016
Beverly H. Banister
Director
Air, Pesticides & Toxics Management Division

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

Tanya Floyd Date: May 24, 2016
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 Clean Air Act (CAA) Expedited Settlement Agreement, in the matter of Shelbyville Municipal Water and Sewer Commission, CAA-04-2016-8010(b), on the parties listed below in the manner indicated:

Robert W. Bookman
U. S. EPA, Region 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Michi Kono
U. S. EPA, Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, GA 30303

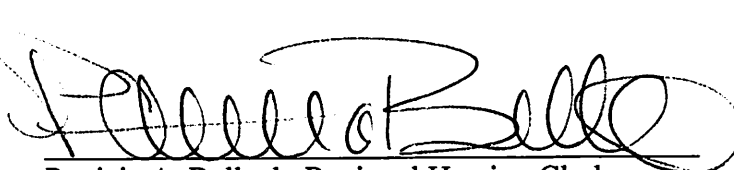
(Via EPA's internal mail)

Tom Doyle
Shelbyville Water and Sewer Commission
1059 Washington Street
Shelbyville, KY 40065

(Via Certified Mail -
Return Receipt Requested)

Date:

5-26-16



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