

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: EPCRA-04-2021-0600(b)

This Expedited Settlement Agreement is issued to:

**Southern Water Treatment Company, Inc.
2806 White Horse Road
Greenville, South Carolina 29611**

for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA)

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Southern Water Treatment Company, Inc., (Respondent), pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and pursuant to 40 C.F.R. § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 2806 White Horse Road, Greenville, South Carolina, on October 23, 2019, the EPA alleges that the Respondent violated the reporting requirements of Section 312 of EPCRA, 42 U.S.C. § 11022, when it did not timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II) as described in 40 C.F.R. Part 370, containing the information required by that part for sodium dimethyldithiocarbamate, sodium hydroxide, and ferrous chloride to the State Emergency Response Commission, the Local Emergency Planning Committee and the fire department with jurisdiction over the facility, for calendar years 2018, 2017 and 2016, on or before March 1 of the following year.

SETTLEMENT

In consideration of factors including the nature, circumstances, extent, and gravity of the violations, Respondent's prior history of violations, and any other matters as justice may require, the parties enter into the ESA in order to settle the violations cited above for the total penalty amount of **\$5,000**.

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 right to appeal this ESA and Final Order 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 as of the date of its execution of this ESA, it is in compliance with all relevant requirements of EPCRA Section 312 at the facility.

Within thirty (30) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$5,000**. 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 **\$5,000**, 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, Missouri 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, Missouri 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 30303-8960
R4_Regional_Hearing_Clerk@epa.gov, and

Eddie Chow
U.S. EPA Region 4
North Air Enforcement Section
Air Enforcement Branch
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960
chow.eddie@epa.gov

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 EPCRA or any other statute.

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

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:



Date: 5/28/2021

Name (print): Ana Bowers

Title (print): Vice President

Southern Water Treatment Company, Inc.

FOR COMPLAINANT:

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

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

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of Southern Water Treatment Company, Inc., Docket No. EPCRA-04-2021-0600(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Mr. Scott Bowers, President/CEO
Southern Water Treatment Company, Inc.
Email: scott.bowers@sowatreco.com
Phone number: 864-423-7190
2806 White Horse Road
Greenville, South Carolina 29611

To EPA: Om P. Devkota, Case Development Officer
Devkota.om@epa.gov
Phone number 404-562-8963

Eddie Chow, Inspector
Chow.eddie@epa.gov
Phone number: 404-562-9105

Marirose Pratt, Associate Regional Counsel
Pratt.marirose@epa.com
Phone number: (404) 562-9023

U.S EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Shannon L. Richardson, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960