



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

FILED

2010 OCT -8 AM 9:59

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

(112R)

DOCKET NO: CAA-09-2014-0001
This ESA is issued to: Clorox Products Manufacturing Company
1221 Broadway Ste 13, Oakland CA 94612

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

At: Clorox Products Manufacturing Company, 4333 Bandini Blvd., Vernon (Los Angeles) CA, 90058

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and by Clorox Products Manufacturing Company (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 May 24, 2010, 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

I. Respondent was required to document information pertaining to technology of the process, including an accurate maximum intended inventory of the regulated substance. 42 U.S.C §7412(r)(7); 40 C.F.R. § 68.65(c)(1)(iii). Respondent failed to comply with 40 C.F.R. § 68.65(c)(1)(iii), in violation of Section 112(r)(7) of the Act.

II. Respondent was required to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information addressing steps for each of the following operating phases: temporary operations; emergency operations; and startup following a turnaround or after emergency shutdown. 42 U.S.C §7412(r)(7); and 40 C.F.R. §§ 68.69(a)(1)(iii), 68.69(a)(1)(v), and 68.69(a)(1)(vii). Respondent failed to comply with 40 C.F.R. §§ 68.69(a)(1)(iii), 68.69(a)(1)(v), and 68.69(a)(1)(vii), in violation of Section 112(r)(7) of the Act.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$2100.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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 attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$2100.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The check should reference Respondent's name and a copy of this ESA must be included with the check. This original ESA and a copy of the check must be sent by certified mail to:

Jeremy Johnstone (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 - Clorox Products Manufacturing Company

Signature: 

Date: 9/22/10

Name (print): Angela C. Hill

Title (print): VP - Corporate Secretary

FOR COMPLAINANT:



Date: 9/27/10

Jane Diamond
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
Chief Judicial Officer
U.S. EPA Region IX

Date: 10/06/10

CERTIFICATE OF SERVICE

Docket No. CAA(112r)-09-2011-0001

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:

Angela C. Hilt, VP - Corporate Secretary
Clorox Products Manufacturing Company
1221 Broadway Ste 13
Oakland, CA 94612

10/8/10

Date



for: Steven Armsey
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105



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

CERTIFIED MAIL NO.: 7008 1140 0004 5420 7180
Return Receipt Requested

OCT 08 2010

Angela C. Hilt
Clorox Products Manufacturing Company
1221 Broadway Ste 13
Oakland, CA 94612

Re: Clorox Products Manufacturing Company, *Vernon (Los Angeles), CA*
RMP Facility ID#s: 1000 0006 7571

Dear Ms. Hilt:

This letter transmits a copy of the fully executed Expedited Settlement Agreement that resolves the alleged violations of Clean Air Act Section 112(r)(7) by Clorox Products Manufacturing Company, located at 4333 Bandini Blvd., Vernon (Los Angeles), CA 90058. The violation involves failure to resubmit or update Risk Management Plan information by May 24, 2010, as required by 40 CFR Part 68.

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the Clean Air Act Section 112(r)(7) requirements, please feel free to contact Jeremy Johnstone of my staff at (415) 972-3499.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Diamond".

for Jane Diamond
Director, Superfund Division

Enclosures