



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 09 2010

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Wayne Davis  
Water and Wastewater Manager  
Lawrenceburg Utility Systems  
1607 N. Locust Avenue  
Lawrenceburg, Tennessee 38464

SUBJECT: Lawrenceburg Water Treatment Plant, Lawrenceburg, Tennessee  
Expedited Settlement Agreement  
Docket No. CAA-04-2010-8016(b)

Dear Mr. Davis:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2010-8016(b)) involving the Lawrenceburg Utility Systems, Lawrenceburg, Tennessee. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date.

As required by the ESA, within fifteen days of receipt of this letter, a cashier's check or certified check in the amount of \$2800, made out to the "Treasurer, United States of America," should be submitted 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. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson @ 314-418-4087

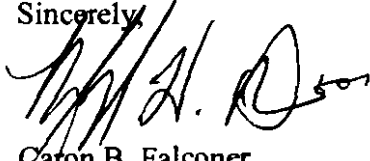
Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Victor L. Weeks  
U. S. EPA Region 4  
EPCRA Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,



Caron B. Falconer  
Chief, EPCRA Enforcement Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
EXPEDITED SETTLEMENT  
AGREEMENT

2010 JUN -9 PM 4:11  
HEARING CLERK  
EPA REGION 4

DOCKET NO: CAA-04-2010-8016(b)

This ESA is issued to:

Lawrenceburg Utility Systems  
1607 N. Locust Avenue  
Lawrenceburg, Tennessee 38464

for violating 40 CFR § 68.65, 40 CFR § 68.67, 40 CFR § 68.69, 40 CFR § 68.71, 40 CFR § 68.79, 40 CFR § 68.190 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 the Lawrenceburg Utility Systems, Lawrenceburg, Tennessee (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 pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that:

It has documented and compiled as part of the process safety information the following pertaining to the technology of the process as required by 40 CFR § 68.65(c)(1): (iv) safe upper and lower limits for such items as temperature, pressures, flows and compositions, and (v) an evaluation of the consequences of deviations;

It has documented and compiled as part of the process safety information the following pertaining to the process equipment as required by 40 CFR § 68.65(d)(1): (i) materials of construction, (ii) piping and instrument diagrams, (iii) electrical classification, (iv) relief system design and design basis, and (viii) safety systems (e.g., interlocks, detection or suppression systems);

It has updated and revalidated its process hazard analysis at least every five years as required by 40 CFR § 68.67(f);

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

It has provided refresher training, at least every three years, to employees involved with the covered processes to ensure that its employees understand and adhere to the current operating procedures as required by 40 CFR § 68.71(b);

It has conducted compliance evaluations, at least every three years, and based on such evaluations, certified that its accident prevention procedures and practices are adequate and are being followed as required by 40 CFR § 68.79(a); and

It has reviewed, updated and submitted its Risk Management Plan (RMPlan) to EPA at least every five years as required by 40 CFR § 68.190(b)(1). The Respondent's RMPlan was due for its five year review, update and resubmission on or before June 9, 2009. As of April 28, 2010, the Respondent had not updated and resubmitted its RMPlan.

## SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith effort 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 **\$2800**.

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 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. Respondent shall pay a civil penalty of **\$2800**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days after receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$2800**, 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. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson @ 314-418-4087

**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.

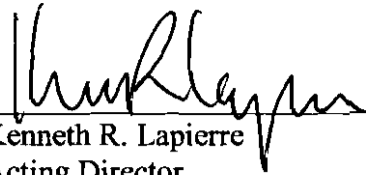
At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

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

Victor L. Weeks  
U. S. EPA Region 4  
EPCRA Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303

Upon Respondent's correction of alleged violations and 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.

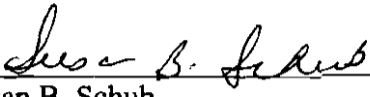
FOR COMPLAINANT:

  
\_\_\_\_\_

Kenneth R. Lapierre  
Acting Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

Date: 5/13/2010

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

  
\_\_\_\_\_

Susan B. Schub  
Regional Judicial Officer

Date: June 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Lawrenceburg Utility Systems, Lawrenceburg, Tennessee, CAA-04-2010-8016(b), on the parties listed below in the manner indicated:

Caron B. Falconer  
U. S. EPA - Region 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Ellen Rouch  
U. S. EPA - Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

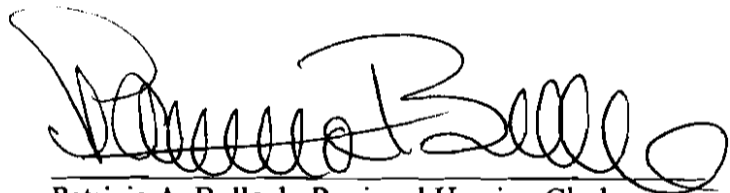
(Via EPA's internal mail)

Mr. Wayne Davis  
Water and Wastewater Manger  
Lawrenceburg Utility Systems  
1607 N. Locust Avenue  
Lawrenceburg, Tennessee 38464

(Via Certified Mail -  
Return Receipt Requested)

Date:

6-9-10



Patricia A. Bullock, Regional Hearing Clerk  
Unites States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303  
404-562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 6/4/10  
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9504  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required:  
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Lawrenceburg Utility Systems  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 2800  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA 04 2010-8016(b)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |                              |
|--|------------------------------|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)  |
|  | 3. Designated Program Office |

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |                           |                              |
|---------------------------|------------------------------|
| 1. Originating Office     | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD)    |