



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2010 JUN 29 AM 10:08

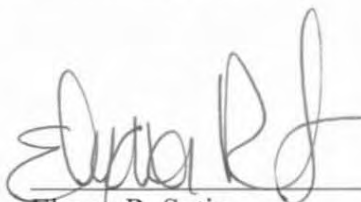
FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CAA-08-2010-0009

IN THE MATTER OF:	)	
	)	
<b>OGDEN CITY WATER TREATMENT</b>	)	<b>FINAL ORDER</b>
<b>PLANT – Ogden, Utah</b>	)	
	)	
<b>RESPONDENT</b>	)	

Pursuant to 40 C.F.R. §22.18, of EPA’s Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 29<sup>th</sup> DAY OF June, 2010.

  
 \_\_\_\_\_  
 Elyana R. Sutin  
 Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 JUN 29 AM 10:08

FILED  
EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF: )

Ogden City Water Treatment )  
Plant – Ogden Utah )

Respondent )  
\_\_\_\_\_ )

**EXPEDITED SETTLEMENT AGREEMENT**

(COMBINED COMPLAINT AND  
CONSENT AGREEMENT)

**DOCKET NO.: CAA-08-2010-0009**

This Expedited Settlement Agreement (also known as a Combined Complaint and Consent Agreement, hereafter ESA) is entered into by the parties for the purpose of simultaneously commencing and concluding this matter.

This ESA is being entered into by the United States Environmental Protection Agency (EPA), Region 8, by its duly delegated official, the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, and by the Ogden City Water Treatment Plant (Respondent) pursuant to § 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and 40 C.F.R. § 22.13(b). The EPA and the U.S. Department of Justice have determined, pursuant to § 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that the EPA may pursue this type of case through administrative enforcement action.

ALLEGED VIOLATIONS

On February 11, 2010, an authorized representative of the EPA conducted a compliance inspection of the Ogden City Water Treatment Plant facility located at 916 Ogden Canyon (State Road 39) in Ogden, Utah, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. part 68 under § 112(r) of the Act. The EPA found that the facility had violated regulations implementing § 112(r) of the Act by failing to comply with the specific requirements outlined in the attached *RMP Program Level 3 Process Checklist-Alleged Violations & Penalty Assessment* (Checklist and Penalty Assessment).

SETTLEMENT

In consideration of Respondent's facility service 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 this ESA in order to settle the violations for the total penalty amount of \$6,950. An explanation for the penalty calculation is found in the attached *Expedited Settlement Penalty Matrix*.

This settlement is subject to the following terms and conditions:

1. The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in the Checklist and Penalty Assessment and consents to the assessment of the penalty as stated above.
2. Respondent waives its rights to a hearing afforded by § 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA, and consents to the EPA's approval of the ESA without further notice.
3. Each party to this action shall bear its own costs and attorney's fees, if any.
4. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent will correct the violations listed in the Checklist and Penalty Assessment no later than 60 days from the date the ESA is signed by the Respondent.

After the Regional Judicial Officer issues the Final Order, the Respondent will receive a fully executed copy of this ESA and the Final Order. Within twenty days (20) of receiving a signed Final Order, Respondent shall remit payment in the amount of \$6,950. **The payment shall reference the name and docket number of this case** and be made by remitting a cashier's or certified check, for this amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

Federal Express, Airborne, or other commercial carrier:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfers:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727

ACH Transactions:

PNC Bank/Remittance Express  
ABA: 051036706  
Account Number: 310006  
CTX Format, Transaction Code 22, checking

There is now an On Line Payment Option, available through the US Department of Treasury. This payment option can be accessed from the information below:

[www.PAY.GOV](http://www.PAY.GOV)

A copy of the check, or notification that the payment has been made by one of the other methods listed above, shall be sent simultaneously to:

Tina Artemis, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street [8RC]  
Denver, Colorado 80202-1129

and

David Cobb  
EPCRA/RMP Enforcement Coordinator  
US EPA, Region 8  
1595 Wynkoop Street [8ENF-AT]  
Denver, Colorado 80202-1129

The penalty specified in this ESA shall not be deductible for purposes of State or Federal taxes.

Once Respondent receives a copy of the completely signed ESA, a copy of the Final Order issued by the Regional Judicial Officer in this matter, and Respondent pays in full the penalty assessment described above, then the EPA agrees to take no further civil action against the Respondent for any violations of requirements contained in the Risk Management Plan Penalty Checklist that may have occurred on or before February 11, 2010. The EPA does not waive its right to take enforcement action for other violations of the Clean Air Act or for violations of any other statute.

If Respondent fails to return the signed original ESA by the stated deadline, fails to timely submit the above-referenced payment, or fails to correct the violations no later than 60 days from the date the ESA is signed, a motion will be filed to withdraw the consent agreement and final order. EPA may then file an administrative or civil enforcement action against Respondent for the violations addressed herein.

This ESA is binding on the parties signing below.

**Ogden City Water Treatment Plant Expedited Settlement Agreement**

FOR RESPONDENT:

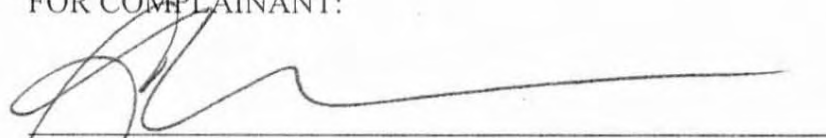
Ogden City Corporation.

Date: 4/19/10

Name (print): TODD STEVENS

Title (print): Plant Supervisor  
**Ogden City Water Treatment Plant**

FOR COMPLAINANT:



Date: 5/18/10

Andrew M. Gaydosh,  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

**RMP PROGRAM LEVEL 3 PROCESS CHECKLIST  
ALLEGED VIOLATIONS & PENALTY ASSESSMENT**

Facility Name: **Ogden City Water Treatment Plant – Ogden, Utah**

**INSPECTION DATE: 2/11/10**

**SECTION A: MANAGEMENT**

**PENALTY**

**Management [68.15]**

Has the owner or operator developed and implemented a management system as provided in **40 CFR 68.15**? **No. A management system has not been developed and implemented as required under 40 CFR 68.15.**

**300**

**SECTION C: PREVENTION PROGRAM**

**Prevention Program – Safety Information [68.65]**

Has the owner or operator provided safety information as provided in **40 CFR 68.65**? **No. Safety information does not comply with 40 CFR 68.65. Safety information is not documented.**

**2300**

**Prevention Program – Process Hazard Analysis [68.67]**

Has the owner or operator performed an initial process hazard analysis (PHA) , and has this analysis identified, evaluated, and controlled the hazards involved in the process? **[68.67(a)] No. The PHA has not been performed.**

**750**

**Prevention Program – Operating Procedures [68.69]**

Has the owner or operator provided operating procedures as provided in **40 CFR 68.69**? **No. Operating Procedures do not comply with 40 CFR 68.69. There is no annual certification that procedures are current and accurate [40 CFR 68.69(c)].**

**600**

**Prevention Program – Training [68.71]**

Has the owner or operator implemented Training as provided in **40 CFR 68.71**? **No. Training documentation was not available for review.**

**750**

<b>Prevention Program – Mechanical Integrity [68.73]</b>	
Has the owner or operator implemented Mechanical Integrity (MI) as provided in <b>40 CFR 68.73</b> ? <b>No. Documentation of MI was not available for review.</b>	<b>750</b>
<b>Prevention Program – Management of Change</b>	
Has the owner or operator implemented Management of Change (MOC) as provided in <b>40 CFR 68.75</b> ? <b>No. MOC policy was not documented.</b>	<b>750</b>
<b>SECTION E – HOT WORK PERMIT [68.85]</b>	
Has the owner or operator implemented a hot work permit program as provided in <b>40 CFR 68.85</b> ? <b>No. Hot Work Permit program has not been implemented.</b>	<b>750</b>
<b>BASE PENALTY</b>	<b>\$6950</b>



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**Ogden City Water Treatment Plant  
EXPEDITED SETTLEMENT PENALTY MATRIX**

MULTIPLIER FACTORS FOR CALCULATING PROPOSED PENALTIES FOR VIOLATIONS  
FOUND DURING RMP INSPECTIONS

**Governmental Entities\***

<b>Service Size (pop.)</b>	<b>Multiplier</b>
0-10,000	.2
10,001-25,000	.4
25,001-50,000	.5
>50,000	1

\*Primarily public drinking water and waste water systems (40 CFR Part 68, pg 31715, dated June 20, 1996)

**PENALTY WORKSHEET**

**Adjusted Penalty = Unadjusted Penalty X Service Size Multiplier**

The Unadjusted Penalty is calculated by adding up all the penalties listed on the Process Checklist of Alleged Violations & Penalty Assessment

The Service Size multiplier considers the population served by the entity. The penalty is the amount of the non-negotiable penalty that is calculated by multiplying the total Unadjusted Penalty and the Service Size multiplier.

**PENALTY CALCULATION**

**Unadjusted Penalty X Service Size Multiplier = Adjusted Penalty**

$$\$6950 \times 1^* = \$6950$$

**Adjusted penalty = \$6950**

\*The service population for this facility is 70,000.



## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter of **OGDEN CITY WATER TREATMENT PLANT; DOCKET NO.: CAA-08-2010-0009** was filed with the Regional Hearing Clerk on June 29, 2010.


Further, the undersigned certifies that a true and correct copy of the documents were delivered David Rochlin, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on June 29, 2010.

Todd Stevens, Supervisor  
Ogden City Water Treatment Plant  
133 West 29<sup>th</sup> Street  
Ogden, Utah 84401

E-mailed to:

Elizabeth Whitsel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

June 29, 2010

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

