

EXPEDITED SETTLEMENT AGREEMENT



DOCKET NO: CAA (112r)-09-2025-0039

This ESA is issued to: Benicia Water Treatment Plant
100 Water Way
Benicia, CA 94510

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Benicia Water Treatment Plant, 100 Water Way, Benicia, CA, 94510

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Joel Jones, Acting Director, Enforcement and Compliance Assurance Division, and Benicia Water Treatment Plant ("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). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

EPA alleges Respondent failed to:

1. Submit its Risk Management Plan report in a timely manner (119 days late), in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.190(b)(1).
2. Update emergency contact information within thirty days of the change, in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.195(b).

SETTLEMENT

The parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$1,800**.

This settlement is subject to the following terms and conditions:

1. In signing this Agreement, Respondent: (1) admits that Respondent is subject to CAA 112(r) and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section

113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A); and (7) consents to electronic service of the filed ESA. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

2. Each party to this action shall bear its own attorney's fees and costs, if any.
3. Respondent must pay the civil penalty of \$1,800 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
4. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
R9HearingClerk@epa.gov

Kiya Opstrup
Environmental Scientist
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
opstrup.kiya@epa.gov

5. The payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment.
6. 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. Pursuant to CAA § 114(a)(1)(B) [42 U.S.C. § 7414(a)(1)(B)] **please provide documentation to USEPA Region IX describing how each area of identified non-compliance has been addressed.** Such documentation is due to EPA within 45 calendar days of your receipt of this letter.

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 ESA with an attached copy of the payment is not returned to the EPA Region 9 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, 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: Benicia Water Treatment Plant

Signature: Rainier Garcia Digitally signed by Rainier Garcia
Date: 2025.02.25 10:32:58 -08'00' Date: _____

Name (print):

Title (print):

FOR COMPLAINANT: Environmental Protection Agency

JOEL JONES Digitally signed by JOEL JONES
Date: 2025.03.03 10:01:06 -08'00' Date: _____

Joel Jones, Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 9

It is hereby ORDERED that this ESA be entered, and Respondent pays the above penalty and otherwise comply with the agreed upon terms.

Date:_____

Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX



REGION 9

SAN FRANCISCO, CA 94105

CERTIFICATE OF SERVICE

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of Benicia Water Treatment Plant (Docket No. CAA (112r)-09-2025-0039) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

RESPONDENT:

Rainer Garcia
Water Treatment Superintendent
Benicia Water Treatment Plant
100 Water Way
Benicia, CA 94510
Rgarcia@ci.benicia.ca.us

COMPLAINANT:

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
Hazardous Waste Section I (ORC-3-1)
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

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Regional Hearing Clerk
U.S. EPA – Region IX