



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

DEC 19 2017

Dennis Romero, P.E.  
Executive Director  
Gallup Wastewater Treatment Plant  
P.O. Box 1270  
Gallup, NM 87305


**Re:** Consent Agreement and Final Order (CAFO)  
Docket No. CAA-06-2017-3501

Dear Mr. Romero:

Enclosed for your records is a copy of the fully executed Consent Agreement and Final Order and Supplemental Environmental Project (SEP) for the Clean Air Act Section 112(r) violations found at the Gallup Wastewater Treatment Plant facility located in Gallup, New Mexico. Please note that if you have not yet paid the assessed penalty, payment is due no later than 30 days after the date it was signed by the Regional Judicial Officer.

If you have any questions regarding this matter, please do not hesitate to call. I may be reached by phone at (214) 665-6708 or by email at [rogers.elizabeth@epa.gov](mailto:rogers.elizabeth@epa.gov).

Sincerely,

  
Elizabeth Rogers  
RMP Enforcement Officer  
Prevention and Response Branch  
USEPA - Region 6

Enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED

DEC 19 2017

REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF: )

Gallup Wastewater Treatment Plant )

Gallup, New Mexico )

RESPONDENT )

EPA DOCKET NO. )

CAA-06-2017-3501 )

CONSENT AGREEMENT )

AND FINAL ORDER )

**CONSENT AGREEMENT AND FINAL ORDER**

The Director of the Superfund Division for the United States Environmental Protection Agency (EPA), Region 6 (Complainant), and Gallup Wastewater Treatment Plant (Respondent), in the above-referenced proceeding, hereby agree to simultaneously commence and resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

**I. PRELIMINARY STATEMENT**

1. This proceeding for the assessment of civil penalties is brought by EPA pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), is simultaneously commenced and concluded by the issuance of this CAFO pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.34.

2. This CAFO serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A).

3. For purposes of this proceeding, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations or conclusions of law contained in this CAFO.



(A) In order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

\* \* \* \*

(B)(i) [ . . . ] the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operator of the sources of such releases.

\* \* \* \*

(B)(ii) The regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a risk management plan to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment. Such plan shall provide for compliance with the requirements of this subsection.

11. "Person" is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), as an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency of the United States and any officer, agent, or employee thereof.

12. "Stationary source" is defined in Section 112(r)(2)(C) of the CAA and 40 C.F.R. § 68.3 as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.



operator based on whether the stationary source operates processes subject to one of three “Programs” -- Program 1, Program 2, and Program 3.

21. Pursuant to 40 C.F.R. § 68.12(d), the owner or operator of a stationary source with a process subject to the “Program 3” requirements of the RMP regulations must, amongst other requirements, comply with the Chemical Accident Prevention requirements of 40 C.F.R. Part 68, Subpart D (Program 3 Prevention Program, at 40 C.F.R. §§ 68.65-68.87).

22. Pursuant to Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), it is unlawful for any person to operate any stationary source subject to the RMP regulations and requirements in violation of such regulations and requirements.

23. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), authorizes EPA to bring an administrative action for penalties that exceed \$356,312.00<sup>1</sup> and/or the first alleged date of violation occurred more than twelve (12) months prior to the initiation of the action, provided that the Administrator and the United States Attorney General jointly determine that the matter is appropriate for administrative action.

24. EPA and the U.S. Department of Justice have jointly determined that this matter is appropriate for administrative resolution, including the assessment of a civil penalty.

### III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### A. Preliminary Allegations

25. Respondent is a “person” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

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<sup>1</sup> The maximum penalty that can be assessed (without a waiver) under Section 113 of the Clean Air Act was increased by the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. § 19.4. 40 C.F.R. § 19.4 contains the monetary adjustment from \$200,000 to \$220,000 for violations that occurred January 30, 1997 through March 15, 2004; \$270,000 for violations that occurred March 15, 2004 through January 12, 2009; \$295,000 for violations that occurred January 12, 2009 through December 6, 2013; \$320,000 for violations occurring after December 6, 2013; and \$356,312.00 for violations occurring after November 2, 2015.



37. In response to these violations and in an effort to reduce its use of chlorine, Respondent spent \$28,780.00 on the purchase and installation of a Water Champ Chlorine Inductor Pump.

38. In response to these violations and in an effort to reduce its use of chlorine, Respondent spent \$78,602.00 to upgrade its chlorine and de-chlorination processes and equipment.

## **B. VIOLATIONS**

### **Count I – 40 C.F.R. § 68.15(b)**

39. Complainant hereby restates and incorporates by reference Paragraphs 1 through 38.

40. 40 C.F.R. § 68.15(b) requires the owner or operator assign a qualified person or position that has the overall responsibilities for the development, implementation, and integration of the risk management program elements.

41. During the 2016 Inspection, EPA discovered that findings from the August 31, 2010 inspection were not implemented following the December 15, 2010 ESA.

42. Resubmission of Respondent's RMP was due on January 8, 2016. A letter from the RMP Reporting Center dated January 8, 2016, mailed to the Respondent stating the resubmission (anniversary) date had passed.

43. No records were provided to indicate that a qualified person was appointed to develop, implement, and integrate risk management program elements.

44. Respondent did not assign a qualified person or position with overall responsibilities to develop, implement, and integrate the risk management program elements, in violation of 40 C.F.R. § 68.15(b).

### **Count II – 40 C.F.R. § 68.36(a)**



45. Complainant hereby restates and incorporates by reference Paragraphs 1 through 44.

46. 40 C.F.R. § 68.36(a) requires the owner or operator update its Offsite Consequence Analyses (OCA) at least once every five years.

47. An OCA was conducted on December 15, 2010 and required a resubmission on December 15, 2015.

48. Respondent updated its OCA on March 8, 2016.

49. Respondent failed to update its OCA once every five years in violation of 40 C.F.R. § 68.36(a).

**Count III – 40 C.F.R. § 68.39(c)**

50. Complainant hereby restates and incorporates by reference Paragraphs 1 through 49.

51. 40 C.F.R. § 68.39(c) requires the owner or operator maintain documentation of estimated quantity released, release rate, and duration of release for offsite consequence analyses.

52. During the 2016 Inspection, the inspector noted that the site calculated a total release of 1,350 pounds as its alternative release scenario, while it only reported a potential 900 pounds release in its RMP submittal.

53. Respondent failed to maintain and document its offsite consequence analyses in violation of 40 C.F.R. § 68.39(c).

**Count IV – 40 C.F.R. §§ 68.65(c)(1)(i-iii)**

54. Complainant hereby restates and incorporates by reference Paragraphs 1 through 53.

55. 40 C.F.R. §§ 68.65(c)(1)(i-iii) requires the owners or operators complete a compilation of written process safety information pertaining to the technology of the process including at least the following: a block flow diagram or simplified process flow diagram;



including at least the following: a block flow diagram or simplified process flow diagram; process chemistry; maximum intended inventory; [ . . . ] and an evaluation of the consequences of deviations.

56. During the 2016 Inspection, Respondent did not provide documentation of a block flow diagram or simplified process flow diagram.

57. During the 2016 Inspection, Respondent did not provide documentation of process chemistry.

58. During the 2016 Inspection, Respondent did not provide documentation of maximum intended inventory for its chemical level quantity.

59. Respondent failed to provide a compilation of written process safety information pertaining to the technology of the process for a block flow diagram or simplified process flow diagram; process chemistry; and maximum intended inventory; in violation of 40 C.F.R. §§ 68.65(c)(1)(i-iii).

**Count V – 40 C.F.R. § 68.65(d)(2)**

60. Complainant hereby restates and incorporates by reference Paragraphs 1 through 59.

61. 40 C.F.R. § 68.65(d)(2) requires the owner or operator document that equipment complies with recognized and generally accepted good engineering practices.

62. During the 2016 Inspection, Respondent failed to provide any such documentation.

63. Respondent failed to provide documentation that its equipment complies with recognized and generally accepted good engineering practices in violation of, 40 C.F.R. § 68.65(d)(2).

**Count VI – 40 C.F.R. § 68.67(c)(4)**

64. Complainant hereby restates and incorporates by reference Paragraphs 1 through 63.



employees whose work assignments are in the process and who may be affected by the recommendations or actions.

74. During the 2016 Inspection, Respondent did not provide any information addressing the team's findings and recommendations of its PHA.

75. Respondent failed to establish a system to promptly address the team's findings and recommendations of a PHA; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions, in violation of 40 C.F.R. § 68.67(e).

**Count IX – 40 C.F.R. §§ 68.67(f-g)**

76. Complainant hereby restates and incorporates by reference Paragraphs 1 through 75.

77. 40 C.F.R. §§ 68.67(f-g) requires the owner or operator update and revalidate its PHA at least once every five (5) years after the completion of the initial process hazard analysis. The owner or operator shall also retain its PHAs and updates or revalidations for each process covered, as well as the documented resolution of recommendations for the life of the process.

78. Respondent updated its PHA on December 15, 2010.

79. Respondent updated its PHA on March 8, 2016.

80. During the Inspection, Respondent did not provide documentation of its PHA from 1999 or 2004.



88. 40 C.F.R. § 68.71(b) requires refresher training be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process.

89. 40 C.F.R. § 68.71(c) requires the owner or operator ascertain that each employee involved in operating a process has received and understood the training required and prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

90. During the Inspection, Respondent provided a single document for its training record entitled "Safety Attendance Roster" dated March 9, 2016.

91. Respondent failed to provide adequate documentation of its compliance with training to indicate that its employees received and understood the required training in violation of 40 C.F.R. §§ 68.71(a-c).

**Count XII – 40 C.F.R. §§ 68.73(a-f)**

92. Complainant hereby restates and incorporates by reference Paragraphs 1 through 91.

93. 40 C.F.R. §§ 68.73(a-f) requires the owner or operator to establish and implement written procedures to maintain the ongoing integrity of process equipment for the following: pressure vessels and storage tanks; piping systems; relief and vent systems and devices; emergency shutdown systems; controls; and pumps. This includes training for process maintenance activities, inspection and testing, correction of equipment deficiencies, and quality assurance.

94. During the 2016 Inspection, Respondent provided documentation that was preliminary, dated March 9, 2015 (this was an error-actual date was March 9, 2016), and



103. 40 C.F.R. § 68.79(d) requires the owner or operator promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

104. 40 C.F.R. § 68.79(e) requires the owner or operator retain the two most recent compliance audit reports required under 40 C.F.R. § 68.79(c).

105. During the 2016 Inspection, Respondent provided the December 30, 2013 compliance audit report.

106. No other compliance audit reports were provided.

107. The compliance audit did not indicate who conducted the audit and whether it was completed by an individual who is knowledgeable in the process.

108. The December 30, 2013 compliance audit report set appropriate response dates of one to two months after the audit but did not implement the corrective action on most of the items until the Notice of Inspection dated March 1, 2016.

109. Respondent failed to conduct the compliance audit by a least one person knowledgeable in the process; promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected; and retain the two most recent compliance audit reports, in violation of 40 C.F.R. §§ 68.79(b, d, and e).

**Count XV – 40 C.F.R. § 68.190(b)(1)**

110. Complainant hereby restates and incorporates by reference Paragraphs 1 through 109.



Respondent be assessed a civil penalty in the amount of **THIRTY-FIVE THOUSAND TWO HUNDRED DOLLARS (\$35,200.00)**.

117. Within thirty (30) days of the effective date of this CAFO, the Respondent shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fed-wire message should read "D 68010727 Environmental Protection Agency" with a phone number of (412) 234-4381



**PLEASE NOTE: Docket number CAA-06-2017-3501 shall be clearly typed on the check, or other method of payment, to ensure proper credit.** If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket numbers of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondent shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Elizabeth Rogers  
RMP Enforcement Officer  
Superfund Emergency Management Branch (6SF-EP)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

The Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA and acknowledged in the Region.

118. The Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

119. If Respondent fails to submit payment within thirty (30) days of the effective date of this Order, Respondent may be subject to a civil action to collect any unpaid portion of the



119. If Respondent fails to submit payment within thirty (30) days of the effective date of this Order, Respondent may be subject to a civil action to collect any unpaid portion of the assessed penalty, together with interest, handling charges and nonpayment penalties as set forth below.

120. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

121. EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

122. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be



- ii. Provide two training courses focused on emergency response, with one course focused on hazardous materials handling, specifically chlorine, as described in the attached SEP Proposal (Attachment 1)
- c. Respondent shall perform the SEP activities in accordance with the terms and schedule of the SEP Proposal (Attachment I), which is incorporated herein by reference.

124. Project Completion Date:

- a. Completion of the SEP must occur by no later than ninety (90) days after the effective date of this CAFO. In its sole discretion, EPA may grant additional time to complete the SEP.

125. Respondent shall certify the truth and accuracy of each of the following:

- a. All cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$98,595.45;
- b. As of the date of executing this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. The SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Agreement;



126. Cost of the SEP:

- a. The total expenditure for the SEP shall be no less than \$98,595.45 as described in the attached SEP Proposal. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

127. SEP Report:

- a. Respondent shall submit a final SEP Completion Report to EPA within two (2) weeks of the completion of this project. The SEP Completion Report shall contain the following information:
  - i. A detailed description of the SEP as implemented;
  - ii. A description of any operating or logistical problems encountered and the solutions thereto;
  - iii. Itemized final costs with copies of receipts for all expenditures;
  - iv. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
  - v. A description of the environmental, emergency preparedness, and/or public health benefits resulting from implementation of this SEP.
- b. Respondent agrees that failure to submit the final SEP Completion Report shall be deemed a violation of this CAFO and Respondent shall become liable for the stipulated penalties pursuant to Paragraph 129.
- c. Respondent shall submit all notices and reports required by this CAFO to the following:



of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA that are necessary to comply with the terms of this CAFO or applicable law, including actions necessary to complete the SEP, to obtain the intended benefits of the SEP or which otherwise result from any failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 129.

129. Stipulated Penalties for Failure to Complete SEP/Failure to spend agreed-on amount:

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
  - i. Except as provided in subparagraphs (ii) – (iv) immediately below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$98,595.45 (100% of the amount the penalty was mitigated).
  - ii. If the SEP is not completed in accordance with the terms described above, but the Complainant determines that the Respondent (a) made good faith and timely efforts to complete the project; and (b)



- i. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 117. Interest and late charges shall be paid as stated in Paragraphs 120-121.
- d. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

130. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language prominently displayed:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Clean Air Act.

131. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation of any such underlying research and data to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:



The Respondent's compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Complainant does not warrant or aver in any manner that the Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the Clean Air Act or with any other provisions of federal, state, or local laws, regulations, or permits.

**D. Costs**

136. Each party shall bear its own costs and attorney's fees. Furthermore, the Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

**E. Effective Date**

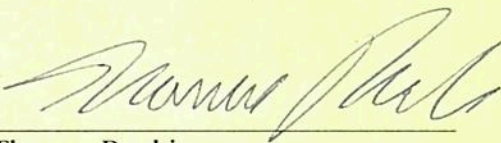
137. This CAFO becomes effective upon filing with the Regional Hearing Clerk.



**FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated 12/11/17



Thomas Rucki  
Regional Judicial Officer

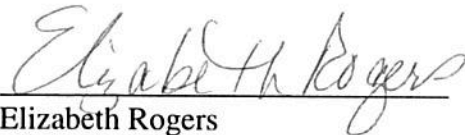
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EPA REGION VI



## CERTIFICATE OF SERVICE

I hereby certify that on the **19th** day of **December 2017**, the original of the foregoing Final Order of Clean Air Act, Section 112(r) Expedited Settlement Agreement was hand delivered to the Regional Hearing Clerk, U. S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. Dennis Romero, P.E.  
Utilities - GWSD  
City of Gallup Wastewater Treatment Plant  
110 West Aztec Avenue  
Gallup, NM 87301



Elizabeth Rogers  
RMP Enforcement Officer  
Emergency Management Branch  
US EPA - Region 6