



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

2009 DEC 14 PM 2:42

REGIONAL HEARING CLERK

DOCKET NO: ~~674-2000-00~~ CAA(912R)-09-2010-0002
This ESA is issued to: City of Riverside
 3900 Main Street, Riverside, CA 92522

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Sixth Street Chlorination Station, 24370 Sixth Street, San Bernardino, CA 92410

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by the City of Riverside Public Utilities District. (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 February 23, 2009, 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

Respondent was required to review and update its risk management plan (RMP) for the stationary source referenced above and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195, by August 9, 2007. Respondent failed to review and update its RMP and submit it to EPA on or before August 9, 2007 in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195.

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 **\$2,000.00**.

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 **\$2,000.00** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
 Fines and Penalties
 Cincinnati Finance Center
 P.O. 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:

Angelica Proboszcz (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Upon Respondent's submission of the original signed ESA and filing of the original signed ESA by EPA, 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.

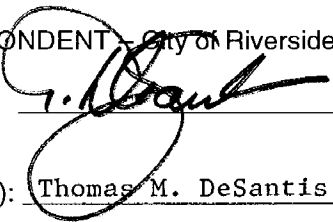
This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

APPROVED AS TO FORM


DEPUTY CITY ATTORNEY

FOR RESPONDENT: City of Riverside

Signature: 

Date: 10-30-09

Name (print): Thomas M. DeSantis

Title (print): Assistant City Manager

Attest: 

City Clerk

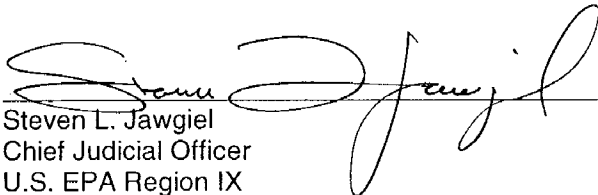
FOR COMPLAINANT:



Keith Takata
Superfund Director
U.S. EPA Region IX

Date: 25 November 2009

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: 12/09/09

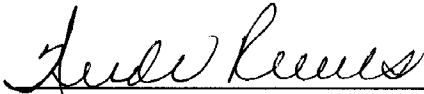
CERTIFICATION OF SERVICE

Docket No. CAA(112R)-09-2010-0002

I certify that the original and 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:

Brad Hudson
City Manager
City of Riverside
3900 Main Street
Riverside, Ca. 92522

Date: 12/14/09

Jan 

Steven Armsey
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street (ORC-1)
San Francisco, CA 94105



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

CERTIFIED MAIL NO.: 7007-2680-0000-5772-6904
Return Receipt Requested

Brad Hudson
City Manager
City of Riverside
3900 Main Street
Riverside, CA 92522

Re: Sixth Street Chlorination Station
RMP Facility ID#: 1000 0017 9816

Dear Mr. Hudson:

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 Sixth Street Chlorination Station at 24370 Sixth Street, San Bernardino, CA 92410. The violation involves failure to resubmit or update Risk Management Plan information by August 9, 2007, 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 Angelica Proboszcz of my staff at (415) 972-3077.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Takata".

Keith Takata
Director, Superfund Division

Enclosures