



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2012 NOV 27 AM 9:30

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2012-0014

This ESA is issued to: Mississippi River Wastewater Treatment Plant

At: 4933 Dwyer Road, St. Charles, Missouri 63301

for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA) and the Mississippi River Wastewater Treatment Plant (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(B)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air, and Waste Management Division. The Respondent is the Mississippi River Wastewater Treatment Plant, 4933 Dwyer Road, St. Charles, Missouri 63301.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On March 22-23, 2012, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 4933 Dwyer Road, St. Charles, Missouri, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings (RMP Findings), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, 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, described in the enclosed RMP Findings, for the total penalty amount of **\$1,680**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the RMP Findings, 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 CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, 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 in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$1,680** 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, Missouri 63197-9000

The Docket Number of this ESA is CAA-07-2012-0014, and must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Deanna Smith
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

A copy of the check must also be sent to:

Kathy M. Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the RMP Findings.

The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the RMP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:



Date: 10/25/12

Name (print): David W. Choate

Title (print): Vice President

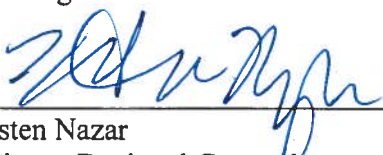
Mississippi River Wastewater Treatment Plant
Environmental Management Corporation

FOR COMPLAINANT:



Becky Weber
Director
Air and Waste Management Division
EPA Region 7

Date: 11-21-12



Kristen Nazar
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

Date: 11/13/12

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

Karina Borrromeo

Karina Borrromeo
Regional Judicial Officer

Date: Nov. 27, 2012

Risk Management Program Inspection Findings
CAA § 112(r) Violations
Mississippi River Wastewater Treatment Plant
4933 Dwyer Road
St. Charles, Missouri 63301
Docket No. CAA-07-2012-0014

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Applicability [§ 68.10(b)(3)]

No Penalty Assessed

The owner or operator failed to coordinate emergency response procedures between the stationary source and local emergency planning and response organizations.

How was this addressed:

See Attachment A

Prevention Program

Process Safety Information [§ 68.65(c)(1)(ii)]

\$600

The owner or operator failed to document information pertaining to technology of the process specifically the process chemistry.

How was this addressed:

See Attachment A

Prevention Program

Process Safety Information [§ 68.65(d)(1)(iii)]

\$600

The owner or operator failed to document the process safety information for electrical classification for the equipment in the process.

How was this addressed:

See Attachment A

Prevention Program

Process Safety Information [§ 68.65(d)(1)(v)]

\$600

The owner or operator failed to document the process safety information for ventilation system design for the equipment in the process.

How was this addressed:

See Attachment A

Prevention Program

Process Hazard Analysis [§ 68.67(c)(7)]

\$600

The owner or operator failed to address in the process hazard analysis an evaluation of a range of the possible safety and health effects of failure of controls.

How was this addressed:

See Attachment A

Prevention Program

Compliance Audits [§ 68.79 (a)]

\$1,200

The owner or operator failed to certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed.

How was this addressed:

See Attachment A

Contractors [§ 68.87(c)(3)]

\$600

The owner or operator failed to periodically evaluate the performance of the contract owner or operator in fulfilling their obligation to verify that employees understood the training.

How was this addressed:

See Attachment A

Risk Management Plan
Executive Summary [§ 68.155]

No Penalty Assessed

The owner or operator failed to provide in the RMP an executive summary that includes all required six elements.

How was this addressed:

See Attachment A

Total Unadjusted Penalty

\$4,200

Calculation of Adjusted Penalty

1st Reference the multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for total population served between 10,001 and 100,000 (approximately 67,000 population) and the row for less than 5 times the threshold quantity (approximately 8,000 pounds of chlorine) of 2,500 pounds of chlorine as listed in 40 C.F.R. Part 68.130 for the amount in a process gives a multiplier factor of 0.4. Therefore, the multiplier for the Mississippi River Wastewater Treatment Plant, a governmental entity, is 0.4.

2nd Adjusted Penalty: \$4,200 (Unadjusted Penalty) X 0.4 (Size-Threshold Multiplier)
= \$1,680 (Adjusted Penalty)

3rd A Penalty of \$1,680 would be assessed to the Mississippi River Wastewater Treatment Plant for violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement.

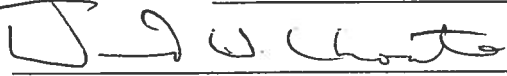
Total Penalty

\$1,680

This section must be also be completed and signed by the Mississippi River Wastewater Treatment Plant:

The approximate cost to correct the above items: \$ \$4,432.00

Compliance staff name: Kendal Coleman, Facilities Manager

Signed:  Date: 10/25/12

David W. Choate

Vice President

Environmental Management Corporation

ATTACHMENT A
TO THE RISK MANAGEMENT PROGRAM INSPECTION FINDINGS
CAA § 112(r) Violations
Mississippi River Wastewater Treatment Plant
4933 Dwyer Road
St. Charles, Missouri 63301
Docket Number CAA-07-2012-0014

§68.10(b)(3) – The Owner or operator failed to coordinate emergency response procedures between the stationary source and local emergency planning and response organizations.

Response: Environmental Management Corporation ("EMC"), the operator of the treatment plant, presented historical documentation of attempts to coordinate on-site meetings with the Local Emergency Planning Commission ("LEPC") to Wood Ramsey at the Risk Management Program ("RMP") inspection. EMC contacted the LEPC and was successful in scheduling a site visit with LEPC representatives, which occurred on April 10, 2012. LEPC representatives and Chief Jeremy Hollrah with the Orchard Farm Fire Protection District were provided copies of the Emergency Response Plan ("ERP") to review. Documentation of the visit was added to the RMP in May, 2012.

§68.65(c)(1)(ii) – The owner or operator failed to document information pertaining to technology of the process specifically the process chemistry.

Response: A summary of the process chemistry for the reaction of chlorine in wastewater was completed and added to the RMP in May, 2012.

§68.65(d)(1)(iii) – The owner or operator failed to document the process safety information for electrical classification for the equipment in process.

Response: EMC's Project Manager, a Licensed P.E. in the State of Missouri, reviewed and provided assistance in determining the electrical classification of the Chlorine Building. The Project Manager requested assistance from design engineering firms to determine the electrical classification. Findings were added to the RMP in May, 2012.

§68.65(d)(1)(v) – The owner or operator failed to document the process safety information for ventilation system design for the equipment in the process.

Response: As with the electrical classification, EMC's Project Manager collected the necessary data to perform and document the design calculations of the ventilation system. Findings were completed and added to the RMP in May, 2012.

§68.67(c)(7) – The owner or operator failed to address the process hazard analysis an [sic] evaluation of a range of the possible safety and health effects of failure of controls.

Response: An expanded Qualitative Evaluation of Safety and Health Effects of Control Failure for Chlorine was completed and added to the RMP in May, 2012.

§68.79 (a) – The owner or operator failed to certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed.

Response: The entire RMP is reviewed annually by the Safety Coordinator to ensure each item of the RMP is addressed. An annual review of the RMP for all personnel is conducted in a classroom setting by the Safety Coordinator. Compliance Audits were performed in 2005, 2008, and 2011 by the Safety Coordinator. Documentation for the previous Compliance Audits was not considered satisfactory by Inspector Wood Ramsey. A Compliance Audit of the RMP was completed on May 9, 2012, using the RMP Inspection Checklist template. Documentation of completed task was added to the RMP.

§68.87(c)(3) – The owner or operator failed to periodically evaluate the performance of the contract owner or operator in fulfilling their obligation to verify that employees understood the training.

Response: EMC obtained information from the contractor who performed the inspection and repair of the on-site chlorination equipment. This information was added to the RMP in May, 2012.

§68.155 – The owner or operator failed to provide in the RMP an executive summary that includes all required six elements.

Response: The Executive Summary of the RMP was revised in May, 2012, to address the required six (6) elements. The Executive Summary of the RMP was modified in the EPA's Central Data Exchange on August 2, 2012.

IN THE MATTER OF Mississippi River Wastewater Treatment Plant, Respondent
Docket No. CAA-07-2012-0014

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Kristen Nazar
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
11201 Renner Blvd.
Lenexa, Kansas 66219

Copy by First Class Mail to:

David W. Choate
Vice President
Mississippi River Wastewater Treatment Plant
4933 Dwyer Road
St. Charles, Missouri 63301

Dated: 11/27/12



Kathy Robinson
Hearing Clerk, Region 7