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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

2014 SEP 30 PM 4:15

DOCKET NO: CAA (112r)-09-2014-0007

US EPA - REGION IX  
HEARING CLERK

This ESA is issued to: **City of Escondido Vista Water Treatment Plant**  
**3440 East Valley Parkway**  
**Escondido, CA 92070**

For: Violation of Section 112(r)(7) of the Clean Air Act.  
At: City of Escondido Vista Water Treatment Plant, 3440 East Valley Parkway, Escondido,  
CA 92070

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Enrique Manzanilla, Superfund Director, and City of Escondido Vista 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, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Failure to:

- 1) *Certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.69(c).*

The facility had not certified the revised Standard Operating Procedures ("SOP"), nor had the previous revisions been annually certified.

- 2) *In lieu of initial training for those employees already involved in operating a process on June 21, 1999, certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.71(a)(2).*

The facility could not provide documentation for its operator's site-specific operating procedures.

- 3) *Provide refresher training at least every three years, or more often if necessary, to each employee involved in operating a process to ensure that the employee understands and adheres to the current operating procedures of the process as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.71(b).*

The refresher training of employees due by March 2012 had not been conducted at the time of the inspection.

- 4) *Ensure the frequency of inspections and tests of process equipment is consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.73(d)(3).*

During the facility site tour, it was noted that chlorine detectors were overdue for the maintenance inspection.

- 5) *Ensure changes resulting in a change in the operating procedures or practices are updated accordingly as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.75(e).*

The facility did not have a Management of Change to document the addition of an autovalve connecting the two scrubber system caustic tanks.

### SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$4,800**.

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 an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields) **or alternatively has sent a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of **\$4,800** in payment of the full penalty amount to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the EPA Cincinnati Finance Center. This *original* ESA and a copy of the check or online receipt must also be sent by certified mail to:

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

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 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 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 – City of Escondido Vista Water Treatment Plant

Signature: Christopher W. McKinney

Date: 09-09-2014

Name (print): Chris McKinney

Title (print): Director of Utilities, City of Escondido

FOR COMPLAINANT:

Enrique Manzanilla

Date: 9/29/14

Enrique Manzanilla  
Superfund Director  
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

Steven L. Jawgiel  
Steven L. Jawgiel  
Chief Judicial Officer  
U.S. EPA Region IX

Date: 09/30/14

CERTIFICATE OF SERVICE

I hereby certify that the foregoing EXPEDITED SETTLEMENT AGREEMENT in the matter of City of Escondido, CAA(112R)-09-2014-0007, signed by the Regional Judicial Officer, has been filed with the Regional Hearing Clerk, and was served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:  
(Certified w/Return Receipt)

Respondent -

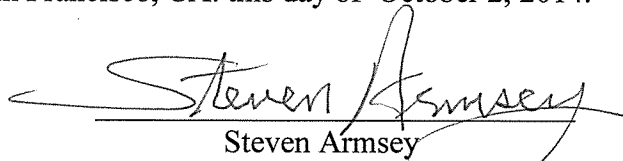
Christopher McKinney,  
Director of Utilities  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

HAND DELIVERED:

Complainant -

Elizabeth (Thanne) Berg, Esq.  
Office of Regional Counsel  
Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Dated at San Francisco, CA. this day of October 2, 2014.

A handwritten signature in black ink that reads "Steven Armsey". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Steven Armsey  
Interim Regional Hearing Clerk  
EPA, Region 9