

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
EXPEDITED SETTLEMENT
AGREEMENT**

DOCKET NO: CAA-04-2009-8012(b)

This ESA is issued to:

**Wastewater Treatment Plant
1149 Paulk LN
Pulaski, Tennessee 38478**

for violating 40 CFR § 68.65, 40 CFR § 68.69, 40 CFR § 68.71, 40 CFR § 68.79 and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by the City of Pulaski, Tennessee (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 pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 1149 Paulk LN, Pulaski, Tennessee, on February 6, 2008, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that:

As part of its safety information documentation, it has compiled and maintained the following information pertaining to the technology of the process as required by 40 CFR § 68.65(c)(1): (iii) maximum intended inventory; and (v) an evaluation of the consequences of deviation;

As part of its safety information documentation, it has complied and maintained the following information pertaining to the equipment in the process as required by 40 CFR § 68.65(d)(1): (iii) electrical classification; and (vi) design codes and standards employed;

It has developed and implemented written operating procedures that address the following elements found at 40 CFR § 68.69(a): (3) safety and health considerations, including (i) properties of, and hazards presented by the chemicals used in the process; (ii) precautions necessary to prevent exposure, including engineering controls, administrative controls and personal protective equipment; and (iii) control measures to be taken if physical contact or airborne exposure occurs;

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It has annually certified that its operating procedures are current and accurate as required by 40 CFR § 68.69(c);

It has prepared a record of training on operating procedures (refresher training is required at least every three years) which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training as required by 40 C.F.R § 68.71(c); and

It has conducted audits to evaluate its compliance with the chemical accident prevention program requirements at least every three years, and based on such audits, certified that the procedures and practices are adequate and are being followed as required by 40 CFR § 68.79(a).

SETTLEMENT

In consideration of Respondent's size, 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 cited above, for the total penalty amount of **\$690**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA. Respondent shall pay a civil penalty of **\$690**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days after receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$690**, in payment of the full penalty amount to one of the following addresses:

For payment sent via U.S. Postal Service
U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson @ 314-418-4087

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303

Upon Respondent's payment of the penalty, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

Caron B. Falconer
U. S. EPA - Region 4
61 Forsyth St., S. W.
Atlanta, Georgia 30303
(404) 562-8451

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Harold Brooks Date: 3-26-09
Name (print): HAROLD BROOKS
Title (print): PUBLIC WORKS DIRECTOR
City of Pulaski, Tennessee

FOR COMPLAINANT:

Carol L. Kemker for Date: 3/11/09
Carol L. Kemker
Acting Director
Air, Pesticides & Toxics
Management Division
Region 4

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

Susan B. Schub Date: 5/11/09
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of City of Pulaski, Tennessee, CAA-04-2009-8012(b), on the parties listed below in the manner indicated:

Caron B. Falconer
U. S. EPA - Region 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Ellen Rouch
U. S. EPA - Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, GA 30303

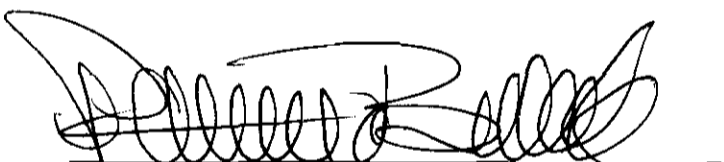
(Via EPA's internal mail)

Mr. Harold Brooks
Public Works Director
City of Pulaski
203 S 1st Street
Pulaski, Tennessee 37064

(Via Certified Mail -
Return Receipt Requested)

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Date: 5-11-09



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9511