UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

FILED
22 MAR 31 PM 3:25
REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2022-3326
This ESA is issued to: City of Mount Pleasant Wastewater Treatment Plant
At: 2561 County Road 4540, Mount Pleasant, Texas 75455
for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and the City of Mount Pleasant 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 and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). 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 the EPA's policies[1] are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On April 5, 2021, EPA Risk Management Program Reporting Center sent a letter to Respondent, notifying Respondent of its failure to update the Risk Management Plan on file with the EPA for its facility located in Mount Pleasant, Texas. Facilities subject to the Risk Management Program (RMP) regulations at 40 C.F.R. Part 68 are required to submit an updated Risk Management Plan at least once every five years. The EPA's review indicates that the update for your facility was not submitted by the required due date of March 9, 2021. The EPA found that Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

1) 40 C.F.R. § 68.190(a), (b)(1) Updates – The owner or operator shall review and update the RMP as specified in paragraph (b) of this section and submit it in the method and format to the central point specified by EPA as of the date of submission. (b) The owner or operator of a stationary source shall revise and update the RMP submitted under 40 C.F.R. § 68.150 as follows (1) At least once every five years from the date of its initial submission or most recent update required by paragraphs (b)(2) through (b)(7) of this section, whichever is later.

[1] "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68" (2004); and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the criteria set forth in the EPA's policies[1], and upon consideration of the entire record, EPA and Respondent enter into this ESA to settle the violations, described above, for the total penalty amount of **$400.00**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, 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 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 statement to the United States Government, that Respondent has corrected the violations listed above and has paid the full penalty of **$400.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at **http://www.epa.gov/financial/makepayment.**

The Docket Number of this ESA is **CAA-06-2022-3326** and must be included on the payment. **The signed ESA and a copy of the payment must be sent by email to**: **rogers.elizabeth@epa.gov**

Full payment of the ESA penalty shall only resolve Respondent's civil liability for the violations alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to the EPA Region 6 at the above e-mail address in correct form by Respondent within 30 days of the date of the receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violation identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: rogers.elizabeth@epa.gov

To Respondent: arasor@mpcity.org

SIGNATURE BY RESPONDENT:

Signature: Anthony Rasor Digitally signed by Anthony Rasor Date: 2022.02.23 12:42:35 -06'00' Date: 02/23/2022

Name (print): Anthony Rasor

Title (print) Utility Director

Cost of Corrective Actions: 400.00

Respondent's Brief Description of Complying Action:

Report was updated and turned in on March 11, 2021.

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

SIGNATURE BY EPA:

Seager, Cheryl Digitally signed by Seager, Cheryl Date: 2022.03.31 14:01:44 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

THOMAS RUCKI Digitally signed by THOMAS RUCKI DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=THOMAS RUCKI, 0.9.2342.19200300.100.1.1=68001003655804 Date: 2022.03.31 15:00:39 -05'00'

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to EPA:

rogers.elizabeth@epa.gov

Copy via Email to Respondent:

arasor@mpcity.org

Anthony Rasor
Water Quality Superintendent
City of Mount Pleasant Wastewater
Treatment Plant
2561 County Road 4540
Mt. Pleasant, TX 75455

Copy via Email to Regional Hearing Clerk:

Vaughn.lorena@epa.gov

ELIZABETH ROGERS

Digitally signed by ELIZABETH ROGERS
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=ELIZABETH ROGERS, 0.9.2342.19200300.100.1.1=68001003655414
Date: 2022.03.31 14:20:11 -05'00'

United States Environmental Protection Agency,
Region 6