



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2008-0036

**This ESA is issued to:** Parsons Water Treatment Plant

**At:** 1630 North Lincoln, Parsons, Kansas 67357

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

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The United States Environmental Protection Agency, Region 7 (EPA) and Parsons Water Treatment Plant, 1630 North Lincoln, Parsons, Kansas 67357 (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 Parsons Water Treatment Plant, 1630 North Lincoln, Parsons, Kansas 67357.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act. Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, where the total penalty exceeds \$270,000 or where the first alleged date of violation occurred more than 12 months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On May 11, 2006, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 1630 North Lincoln, Parsons, Kansas 67357, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the Clean Air Act by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet (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 **\$4,480**.

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 in 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 Clean Air Act, 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 **\$4,480** 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-07-2008-0036, 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 5<sup>th</sup> 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 5<sup>th</sup> 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 Clean Air Act referenced in the RMP

Findings. The EPA does not waive any other enforcement action for any other violations of the Clean Air Act 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:

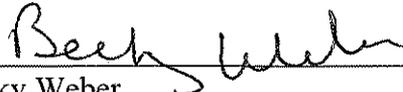
City of Parsons, Kansas

Date: 11-6-08

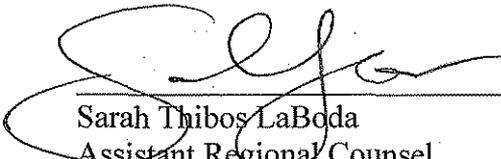
Name (print): Derek Clevenger

Title (print): Director of Utilities  
Parsons Water Treatment Plant

FOR COMPLAINANT:

  
\_\_\_\_\_  
Becky Weber  
Director  
Air and Waste Management Division  
EPA Region 7

Date: 12/4/08

  
\_\_\_\_\_  
Sarah Thibos LaBoda  
Assistant Regional Counsel  
EPA Region 7

Date: 11/12/08

IN THE MATTER of Parsons Water Treatment Plant  
Docket No. CAA-07-2008-0036

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



Robert L. Patrick  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region VII

March 9, 2009

Date

**Risk Management Program Inspection Findings**

Parsons Water Treatment Plant  
1630 North Lincoln  
Parsons, Kansas 67357

CAA § 112(r) Violations

**VIOLATIONS**

**PENALTY AMOUNT**

General

Management [§ 68.15(a)]

The owner or operator failed to develop a management system to oversee the implementation of the risk management program elements.

\$300

*How was this addressed:*

A management system detailing employee responsibilities was updated on October 18, 2008. Overall responsibilities of the plant are with the plant supervisor. Copy available upon request.

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Prevention Program

Safety Information [§ 68.48(a)]

The owner or operator failed to compile and maintain up-to-date safety information, related to the regulated substances, processes, and equipment [§ 68.48(a)]:

- Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [§ 68.48(a)(1)] \$150
- Maximum intended inventory of equipment in which the regulated substances are stored or processed. [§ 68.48(a)(2)] \$150
- Safe upper and lower temperatures, pressures, flows, and compositions. [§ 68.48(a)(3)] \$150
- Equipment specifications. [§ 68.48(a)(4)] \$150
- Codes and standards used to design, build, and operate the process. [§ 68.48(a)(5)] \$150

**VIOLATIONS**

**PENALTY AMOUNT**

*How was this addressed:*

Safety information that was acquired and placed in the file include MSDS Sheets, copy of Chlorine Institute pamphlet 155, copy of Preventing Accidental Release under the clear water act pamphlet, Planning for Natural Disasters pamphlet, Safe Upper and Lower pressures are established by the manufacturer and available to the employees and is discussed during operator training also located within the MSDS sheets. Equipment specs are included in the manufacturers user guide. The building was built to City of Parson codes and specifications and according to KDHE regulations and guidelines were also followed through pamphlet 155. Designed by Bartlett and West Engineers, Licensed in the State of Kansas to design water plants.

**Prevention Program**

**Hazard Review [§ 68.50(a)]**

The owner or operator failed to conduct a review of the hazards associated with the regulated substances, processes, and procedures. \$450

*How was this addressed:*

A Hazard review was performed by Joe Steverson, Plant Supervisor and Delmar Webb, Plant Foreman, on October 8th, 2008, and the review was based on the requirements of 40 C.F.R. 68.50 A copy of the review has been placed in the R.M.P. file and a copy is available upon request.

**Prevention Program**

**Operating Procedures [§ 68.52(a)]**

The owner or operator failed to prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process. \$750

*How was this addressed:*

Operators procedures are posted in chlorine room, and a copy has been placed in the R.M.P. file, and is available upon request.

**VIOLATIONS**

**PENALTY AMOUNT**

Prevention Program

Operating Procedures [§ 68.52(c)]

The owner or operator failed to ensure that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process. [§ 68.52(c)]

\$600

*How was this addressed:*

Completed another hazard assessment, completed training on the new procedures, and the updated R.M.P. submitted on October 28, 2008 reflects the changes.

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Prevention Program

Maintenance [§ 68.56(a)]

The owner or operator failed prepare or implement procedures to maintain the ongoing integrity of the process equipment.

\$600

*How was this addressed:*

A maintenance schedule has been implemented and is in accordance with the operators manual, equipment maintenance is used as documented.

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Prevention Program

Compliance Audits [§ 68.58(a)]

The owner or operator failed to perform or certify that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed.

\$300

*How was this addressed:*

A compliance audit was performed on October 17, 2008 by the plant supervisor and plant foreman. A compliance audit checklist was used as documented and addressed all 9 sections of the R.M.P.

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**VIOLATIONS**

**PENALTY AMOUNT**

Emergency Response [§ 68.90(b)(3)]

The owner or operator failed to ensure appropriate mechanisms are in place to notify emergency responders when there is a need for a response.

\$450

*How was this addressed:*

~~Our employees will not respond to emergencies. The facility is included in the local Fire department emergency Response Program and Plan. The facility has a written Emergency Action Plan. A copy is available upon request and is included in the R.M.P. file.~~

Risk Management Plan [§ 68.190(b)(1)]

The owner or operator failed to review, update, or submit the RMP for the five year update.

\$2,000

*How was this addressed:*

~~The five year update has been completed and submitted to the R.M.P. reporting center. The update was completed on october 21, 2008 by the Plant Supervisor.~~

Risk Management Plan [§ 68.190(b)(6)]

The owner or operator failed to complete a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more. [§ 68.190(b)(6)]

\$5,000

**VIOLATIONS**

**PENALTY AMOUNT**

The owner or operator failed to review, update, or submit the RMP within six months of a change requiring revised PHA or hazard review. [§ 68.190(b)(5)]

No Penalty Assessed

*How was this addressed:*

This requirement has been met with submission of a 5-year update. Submitted on October 28, 2008 by Joe Steverson, Plant Supervisor.

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Total Unadjusted Penalty \$11,200

**Calculation of Adjusted Penalty**

1<sup>st</sup> Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix for government entities. Approximate population served by Parsons Water Treatment Plant is 11,500 and falls into the 10,001-25,000 range, which gives it a multiplier factor of 0.4.

2<sup>nd</sup> Adjusted Penalty = \$11,200 (Unadjusted Penalty) X 0.4 (Size-Threshold Multiplier) is \$4,480.

3<sup>rd</sup> An Adjusted Penalty of \$4,480 would be assessed to Parsons Water Treatment Plant for violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA).

TOTAL ADJUSTED PENALTY \$4,480

The approximate cost to correct the above items: \$ 500

Compliance staff name: Derek Cleverger

Signed: Derek Cleverger Date: 11-6-08

IN THE MATTER OF Parsons Water Treatment Plant, Respondent  
Docket No. CAA-07-2008-0036

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement (ESA) was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Sarah Thibos LaBoda  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Derek Clevenger  
Director of Utilities  
Parsons Water Treatment Plant  
1630 North Lincoln  
Parsons, Kansas 67357

Dated: 3/9/09



Kathy Robinson  
Hearing Clerk, Region 7