

COUNCIL COMMUNICATION

From: The City Manager

Subject: United States Environmental Protection Agency Expedited Settlement Agreement

Manager's Recommendation:

I recommend that the United States Environmental Protection Agency ("EPA") Expedited Settlement Agreement ("Agreement") for violations of Risk Management Program ("RMP") regulations at the Water Treatment Plant ("WTP") be approved and that the penalty amount of \$1,950.00 be paid to the EPA. The Agreement has been approved by me as to substance and the City Attorney as to form. It is further recommended that Council authorize me or my designee to sign the Agreement.

Funds for this service are budgeted in the Water Treatment Operation Service Fees Account, Number 591-4730-861-8063.

Justification:

On October 14, 2009, the WTP received a letter from the EPA regarding a compliance inspection, conducted of its RMP, on July 16, 2009. The purpose of the RMP is to set up procedures to detect and prevent or minimize the accidental release of extremely hazardous substances and to provide prompt emergency response to any such release in order to protect human health and the environment. The letter identified certain deficiencies in the WTP's program. The deficiencies were minor in nature. All of the correctable deficiencies identified have been corrected by WTP staff, as evidenced in the conclusions section of the inspection report.

The Agreement requires the owner or operator to correct violations discovered during the inspection, certify compliance with the Act and pay a significantly reduced penalty. Once both parties have signed the Agreement, it is binding upon them. Moreover, the EPA will take no further action for the specific violations cited and the City will have waived an opportunity for a hearing pursuant to Section 113 of the Act.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.