



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Date provided in electronic signature below

Ricardo Morales, Commissioner of Public Utilities
rmorales@cityofpittsfield.org
Pittsfield Department of Public Utilities
70 Allen Street
Pittsfield, MA 01201

Re: Notice of Noncompliance Regarding the Chemical Accident Prevention Requirements of the Clean Air Act for the City of Pittsfield Cleveland Chlorinator Facility at 29 Old Windsor Road, Hinsdale, MA.

Dear Mr. Morales:

On August 26, 2019, representatives of the United States Environmental Protection Agency (EPA) conducted an inspection of the above-referenced facility. The purpose of the inspection was to determine the compliance of the City of Pittsfield Cleveland Chlorinator Facility with the Chemical Accident Prevention Provisions of Section 112(r)(7) of the Clean Air Act, 42 U.S.C. § 7412(r)(7), and 40 CFR Part 68, which requires facilities which produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the plan to EPA, subject to the Chemical Accident Prevention Provisions of Section 112(r)(7) of the federal Clean Air Act (CAA). Additionally, the inspection evaluated the City of Pittsfield Cleveland Chlorinator Facility's compliance with the chemical accident prevention and mitigation requirements of Section 112(r)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r)(1), otherwise known as the General Duty Clause.

As you are aware, if a facility is required to submit an RMP, it must be revised and resubmitted to EPA at least every five years, or as otherwise required by 40 CFR § 68.190(b)(2) through (7). Additionally, pursuant to the General Duty Clause, owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to (a) identify hazards which may result from accidental release of substances using appropriate hazard assessment techniques; (b) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur.

Thank you for the submittal provided to EPA after the inspection summarizing compliance measures that were taken in response to concerns identified during the inspection. This letter is to confirm that EPA has reviewed all the information you have submitted in response to the August 26, 2019 inspection.

Based upon EPA's inspection of your facility on August 26, 2019, and a review of other information that the Facility had subsequently provided, EPA has determined that at the time of the inspection, the City of Pittsfield Cleveland Chlorinator Facility failed to meet all the requirements of the Chemical Accident Prevention Provisions of Section 112(r)(7) of the Clean Air Act and of the General Duty Clause's chemical accident prevention and mitigation requirements of Section 112(r)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r)(1). Specifically, the City of Pittsfield Cleveland Chlorinator Facility did not have the basic core requirements of the RMP regulations, including developing and maintaining a Process Hazard Review, standard operating procedures for the use of chlorine, and maintenance procedures as outlined in the RMP regulations.

Notice is hereby given that the City of Pittsfield Cleveland Chlorinator Facility failed to meet the requirements of Section 112(r) of the CAA.

Since the August 26, 2019 EPA inspection, representatives from your facility have demonstrated that all violations observed during the inspection have been addressed. Please confirm (electronic submission preferred) that the facility has maintained compliance upon receipt of this Notice of Noncompliance by contacting Tyler Diercks, or Mary Jane O'Donnell, of EPA Region 1 using the provided information below:

Tyler Diercks, EPA Inspector
Waste & Chemical Compliance Section
Enforcement & Compliance Assurance Division
5 Post Office Square Suite 100, Mail Code: 05
Boston, MA 02109-3912
Diercks.tyler@epa.gov

Or

Mary Jane O'Donnell, Section Manager
Waste & Chemical Compliance Section
Enforcement & Compliance Assurance Division
5 Post Office Square Suite 100, Mail Code: 05
Boston, MA 02109-3912
Odonnell.maryjane@epa.gov

If you have any questions concerning this Notice of Noncompliance or regarding Section 112(r) of the CAA, please contact Tyler Diercks at Diercks.tyler@epa.gov, or Mary Jane O'Donnell via email at Odonnell.maryjane@epa.gov.

Sincerely,

JAMES CHOW
Digitally signed by JAMES
CHOW
Date: 2023.08.23 15:58:55
-04'00'

James Chow, Acting Director
USEPA, Region 1
Office of Environmental Compliance and Enforcement Division

cc: Tyler Diercks, USEPA, Region 1
Mary Jane O'Donnell, USEPA Region 1