



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 03 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Aaron Truskowski
Branch Manager
The American Bottling Company
1145 Comet Lane
Grand Ledge, Michigan 48837-9363

Re: Expedited Settlement Agreement
Emergency Planning and Community Right-to-Know Act Section 312
Payment Docket No. EPCRA-12-ESA-005
Docket No. EPCRA-05-2012-0024 2751244E020

Dear Mr. Truskowski:

Enclosed please find a copy of the fully executed EPCRA Section 312 Expedited Settlement Agreement and Final Order (ESA). The ESA is binding on EPA and The American Bottling Company. EPA will take no further action against The American Bottling Company for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact James Entzminger at 312-886-4062, or Entzminger.james@epa.gov, if you have any questions regarding the enclosed document or if you have any other questions about EPCRA reporting. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 W. Jackson Boulevard
Chicago, IL 60604-3590

RECEIVED
JUL - 3 2012

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

DOCKET NO: EPCRA-05-2012-0024

PAYMENT DOCKET NO: EPCRA-12-ESA-005 2751244E020

This Expedited Settlement Agreement is issued to:

The American Bottling Company

1145 Comet Lane

Grand Ledge, Michigan 48837-9363

for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act.

The United States Environmental Protection Agency, Region 5, and The American Bottling Company ("Respondent") have agreed to the settlement of this action before the filing of a complaint. EPA and Respondent (jointly "the Parties") have agreed that settling this action without the filing of a complaint, or the adjudication of any issue of fact or law, is in their interest and in the public interest. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement ("ESA") and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to EPA's authority under Sections 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045. The Director of the Superfund Division, Region 5, EPA has been delegated the authority to issue an Administrative Complaint seeking the assessment of civil penalties for violations of Section 312 of EPCRA, 42 U.S.C. § 11022. The Regional Administrator for Region 5 of EPA is authorized to issue a Final Order, which concludes this matter pursuant to 40 C.F.R. § 22.18.

ALLEGED VIOLATIONS

EPA alleges that Respondent, owner and/or operator of the facility at 1145 Comet Lane, Grand Ledge, Michigan, failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the years 2010 and 2011 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for calendar years 2010 and 2011 on or before March 1, 2011 and March 1, 2012, respectively.

SETTLEMENT

In consideration of factors including the nature, circumstances, extent, and gravity of the violations; Respondent's prior history of violations; and any other matters as justice may require, EPA and Respondent agree that an appropriate civil penalty to settle this action is \$2,000.00. In signing this ESA, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegation contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to request a hearing to contest any fact or allegation or appeal the final order contained herein. Respondent consents to, and is bound by, the terms and conditions of this ESA.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting payment of the civil penalty as described below.

Respondent must send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$2,000.00 in payment of the full penalty amount to the following address:

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

The payment docket number of this ESA must be included on the check. (The payment docket number is located at the top left corner of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

James Entzminger
U.S. EPA Region 5
Superfund Division
Chemical Emergency Preparedness and Prevention Section
77 W. Jackson Boulevard, (SC-5J)
Chicago, IL 60604

Upon the issuance of the Final Order, Respondent's correction of the alleged violation, and confirmation of receipt of Respondent's payment of the civil penalty, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of EPCRA or any other statute. The issuance of the Final Order does not

waive, extinguish, or otherwise affect Respondent's duty to comply with EPCRA, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 5 office at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

Each Person signing this ESA and Final Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

FOR RESPONDENT:

Signature: 

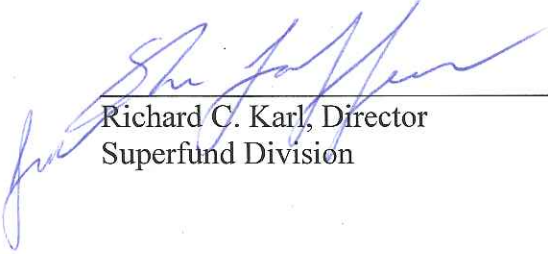
Date: 6/18/2012

Name (print): Aaron Truskowski

Title (print): Branch Manager

Name of facility: The American Bottling Company

FOR COMPLAINANT:


Richard C. Karl, Director
Superfund Division

Date: 7/2/12

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

It is so ORDERED.

for Susan Hedman

Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Date: 7/3/12

RECEIVED
JUL - 3 2012
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY



Re: 
Blake Edwards to: JAMES ENTZMINGER

06/26/2012 09:40 AM

From: Blake Edwards/CI/USEPA/US
To: JAMES ENTZMINGER/R5/USEPA/US@EPA,

Thanks!
I have money from:

Roberts Sinto
American Bottling

Respectfully,
Blake Edwards
Financial Specialist - HQ ; Reg 2 ; Reg 5
US EPA OCFO/OFS/CFC
PH 513-487-2096
FAX 513-487-2063

"A nickel ain't worth a dime anymore" - Yogi Berra

JAMES ENTZMINGER Here is an Excel spread sheet for the Exped... 06/21/2012 10:15:46 AM

From: JAMES ENTZMINGER/R5/USEPA/US
To: Blake Edwards/CI/USEPA/US@EPA
Date: 06/21/2012 10:15 AM
Subject:



EPCRA-ESA-Docket.xls

Here is an Excel spread sheet for the Expedited Settlement Agreements (ESA) issued in Region 5. The first ESA was filed on June 19, 2012. the Respondent Roberts-Sinto Corporation, Grand Ledge, Michigan paid a \$2,000 penalty on June 5, 2012. This spreadsheet provided the payment docket number EPCRA-12-ESA-001, the Docket number and billing document number assigned by the Regional Hearing Clerk EPCRA-05-2012-0021 and 2751244E017. Please contact mew if you have any questions or concerns.

James Entzminger
U.S. Environmental Protection Agency
Chemical Emergency Preparedness
and Prevention Section
77 West Jackson Boulevard (SC-5J)
Chicago, IL 60604
312-886-4062
312-692-2419 fax