



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

**September 9, 2021**

**VIA E-MAIL**  
**DELIVERY RECEIPT REQUESTED**

Wayne Johnson  
Water Systems Superintendent  
City of Thief River Falls  
Thief River Falls Water Treatment Plant  
305 Pennington Avenue  
Thief River Falls, Minnesota 56701

Email: [wjohnson@citytrf.net](mailto:wjohnson@citytrf.net)

Dear Mr. Johnson:

Enclosed is a file-stamped Expedited Settlement Agreement (ESA) which resolves the City of Thief River Falls, docket no. CAA-05-2021-0029. As indicated by the filing stamp on its first page, we filed the ESA with the Regional Hearing Clerk on September 9, 2021.

Please direct any questions regarding this case to Maria Dambriunas, Attorney, 312-353-2022.

Sincerely,

**NATHAN  
FRANK**

Digitally signed by  
NATHAN FRANK  
Date: 2021.09.08  
08:34:21 -05'00'

Nathan Frank, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail  
[Coyle.ann@epa.gov](mailto:Coyle.ann@epa.gov)

Regional Hearing Clerk/via electronic mail  
[R5hearingclerk@epa.gov](mailto:R5hearingclerk@epa.gov)

Maria Dambriunas/via electronic mail  
[Dambriunas.Maria@epa.gov](mailto:Dambriunas.Maria@epa.gov)

Cory Boeck/via electronic mail  
[Cory.Boeck@state.mn.us](mailto:Cory.Boeck@state.mn.us)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3590**

**ESA NO:** EPA-5-21-CAA-ESA-10

**DOCKET NO:** CAA-05-2021-0029

**This ESA is issued to:** Thief River Falls Water Treatment Plant  
**at:** 305 Pennington Avenue, Thief River Falls, Minnesota, 56701  
**for violations of Section 112(r)(7) of the Clean Air Act.**

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**EXPEDITED SETTLEMENT AGREEMENT**

The United States Environmental Protection Agency, Region 5, and Thief River Falls Water Treatment Plant (“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 is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Enforcement & Compliance Assurance Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA. The Regional Administrator has delegated the authority to issue Final Orders ratifying settlements pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) to the Regional Judicial Officer, Office of Regional Counsel, EPA Region 5.

**ALLEGED VIOLATIONS**

On March 6, 2020, EPA sent a letter to Thief River Falls Water Treatment Plant, 305 Pennington Avenue, Thief River Falls, Minnesota (“Facility”) to determine its compliance with the Chemical Accident Prevention Provisions promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. The letter served to notify the Facility that its updated Risk Management Plan (“RMP”) was overdue. The due date for the Facility’s updated RMP was February 4, 2020. On July 23, 2020, the Facility submitted an updated RMP. EPA has determined that Respondent violated 40 C.F.R. § 68.190(b)(1), the requirement to resubmit its RMP five years from the last submission.

## **SETTLEMENT**

In consideration of Respondent's size of business, its full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **\$400**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has made payment in the amount of **\$400** by either of the two following methods:

**Payment method 1 – Preferred (electronic):** Pay online through the Department of the Treasury using [WWW.PAY.GOV](http://WWW.PAY.GOV). In the Search Public Form field, enter "SFO 1.1", click "EPA Miscellaneous Payments - Cincinnati Finance Center" and complete the SFO Form Number 1.1. The payment shall be identified in the online system with the ESA Number listed below.

On the same day, after submitting your payment, send an email to [cinwd\\_acctsreceivable@epa.gov](mailto:cinwd_acctsreceivable@epa.gov) and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for Thief River Falls Water Treatment Plant ESA Number EPA-5-21-CAA-ESA-10." Attach a copy of the ESA and your payment receipt to the email.

**Payment method 2 (check):** Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with "Thief River Falls Water Treatment Plant", and the ESA Number listed below, with a copy of the ESA to:

U. S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Attn: ESA Number EPA-5-21-CAA-ESA-10

Respondent may use a Private Carrier instead of the US Postal Service, to mail a certified check

payable to the United States of America to the following address:

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

A scan of the signed original ESA and proof of payment (either electronic payment receipt or copy of check) must be sent by email to:

Vicky Mei  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[Mei.Vicky@epa.gov](mailto:Mei.Vicky@epa.gov)

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov)

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Upon Respondent's submission of the signed original ESA, and the issuance of the Final Order, 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 the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with proof of payment is not returned to the EPA Region 5 office at the above emails in correct form by Respondent within 30 days of the date of Respondent's receipt of this ESA (60 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 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.

This ESA is effective upon filing with the Regional Hearing Clerk.

**FOR RESPONDENT:**

Signature: Wayne Johnson Date: 8-12-21

Name (print): Wayne Johnson  
Title (print): Water Systems Superintendent

**FOR COMPLAINANT:**

Harris,  
Michael

Digitally signed by Harris,  
Michael  
Date: 2021.08.30  
13:47:57 -05'00'

Michael D. Harris, Director  
Enforcement and Compliance Assurance Division

**FINAL ORDER**

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**IT IS SO ORDERED.**

**ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2021.09.08  
15:46:05 -05'00'

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Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

Expedited Settlement Agreement  
In the matter of: City of Thief River Falls  
Docket Number: [CAA-05-2021-0029](#)

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number [CAA-05-2021-0029](#), which was filed on [September 9, 2021](#), in the following manner to the following addressees:

Copy by E-mail to Respondent: Wayne Johnson  
[wjohnson@citytrf.net](mailto:wjohnson@citytrf.net)

Copy by E-mail to  
Attorney for Complainant: Maria Dambriunas  
[Dambriunas.Maria@epa.gov](mailto:Dambriunas.Maria@epa.gov)

Copy by E-mail to  
Regional Judicial Officer: Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: \_\_\_\_\_

\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5