



August 12, 2025 1:42 pm
USEPA – Region II
Regional Hearing Clerk

REGION 2

NEW YORK, N.Y. 10007

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-02-2025-1210

This ESA is issued to: Village of Monticello
2 Pleasant Street
Monticello, New York 12701

This Expedited Settlement Agreement ("ESA") is being entered into by the U.S. Environmental Protection Agency, Region 2 ("EPA"), by its duly delegated official, and the Village of Monticello ("Respondent") pursuant to Sections 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. §7413(a)(3) and (d), and 40 C.F.R. §22.13(b). EPA and the United States Department of Justice have jointly determined that EPA may pursue this type of case as an administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1).

ALLEGED VIOLATIONS

Facilities that produce, handle, process, distribute, or store certain chemicals are required to develop a Risk Management Program, prepare a Risk Management Plan ("RMP"), and submit the RMP to the EPA in accordance with 40 C.F.R. Part 68. Facilities must fully update and resubmit the RMP, at a minimum, every 5 years. Respondent failed to timely resubmit a Risk Management Plan to EPA for Respondent's facility, located at 20 Krier Lane, Kiamesha Lake, NY (the "Facility"), in violation of 40 C.F.R. § 68.190(b)(1). On February 14, 2020, Respondent submitted a Risk Management Plan ("RMP") to EPA regarding the covered process at its Facility. As of May 1, 2025, Respondent has not updated and resubmitted the RMP to EPA.

SETTLEMENT

In consideration of the penalty assessment factors set forth in Section 113(e) of the Act, 42 U.S.C. §7413(e), and upon consideration of the entire record, the parties enter into the ESA in order to settle the violation described herein for the total penalty amount of **Four Hundred Dollars (\$400)**.

For purposes of this proceeding, Respondent agrees to the following: it waives any objections that it may have regarding jurisdiction; it neither admits nor denies the specific factual allegations contained herein; it consents to the assessment of the penalty as stated herein; and it waives its rights to contest the allegations contained herein, or to a hearing afforded by Section 113(d)(2)(A) of the 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 Respondent has corrected the violation noted herein.

After signature, a scanned copy of the signed ESA must be sent by email Francesco Maimone at the following email address: **Maimone.Francesco@epa.gov**. The original, signed ESA must be sent by certified mail to:

Francesco Maimone, Physical Scientist
Air Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

The ESA, when executed by both parties and the Regional Judicial Officer and filed with the Regional Hearing Clerk, is binding on EPA and Respondent. Upon such filing and Respondent's timely payment of the penalty, EPA agrees it will not take any further civil penalty action against Respondent for the alleged violation of the Act referenced herein.

Nothing in this ESA shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This ESA does not relieve, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the Act and regulations promulgated or permits issued thereunder.

If the signed ESA is not returned to EPA Region 2 as instructed herein by Respondent within forty-five (45) days of the date of Respondent's receipt of it (or within ninety (90) days if an extension is requested and granted), the proposed ESA is withdrawn, without any prejudice regarding EPA's ability to file an enforcement action for the alleged violation identified herein.

Respondent agrees to submit a payment in full of **Four Hundred Dollars (\$400)** within thirty (30) days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.

PAYMENT INSTRUCTIONS

EPA requests that payments be made through the <https://Pay.gov> website using the following link: <https://www.pay.gov/public/form/start/11751879>.

Please ensure that the following information is included on the payment form:

- i. Amount of payment: \$400
- ii. Name of Respondent: Village of Monticello
- iii. Docket No.: CAA-02-2025-1210

To ensure your payment is recorded properly, you are required to notify EPA contemporaneously with the payment. Please send an email message or letter, preferably electronically, that references the date of the payment, the payment amount, the docket number, and your name and address to the

following: Francesco Maimone, at his email or address, shown above, and to:

Milton Wise
U.S. Environmental Protection Agency
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, OH 45268
emails: **Wise.Milton@epa.gov** and **cinwd_acctsreceivable@epa.gov**

and

Karen Maples, Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
email: **Maples.Karen@epa.gov**

Failure to pay the penalty when due may subject Respondent to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. §7413(d)(5), to collect the penalty, including accrued interest, attorney's fees, collection costs, and nonpayment penalties.

For purposes of the requirements of 26 U.S.C. §162(f) of the Internal Revenue Code, the cost of actions taken to come into compliance with the violation identified herein are "restitution or paid to come into compliance with law."

By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

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

FOR RESPONDENT:

Signature: _____

Date: _____

Name (print): _____

Rudolph Brodowsky

Title (print): _____

Supervisor

FOR COMPLAINANT:

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 2

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

Dana Friedman
Regional Judicial Officer
U.S. EPA, Region 2

Risk Management Program Findings
CAA §112(r) Violations

Village of Monticello Water Department
20 Krier Lane
Kiamesha Lake, NY 12751

COMPLETE THIS FORM AND RETURN IT WITH THE ESA

VIOLATION

PENALTY AMOUNT

Subpart G - Risk Management Plan

Updates [68.190(b)(1)]

\$2,000

The owner or operator failed to revise, update, and resubmit the RMP for the Facility at least once every 5 years from the date of its most recent update.

Adjustments to Penalty

Pursuant to EPA's "Expedited Settlement Penalty Matrix, Multiplier Factors for Calculating Proposed Penalties for Violations Found During RMP Inspections," a multiplier factor of 0.2, in consideration of the population served (<10,000 population served) and the quantity of the regulated substance (1 - 5 times the threshold quantity), is being applied to reduce the penalty.

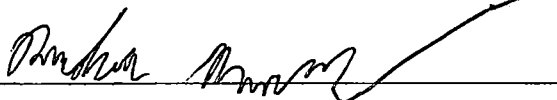
$\$2,000 \times 0.2$ (multiplier factor) = \$400

Total Penalty

\$400

The approximate cost to correct the above item: \$ 0-

Compliance staff name: Rudolph Brodowsky

Signed:  Date: 3/5/25