



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 12 2009

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Musinski
Water Utility Director
City of Waukegan – Water Treatment Plant
360 E. Seashore Drive
Waukegan, Illinois 60085

RE: City of Waukegan – Water Treatment Plant, Waukegan, Illinois
Expedited Settlement Agreement
ESA Docket No. RMP-09-ESA-001
Docket No. **CAA-05-2009-0024**

Dear Mr. Musinski:

Enclosed please find a copy of the fully executed Expedited RMP Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S. EPA and the City of Waukegan. U.S. EPA will take no further action against the City of Waukegan – Water Treatment Plant for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Silvia Palomo at (312)353-2172 if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure(s)



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

RECEIVED
 JUN 12 2009

REPLY TO THE ATTENTION OF
 REGIONAL HEARING CLERK
 U.S. ENVIRONMENTAL
 PROTECTION AGENCY

**EXPEDITED SETTLEMENT
 AGREEMENT (ESA)**

DOCKET NO: RMP-09-ESA-001

This ESA is issued to: City of Waukegan – Water Treatment Plant

At: 360 East Seashore Drive, Waukegan, Illinois

for violating Section 112(r)(7) of the Clean Air Act. CAA-05-2009-0024

BD# 2750903A026

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On February 23, 2009, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On May 7, 2008, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$1,950.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the FORM, and consents to the assessment of the penalty as stated above. Respondent waives its rights 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 the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,950.00** in payment of the full penalty amount to the following address:

RECEIVED
 JUN 15 2009

REGIONAL HEARING CLERK
 U.S. ENVIRONMENTAL
 PROTECTION AGENCY
 REGION 5

TREASURER-UNITED STATES EPA
DOCKET RMP-09-ESA-1

CITY OF WAUKEGAN

426137 04808 TREASURER-UNITED STATES EPA

05/18/09

43443 USEPA POCKET RMP-09-ESA-1

05/01/09 *****1950.00
TOTAL = *****1950.00

RECEIVED
JUN 12 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

D# CAA-05-2009-0024

B# 2750903A026

THIS CHECK HAS SECURITY FEATURES INCLUDING A VOID PANTO AND MICROPRINTING

VOID IF NOT
CASHED WITHIN
180 DAYS

CITY OF WAUKEGAN
WAUKEGAN, ILLINOIS
ACCOUNTS PAYABLE

FIRST MIDWEST BANK
WAUKEGAN, ILLINOIS

WARRANT NO. AP 426137

70-180
719

DATE

05/18/09

PAY THIS AMOUNT

*****\$1,950.00

TO TREASURER
CITY OF WAUKEGAN, IL

ONE THOUSAND NINE HUNDRED FIFTY DOLLARS AND 00 CENTS *****

PAY TO THE ORDER OF
TREASURER-UNITED STATES EPA
DOCKET RMP-09-ESA-1

PAY ONLY ONE **1950.00** ONE THOUSAND NINE HUNDRED FIFTY DOLLARS AND 00 CENTS

Robert Sabourian

Dr. John Schwab

VOID OVER \$1,950.00

AUTHORIZED SIGNATURE

426137 0719016041 8100201477