



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

FEB 9 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wayne Johnson
Thief River Falls Water Treatment Plant
305 Pennington Avenue
P.O. Box 528
Thief River Falls, Minnesota 56701

RE: Expedited Settlement Agreement
ESA Docket No. RMP-11-ESA-019
Docket No. **CAA-05-2011-0027**

BD# 2751103A025

Dear Mr. Johnson:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and the City of Thief River Falls. EPA will take no further action against the Thief River Falls Water Treatment Plant for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Greg Chomycia at (312)353-8217, or chomycia.greg@epa.gov, 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,


Silvia Palomo, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

RECEIVED
REGIONAL HEARING CLERK
REGION 5
2011 FEB -9 PM 12: 17

EXPEDITED SETTLEMENT AGREEMENT (ESA) CAA-05-2011-0027

BD# 2751103A025

DOCKET NO: RMP-11-ESA-019

This ESA is issued to: Thief River Falls Water Treatment Plant

At: 305 Pennington Avenue, Thief River Falls, Minnesota

for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the U. S. Environmental Protection Agency, 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 (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 March 2, 2010, EPA sent a Request for Information Pursuant to Section 114(a) of the Clean Air Act to 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 40 C.F.R. Part 68.190(b)(1), the requirement to resubmit its RMP at least every five years.

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 this ESA in order to settle the violation for the total penalty amount of **\$800.00**.

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 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 U. S. Government, that the Respondent has corrected the violations and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$800.00** 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

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2011 FEB -9 PM 12:17

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is RMP-11-ESA-019.)

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

Greg Chomycia
Chemical Emergency
Preparedness and Prevention Section (SC-5J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act. EPA does not waive any other enforcement action for any other violation of the Clean Air Act or any other statute.

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 the Respondent within 45 days of the date of Respondent's receipt of it (90 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 herein and in the FORM.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature:  Date: 12/13/10

Name (print): STEVE NORDHAGEN

Title (print): MAYOR

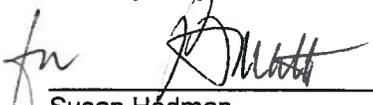
City of Thief River Falls

FOR COMPLAINANT:

 Date: 2-7-11

Richard C. Karl, Director
Superfund Division

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

 Date: 2-8-11

Susan Hedman
Regional Administrator

CAA-05-2011-0027

BANK MONEY ORDER

301173

REMITTER
City of Thief River Falls
Docket Number RMP-11-ESA-019

NORTHERN STATE BANK
201 EAST THIRD STREET • 218 681-4020
THIEF RIVER FALLS, MINNESOTA 56701

DATE 12-17-10

75-1614/912

PAY TO THE ORDER OF Treasurer, United States of America

\$ 800.00

The sum of 800 and 00/100

DOLLARS



CASHIER'S CHECK

COPY

AUTHORIZED SIGNATURE

J.O. B...

⑆301173⑆ ⑆091216146⑆ ⑆210130⑆

200

CAA-05-2011-0027

BD# 27511034025

2011 FEB -9 PM 12:17
REGIONAL HEARING CLERK
U.S. EPA REGION 5