



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

JAN 18 2011

REPLY TO THE ATTENTION OF:

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bruce Heeke  
Patoka Lake Regional Water & Sewer District  
2647 North State Road 545  
Dubois, Indiana 47527

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-11-ESA-010  
Docket No. **CAA-05-2011-0018**


*EAH* **2751103A016**

Dear Mr. Heeke:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Patoka Lake Regional Water & Sewer District. EPA will take no further action against Patoka Lake Regional Water & Sewer District. 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](mailto: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,

  
James A. Entzminger, Acting Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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**EXPEDITED SETTLEMENT CAA-05-2011-0018  
AGREEMENT (ESA)**

*BA#* 2751103A016

DOCKET NO: RMP-11-ESA-010

This ESA is issued to: Patoka Lake Regional Water & Sewer District

At: 2647 North State Road 545, Dubois, Indiana

**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 February 19, 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

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The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is RMP-11-ESA-010.)

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-6J)  
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: Bruce A. Heeke Date: 12-17-10  
Name (print): Bruce A. Heeke  
Title (print): General Manager

Patoka Lake Regional Water & Sewer District

FOR COMPLAINANT:

Richard C. Karl Date: 1-12-11  
Richard C. Karl, Director  
Superfund Division

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

Susan Hedman Date: 1-13-11  
Susan Hedman,  
Regional Administrator

CAA-05-2011-0018

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THIS CHECK IS PROTECTED WITH A VOID PANTOGRAPH - OTHER SECURITY FEATURES DETAILED ON BACK



**German American**  
Banking | Insurance | Investments

PO Box 810 • Jasper, IN 47547-0810 • (812)482-1314

Date: 12/21/2010

Remitter: PATOKA LAKE REGIONAL WATER & SEWER DISTR

Eight Hundred and 00/100\*\*\*\*\*

PAY TO THE ORDER OF

TREASURER, UNITED STATES OF AMERICA  
DOCKET #RMP-11-ESA-010

71-456/839

No. 805895

AMOUNT

\$800.00

CASHIER'S CHECK

*Russ J. Bell*  
AUTHORIZED SIGNATURE

MP

⑈805895⑈ ⑆083904563⑆ ⑆4900⑆080⑆⑈

CAA-05-2011-0018

BD# 2751103401p