



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

March 9, 2021

Frank Patton  
Chief Financial Officer  
Ruprecht Company  
1301 Allanson Road  
Mundelein, Illinois 60060  
[fpatton@ruprecht.com](mailto:fpatton@ruprecht.com)

RE: Complaint and Expedited Settlement Agreement  
ESA Docket No. RMP-20-ESA-012  
Docket No. CAA-05-2021-0009

Dear Mr. Patton:

Enclosed please find a copy of the fully executed Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Respondent. EPA will take no further action against Respondent 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, or [palomo.silvia@epa.gov](mailto:palomo.silvia@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 yours,

**MICHAEL  
HANS**

Digitally signed by  
MICHAEL HANS  
Date: 2021.02.08  
13:55:30 -06'00'

Michael E. Hans, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, ILLINOIS 60604-3590**

**DOCKET NO: RMP-20-ESA-012**

**This ESA is issued to: Ruprecht Company**

**at: 1301 Allanson Road, Mundelein, Illinois 60060**

**for violations of Section 112(r)(7) of the Clean Air Act. CAA-05-2021-0009**

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**EXPEDITED SETTLEMENT AGREEMENT**

The United States Environmental Protection Agency, Region 5, and Ruprecht Company (“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 October 17, 2019, an authorized EPA representative conducted a compliance inspection of the Respondent’s facility to determine its compliance with the Risk Management Program (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act and set forth at 40 C.F.R. Part 68. Based on the October 17, 2019 inspection, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.65(d)(2): Respondent failed to document that the equipment complies with recognized and generally accepted good engineering practices.
2. 40 C.F.R. § 68.71(b): Respondent failed to provide refresher training at least every three years, or more often if necessary, to each employee involved in operating the process to assure that the employee understands and adheres to the current operating procedures of the process.

3. 40 C.F.R. § 68.71(c): Respondent failed to ascertain and document in record that each employee involved in operating a process has received and understood the training required to operate the process.
4. 40 C.F.R. § 68.73(b): Respondent failed to establish written procedures to maintain the on-going integrity of the process equipment, including procedures to detect and control corrosion, deteriorated vapor barriers, ice buildup, and pipe hammering.
5. 40 C.F.R. § 68.79(a): Respondent failed to conduct a compliance audit.
6. 40 C.F.R. § 68.81(d): Respondent failed to prepare an incident investigation report at the conclusion of the incident investigation conducted on the July 24, 2018 release.
7. 40 C.F.R. § 68.190(b)(1): Respondent failed to timely revise and update its risk management plan within five years of the most recent update.
8. 40 C.F.R. § 68.195(a): Respondent failed to timely submit the information required at § 68.168, § 68.170(j) and § 68.175(l) within six months of the July 24, 2018 release.

### **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 **\$10,900**.

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 sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$10,900** 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

The **Docket Number of this ESA must be included on the check.** (The Docket Number is RMP-20-ESA-012.)

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

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

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 an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (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 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.

**Expedited Settlement Agreement**  
**In the Matter of Ruprecht Company, Mundelein, Illinois**  
**Docket No. CAA-05-2021-0009**

**FOR RESPONDENT:**

Signature:   
Name (print): FRANK PATTON  
Title (print): CFO  
Respondent \_\_\_\_\_

Date: NOVEMBER 23, 2020

**FOR COMPLAINANT:**

**MICHAEL  
HARRIS**

 Digitally signed by MICHAEL  
HARRIS  
Date: 2021.03.08 13:13:38  
-06'00'

Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

Date: \_\_\_\_\_

**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: 2021.03.09 09:54:18  
-06'00'

Date: \_\_\_\_\_

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

Expedited Settlement Agreement  
In the matter of: Ruprecht Company  
Docket Number: CAA-05-2021-0009

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number CAA-05-2021-0009 which was filed on March 9, 2021 in the following manner to the following addresses:

Copy by E-mail to  
Respondent:

Frank Patton  
fpatton@ruprecht.com

Copy by E-mail to  
RMP Contact:

Silvia Palomo  
palomo.silvia@epa.gov

Copy by E-mail to  
Attorney for Complainant:

William Wagner  
wagner.william@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