

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Chris Tendras
Name of Case Attorney

8/17/11
Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA-01-2011-0049

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Illinois Tool Works
56 Air Station Industrial Park
Rockland, MA

Total Dollar Amount of Receivable \$ 2,560 Due Date: 9/6/11

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

EXPEDITED RMP SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2011-0049

This Expedited Settlement Agreement is issued to:

Illinois Tool Works

for violating Section 112(r) of the Clean Air Act at:

Illinois Tool Works
56 Air Station Industrial Park
Rockland, MA 02370

RECEIVED

AUG 17 2011

EPA ORC
Office of Regional Hearing Clerk

This Expedited Settlement Agreement (“Settlement Agreement”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region 1, by its duly delegated official, Susan Studlien, the Director, Office of Environmental Stewardship, and by Illinois Tool Works (“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) and 22.18(b)(2) and (3). EPA and the U.S. Department of Justice have determined, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that EPA may pursue this type of case through administrative enforcement action.

ALLEGED VIOLATIONS

On January 5, 2011, authorized representatives of the EPA conducted a compliance inspection of Respondent’s facility, located at 56 Air Station Industrial Park, Rockland, MA, 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 as noted on the attached “Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Form” (“RMP Inspection Form”), which is incorporated herein 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 this Settlement Agreement in order to settle EPA’s claim for penalties for the violations described in the attached RMP Inspection Form for the total penalty amount of \$2,560. This settlement is subject to the following terms and conditions:

Respondent admits EPA has jurisdiction over the matter, neither admits nor denies the specific factual allegations contained herein and in the RMP Inspection 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 Settlement Agreement and Order. Each party to this action will 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 violations listed in the RMP Inspection Form.

Respondent agrees to submit payment of the penalty within 20 days of receiving a fully executed copy of this Settlement Agreement. Respondent's payment may be made by sending a cashier's check or certified check payable to "Treasurer, United States of America" in the amount of \$2,560 to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If payment is made by check, the docket number CAA-01-2011-0049 of this Settlement Agreement must be included on the check.

Respondent's \$2,560 payment may also be made by wire transfer to the account below:

Federal Reserve Bank of New York
33 Liberty Street
New York NY 10045
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33

If payment is made by wire transfer Field Tag 6000 of the Fedwire message must include the docket number CAA-01-2011-xxxx of this Settlement Agreement, and Field Tag 4200 must read: "D 68010727 Environmental Protection Agency."

Respondent must also send a copy of the check or wire transfer receipt by certified mail to:

Chris Jendras
Environmental Protection Specialist
Office of Environmental Stewardship (OES05-1)
U.S. Environmental Protection Agency Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Upon Respondent's submission of the signed original Settlement Agreement, and payment of the penalty as set forth in this Settlement Agreement, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the RMP Inspection Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the RMP regulations or of any other federal statute or regulations.

If the signed original Settlement Agreement is not returned to the EPA Region 1 office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the Settlement Agreement, the proposed Settlement Agreement is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the RMP Inspection Form.

Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), if Respondent fails to pay any penalty amount for violations of the Act or of this Settlement Agreement, Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid within twenty (20) calendar days of Respondent's receipt of the fully executed Settlement Agreement. In that event, interest will accrue from the date of Respondent's receipt of the fully executed Settlement Agreement at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys' fees and collection costs. Moreover, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

This Settlement Agreement is binding on the parties signing below, and is effective upon signature by the Regional Judicial Officer, the third signature below.

FOR RESPONDENT:

 Date: 8/14/11

Name (print): J. CRAIG WATERS

Title (print): GENERAL MANAGER

FOR COMPLAINANT:

 Date: 8-11-11

Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

ORDER

I hereby ratify the foregoing Settlement Agreement and incorporate it by reference into this Order. The Respondent is ordered to comply with the terms of the foregoing Settlement Agreement, effective on the date it is filed with the Regional Hearing Clerk.

Jill T. Metcalf Date: August 16, 2011
Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1