



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

JUL 01 2010

REPLY TO THE ATTENTION OF:

SC-6J

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

Mr. Jeff Musinski  
City of Waukegan Water Treatment Plant  
360 East Seahorse Drive  
Waukegan, Illinois 60085

Re: City of Waukegan Water Treatment Plant, Waukegan, Illinois  
Expedited Settlement Agreement.  
ESA Docket No: RMP-10-ESA-035  
Docket No. **CAA-05-2010-0037**

Dear Mr. Musinski:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S Environmental Protection Agency and City of Waukegan. 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 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,

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

Mark J. Horwitz, 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  
 U.S. EPA REGION 5  
 2010 JUL -1 AM 11:15

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT  
 AGREEMENT (ESA)**

CAA-05-2010-0037

DOCKET NO: RMP-10-ESA-035

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

*BD#* 2751003A037

At: 360 East Seahorse Drive., Waukegan, Illinois

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 12, 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 **\$2,000.00**.

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 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 **\$2,000.00** 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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U.S. EPA REGION 5  
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The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is RMP-10-ESA-035.)

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

Silvia Palomo  
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:  Date: 6/11/2010

Name (print): JEFF MUSINSKI

Title (print): WATER UTILITY DIRECTOR


Name of Facility CITY OF WASHINGTON WATER TREATMENT PLANT

FOR COMPLAINANT:

  
Richard C. Karl  
Director  
Superfund Division

Date: 6-24-10

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

  
Susan Hedman  
Regional Administrator

Date: 6-28-10

CAA-05-2010-0037

BD#

2751003A037

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REGIONAL HEARING CLERK  
U.S. EPA REGION 5

2010 JUL -1 AM 11:15

TREASURER, UNITED STATES OF AMERICA  
RMP-10-ESA-035

CITY OF WAUKEGAN

CAA-05-2010-0037

BD# 2751003A037

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 432092

70-160  
719

DATE

06/11/10

PAY THIS AMOUNT

\*\*\*\*\*\$2,000.00

TO TREASURER  
CITY OF WAUKEGAN, IL

TWO THOUSAND DOLLARS AND 00 CENTS \*\*\*\*\*

PAY  
TO THE  
ORDER  
OF

TREASURER, UNITED STATES OF AMERICA  
RMP-10-ESA-035

PAY ONLY **2000.00**  
TW THOU TWO THOU CTS CTS

*Robert Salvaggio*

VOID OVER \$2,000.00

*Dr. John Schwab*  
AUTHORIZED SIGNATURE

⑈432092⑈ ⑆071901604⑆ ⑈8100201477⑈