



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

AUG 05 2010

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brad Young
Rupari Food Services Inc.
15600 S. Wentworth Ave.
South Holland, Illinois 60473

Re: Rupari Food Services Inc., South Holland, Illinois, Expedited Settlement Agreement
ESA Docket No: RMP-10-ESA-029
Docket No. **CAA-05-2010-0054** *Box# 2751003A054*

Dear Mr. Young:

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 Rupari Food Services Inc. 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,

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
 AUG - 5 2010

REGIONAL HEARING CLERK
 USEPA
 REGION 5

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT
 AGREEMENT (ESA)**

DOCKET NO: RMP-10-ESA-029

This ESA is issued to: Rupari Food Services Inc. **CAA-05-2010-0054**

At: 15600 S. Wentworth Ave., South Holland, Illinois
 for violating **Section 112(r)(7) of the Clean Air Act.** **BD# 2751003A054**

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 **\$1,200.00**.

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 **\$1,200.00** 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

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is RMP-10-ESA-029.)

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: *Gerry Leganski* Date: 7/7/10

Name (print): Gerry Leganski

Title (print): Plant Controller

Name of Facility Rupari Food Services, Inc.

FOR COMPLAINANT:

for *Richard C. Karl* Date: 8/3/10

Richard C. Karl
Director
Superfund Division

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

for *Susan Hedman* Date: 8/4/10

Susan Hedman
Regional Administrator

RECEIVED

AUG - 5 2010

REGIONAL HEARING CLERK
USEPA
REGION 5

This check has a blue background on white paper and some of the security features on this document include: a Watermark, MicroPrint signature line, and a holographic foil stamp; absence of these features will indicate a copy.

FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM FOIL STRIP HOLOGRAM



SUNTRUST

Official Check

0734230224 64-79/611

Purchaser **Rupari Food Services Inc.**

Date **Jul. 6, 2010**
Initials (type) **140942**
Center **6076130**

PAY *******\$1,200.00*******

\$ ****1,200.00****

To the Order of **TREASURER, UNITED STATES OF AMERICA**

SunTrust Banks, Inc. by its Authorized Agent
SunTrust Bank



Payable at SunTrust Bank **DOCKET # RMP-10-ESA-029**

[Signature]
Authorized Signature

⑈0734230224⑈ ⑆061100790⑆ 7019019996⑈

CAA-05-2010-0054

RECEIVED
AUG - 5 2010
REGIONAL HEARING CLERK
USEPA
REGION 5