



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

JAN 26 2011

REPLY TO THE ATTENTION OF:

SC-5J

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

Andy Clock,  
RMP Coordinator  
Rydman & Fox Inc.  
3905 West 600 North  
Anderson, Indiana 46011

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-11-ESA-017  
Docket No. **CAA-05-2011-0025**

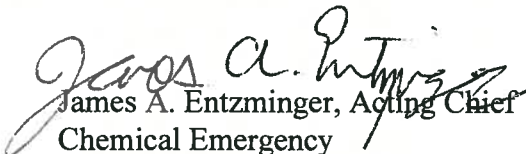
*BD#* **2751103A023**

Dear Mr. Clock:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Rydman & Fox Inc. EPA will take no further action against Rydman & Fox Inc. 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

RECEIVED  
JAN 26 2011

**EXPEDITED SETTLEMENT  
AGREEMENT (ESA)**

REGIONAL HEARING CLERK  
USEPA  
REGION 5

DOCKET NO: RMP-11-ESA-017 CAA-05-2011-0025

This ESA is issued to: Rydman & Fox Inc.

At: 3905 West 600 North, Anderson, Indiana

for violating **Section 112(r)(7) of the Clean Air Act.**

BD# 2751103A023

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 **\$1200.00**.

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 **\$1200.00** 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-11-ESA-017.)

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: Andrew L. Clock Date: 12-13-10

Name (print): Andrew L. Clock

Title (print): Compliance Manager

Rydman & Fox, Inc.

FOR COMPLAINANT:

Richard C. Karl Date: 1/7/2011  
Richard C. Karl, Director  
Superfund Division R. Karl 1-18-11

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

Susan Hedman Date: 1-20-11  
Susan Hedman,  
Regional Administrator

CAA-05-2011-0025

RECEIVED  
JAN 26 2011  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

RECEIVED

JAN 26 2011

REGIONAL HEARING CLERK  
USEPA  
REGION 5

CAA-05-2011-0025

BD# 2751103A023

904 - Anderson Northgate  
Anderson, Indiana

OFFICIAL CHECK

Customer Copy

024204266

Date 12/15/2010

Remitter RYDMAN & FOX INC

Pay To The Order Of TREASURER, UNITED STATES OF AMERICA

\$ 1,200.00 \*\*\*

Drawer: KeyBank

TERMS

KEEP THIS COPY FOR YOUR RECORD OF THE TRANSACTION. TO REPORT A LOSS OR FOR ANY OTHER INFORMATION ABOUT THE INSTRUMENT, CONTACT THE INSTITUTION FROM WHICH YOU RECEIVED THE INSTRUMENT.

FORM NO-80-0811-T21 (4/)

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

OFFICIAL CHECK

904 - Anderson Northgate  
Anderson, Indiana

Remitter RYDMAN & FOX INC

024204266  
Date 12/15/2010

82-20  
R13

Pay To The Order Of TREASURER, UNITED STATES OF AMERICA

\$ 1,200.00 \*\*\*

Pay ONE THOUSAND TWO HUNDRED DOLLARS AND 00 CENTS

Drawer: KeyBank

Issued by: Citibank N.A. One Penn's Way, New Castle, DE 19720  
For information about this instrument, call: 1-888-556-5142

AUTHORIZED SIGNATURE

*Bill E. Mooney*

RMP-11-E3A-017

⑆024204266⑆ ⑆031100209⑆

38774212⑆