



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

JUN 14 2010

REPLY TO THE ATTENTION OF:

SC-6J

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

Misty D. Adams  
Utilities Director  
Bedford City Utilities  
1614 L Street  
Bedford, Indiana 47421

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-10-ESA-016  
Docket No. **CAA-05-2010-0022**

*BA#* 2751003A023

Dear Ms. Adams:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and the City of Bedford, Indiana. EPA will take no further action against the City of Bedford 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,

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

Mark J. Horwitz, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



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REGION 5  
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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

## EXPEDITED SETTLEMENT AGREEMENT (ESA)

CAA-05-2010-0022

DOCKET NO: RMP-10-ESA-016

This ESA is issued to: City of Bedford, Indiana

At: Bedford Illinois Street Water Treatment Plant

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

*BDH* 2751003A023

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 23, 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 **\$800.00**.

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 **\$800.00** 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-016.)

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: Misty Adams Date: 5/26/10

Name (print): Misty Adams

Title (print): Utilities Director

Name of Facility Bedford Illinois Street Water Treatment Plant

FOR COMPLAINANT:

*for* Richard C. Karl Date: 6/10/10  
Richard C. Karl  
Director  
Superfund Division

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

Susan Hedman  
~~Bharat Mathur, Acting~~  
Regional Administrator

Date: 6/11/10

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

05-26-10 14:46:06

342490

MISTY D ADAMS

0186

ONLINE MONEY ORDERS

CHECK NUMBER: 000558536 CHECK AMOUNT: 800.00

000558536

TERMS OF THIS MONEY ORDER

PURCHASER'S AGREEMENT

You, the purchaser, agree to immediately complete this Money Order by filling in the payee and signing it. The terms of this Money Order bind you, your heirs, or others, who receive this Money Order.

If this Money Order is not used or cashed (presented for payment) within three (3) years of the purchase date, there will be a non-refundable service charge where permitted by law. The service charge will be deducted from the amount of payment shown on the Money Order. The service charge is twenty-five (25) cents per month from the date of purchase, but not more than twenty-one (21) dollars.

Stop payments are NOT permitted within the first sixty (60) days from the date of purchase. If after 60 days from the date of purchase, you decide to stop payment on this Money Order, you must visit the Credit Union to sign a stop payment request and to pay a stop payment fee.



SECURITY WARNING: THE FACE OF THIS DOCUMENT FEATURES A COLORED BACKGROUND AND MICROPRINT BORDERS - THE REVERSE SIDE FEATURES ARTIFICIAL WATERMARKS



630 Lincoln Avenue  
Bedford, IN 47421

DATE  
05-26-10

000558536

MONEY ORDER

AMOUNT

\*\*\*\*\*800.00

PAY EIGHT HUNDRED AND .00 DOLLARS

TO THE  
ORDER  
OF

*Treasurer, United States of America*

NOT VALID FOR OVER ONE  
THOUSAND U.S. DOLLARS

REF

Document # RMP-10-ESA-016

*Misty Adams*  
PURCHASER'S SIGNATURE

⑆283977633⑆

99999986⑈558536

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