



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 0 1 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Darrell King
Water Superintendent
City of North Chicago
North Chicago Water Treatment Plant
35 Lakeview Drive
North Chicago, Illinois 60064

Re: City of North Chicago, North Chicago, Illinois
Consent Agreement and Final Order
Docket No. **CAA-05-2011-0042**

Dear Mr. King:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U. S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on JUN 0 1 2011 Please pay the civil penalty in the amount of \$10,900 in the manner prescribed in paragraphs 38-39 and reference your check with the number BD 2751103A038 and the docket number CAA-05-2011-0042

Please feel free to contact Silvia Palomo at (312)353-2172 if you have any questions regarding the enclosed documents. Please direct any legal questions to Gary E. Steinbauer at (312)886-4306. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink that reads "Bob Mayhugh".

Bob Mayhugh, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	
)	
The City of North Chicago)	Docket No. CAA-05-2011-0042
Water Treatment Plant)	
North Chicago, Illinois)	Proceeding to Assess a Civil Penalty
)	Under Section 113(d) of the Clean Air
EPA ID: 1000 0003 6481)	Act, 42 U.S.C. § 7413(d)
)	
Respondent.)	
_____)	

RECEIVED
JUN 01 2011

CONSENT AGREEMENT AND FINAL ORDER

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. §§ 22.1(a)(2), 22.13(b), 22.18(b)(2), and (3).
2. Complainant is the Director of the Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is the City of North Chicago, a municipality in Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to entry of this CAFO and the assessment of the specified civil

penalty, and agrees to comply with the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the remaining allegations in the CAFO.

8. For purposes of this CAFO, Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Pursuant to § 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), the Administrator is authorized to promulgate release prevention, detection, and correction requirements to prevent accidental releases of regulated substances.

10. On June 20, 1996, the U.S. EPA promulgated regulations known as the “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 40 C.F.R. Part 68, which implement Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). These regulations require owners and operators of stationary sources that have more than a threshold quantity of a regulated substance in a process to develop and implement a Risk Management Program to detect and prevent or minimize accidental releases of regulated substances from a stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

11. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

12. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.10, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements set forth in 40 C.F.R. Part 68 no later than the latter of June 21, 1999, three years after the date on which the regulated substance is first listed under 40 C.F.R. § 68.130, or the date on which a regulated substance is first present above the threshold quantity in a process.

13. Under 40 C.F.R. § 68.10, all covered processes are divided into three tiers of eligibility: Program 1; Program 2; and Program 3. Each Program establishes a certain set of requirements for a covered process, depending on the process's eligibility.

14. "Owner or operator" shall mean any person who owns, leases, operates, controls, or supervises a stationary source. 42 U.S.C. § 7412(a)(9).

15. "Stationary source" shall mean any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur. 42 U.S.C. § 7412(r)(2)(c). The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this part. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading. Transportation includes, but is not limited to, transportation subject to oversight or regulation under 49 C.F.R. parts 192, 193, or 195, or a state natural gas or hazardous liquid program for which the state has in effect a certification to DOT under 49 U.S.C. § 60105. A stationary source does not include naturally

occurring hydrocarbon reservoirs. Properties shall not be considered contiguous solely because of a railroad or pipeline right-of-way as specified in 40 C.F.R. § 68.3.

16. “Threshold quantity” shall mean the quantity specified for regulated substances pursuant to Section 112(r)(5) of the Act, as amended, in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

17. “Regulated substance” shall mean any substance listed pursuant to section 112(r)(3) of the Act as amended. 40 C.F.R. § 68.3.

18. “Process” shall mean any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. 40 C.F.R. § 68.3.

19. “Covered process” shall mean a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

20. Complainant has authority under Section 113 of the Act to pursue civil penalties for violations of the Section 112(r)(7) regulations found at 40 C.F.R. Part 68.

21. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for violations that occurred from January 31, 1997, through March 15, 2004; may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004; and may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000, for violations that occurred after January 12, 2009, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

22. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

23. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

24. Respondent is a municipality in Illinois.

25. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).

26. At all times relevant to this CAFO, Respondent operated a municipal water treatment plant, located at 35 Lakeview Drive, North Chicago, Illinois 60064 (the "Facility").

27. Respondent's Facility is a "stationary source" as that term is defined in Section 112(r)(2)(C), 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.

28. Under Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), the Administrator has listed chlorine (CAS No. 7782-50-5) as a substance regulated under Section 112(r) of the Act, 42 U.S.C. § 7412(r), identifying 2,500 lbs. as the threshold quantity. 40 C.F.R. § 68.130, Table 1.

29. On or about July 9, 2008, a representative of U.S. EPA conducted a Risk Management Program inspection of the Facility.

30. Based on the inspection, U.S. EPA found that Respondent stored more than 2,500 pounds (lbs.) of chlorine and handled such chlorine at the Facility for use in a water treatment

system.

31. Respondent's storage and handling of more than 2,500 pounds of chlorine at its Facility constitute a "process" and "covered process" as those terms are defined in 40 C.F.R. § 68.3.

32. Because Respondent had a "covered process" at its Facility, Respondent was required to comply with the requirements set forth in 40 C.F.R. Part 68 within the time period set forth in paragraph 12 above.

33. Respondent is subject to the Program 2 eligibility requirements for its covered process because: (1) the distance to a toxic or flammable end point for a worst-case release assessment conducted under subpart B of 40 C.F.R. Part 68 and 40 C.F.R. § 68.25 is less than the distance to any public receptor, as defined in 40 C.F.R. § 68.30; (2) the process is not in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; and (3) the process is not subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119, because the State of Illinois has not been granted delegation by OSHA.

34. Based on the inspection, it was noted that Respondent failed to comply with the following Program 2 requirements for its covered process:

- a. Compile and maintain the safety information on the chlorine cylinders, as required under 40 C.F.R. § 68.48(a);
- b. Conduct a review of the hazards associated with the chlorine, its process, and its procedures, as required under 40 C.F.R. § 68.50(a);
- c. Develop written emergency shutdown procedures and operations for the handling of chlorine, as required under 40 C.F.R. § 68.52(b)(4);
- d. Develop written equipment inspection procedures, as required under 40 C.F.R. § 68.52(b)(8);
- e. Provide refresher training to the operators on the operating procedures, as required under 40 C.F.R. § 68.54(b); and

f. Conduct compliance audits, as required under 40 C.F.R. § 68.58.

35. The above-referenced violations of the Risk Management Program regulations are violations of Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E).

36. Accordingly, the above-referenced violations of 40 C.F.R. Part 68 and Section 112(r) of the Act are subject to the assessment of a civil penalty under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Civil Penalty

37. Complainant has determined that an appropriate civil penalty to settle this action is \$10,900. In determining the penalty amount, Complainant has considered the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, prompt return to compliance by Respondent, and Respondent's agreement to perform a supplemental environmental project as described below. Complainant has also considered U.S. EPA's *Combined Enforcement Policy for Section 112(r) of the Clean Air Act*, dated August 15, 2001.

38. Within 30 days after the effective date of this CAFO, Respondent must pay a \$10,900 civil penalty for violations of the Act by sending a cashier's or certified check via express mail, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note "City of North Chicago – Water Treatment Plant", the docket number of this CAFO, and the billing document number.

39. A transmittal letter stating Respondent's name, complete address, the case docket

number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Attn: Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Silvia Palomo (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Gary E. Steinbauer (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

40. This civil penalty is not deductible for federal tax purposes.

41. If Respondent does not pay timely the civil penalty under paragraph 37 above, or any stipulated penalties due under paragraph 55 below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

42. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the

assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5).

This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

Supplemental Environmental Project

43. Respondent agrees to complete a supplemental environmental project designed to protect the environment and public health by helping to prevent/reduce the risk of a release of chlorine to the environment.

44. At its Facility, Respondent agrees to eliminate chlorine from its water treatment disinfection system by converting from a chlorine gas storage and feed system to a liquid sodium hypochlorite storage and feed system by April 30, 2014 (hereinafter the "SEP"). Respondent must spend at least \$227,725 to design the SEP and purchase and install the equipment for the SEP. A list of the equipment for the SEP is included in Attachment A to this CAFO.

45. Respondent will complete the SEP as follows:

- a. By October 31, 2012, Respondent must (1) apply for and make its best efforts to obtain a permit from the Illinois Environmental Protection Agency (IEPA) to begin construction of the SEP; and (2) submit a final bid package to potential contractors, one of which will complete the construction and installation work required for the SEP;
- b. By April 30, 2013, Respondent must (1) complete the bid process and select a contractor to complete the construction and installation work for the SEP and (2) begin construction and installation of the SEP; and
- c. By April 30, 2014, Respondent must (1) complete the construction and installation of the SEP and (2) begin operating the equipment purchased for the SEP.

46. Respondent must continuously use or operate the equipment purchased for the SEP for five (5) years following the completion of the SEP.

47. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this

CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

48. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

49. Respondent must submit status reports providing information as to the progress it has made in completing the SEP as follows:

- a. By October 31, 2012, Respondent must submit (1) a copy of the permit it receives from IEPA to begin the construction and installation of the SEP and (2) a copy of the final bid package Respondent will provide to potential contractors that will complete the work required for the SEP;
- b. By April 30, 2013, Respondent must submit a written report listing the name and address of the contractor that was awarded the contract for the construction and installation work required for the SEP and true and accurate copies of the design or engineering documents created for the construction and installation work required for the SEP; and
- c. By October 31, 2013, Respondent must submit a written report that includes a detailed description of the status of the construction and installation work for the SEP, including supporting documentation such as: work orders; purchase orders and/or invoices for the equipment listed in Attachment A; or any similar documentation relating to the contractor's performance of the work for the SEP.

50. Respondent must submit a SEP completion report to U.S. EPA within 30 days of the completion of the SEP. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP.

51. Respondent must submit all notices and reports required by this CAFO by first class mail to:

Silvia Palomo (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

52. In each report that Respondent submits under paragraphs 49 and 50 above, it must certify that the report is true and complete by including the following statement signed by one of its officers or employees:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

53. Following receipt of the SEP completion report described in paragraph 50 above, U.S. EPA will notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP completion report;
- b. There are deficiencies in the SEP as completed or in the SEP completion report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP completion report and U.S. EPA will seek stipulated penalties under paragraph 55 below.

54. If U.S. EPA exercises option b. under Paragraph 53 above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that U.S. EPA imposes in its decision. If

Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 55 below.

55. If Respondent violates any requirement of this CAFO relating to the SEP,

Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b. below, if Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 45 above, Respondent must pay a penalty of \$32,700.
- b. If Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certifies, with supporting documents, that it has spent at least 90 percent of the amount set forth in paragraph 44 above, Respondent will not be liable for any stipulated penalty under subparagraph a. above.
- c. If Respondent completes the SEP satisfactorily according to the requirements of this CAFO, but spends less than 90 percent of the amount set forth in paragraph 44 above, Respondent must pay a penalty of \$3,270.
- d. If Respondent fails to comply with the schedule in paragraph 45 above for implementing the SEP, fails to submit timely each of the status updates required under paragraph 49 above, or fails to submit timely the SEP completion report required by paragraph 50 above, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100	1 st through 14 th day
\$250	15 th through 30 th day
\$500	31 st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until Respondent achieves compliance with the milestone; provided, however, that these penalties shall not exceed \$32,700, as set forth in subparagraph a. above,, and provided further that if Respondent does not complete the SEP, the penalties paid under this paragraph will be a credit against the penalty in subparagraph a. above.

56. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP

will bind Respondent.

57. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 38 above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts as provided in paragraph 42 above.

58. Any public statement that Respondent makes referring to the SEP must include the following language, "The City of North Chicago undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against the City of North Chicago for alleged violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r)."

59. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay resulting from such circumstances.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under

subparagraph b. above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

60. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct, any costs or expenditures incurred in performing the SEP.

General Provisions

61. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

62. The CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law; provided, however, that U.S. EPA and the United States shall not pursue injunctive or other equitable relief or criminal sanctions against Respondent for the violations alleged in this CAFO.

63. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws. Except as provided in paragraphs 59, 61, and 62 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by Complainant.

64. Respondent certifies that to its best knowledge and belief it is complying fully with Section 112(r) of the Act, 42 U.S.C. § 7412(r), and its implementing regulations codified at 40 C.F.R. Part 68.

65. Each violation listed in paragraph 34 of this CAFO constitutes a "prior violation" as that term is used in U.S. EPA's *Combined Enforcement Policy for Section 112(r) of the Clean Air Act* to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

66. The terms of this CAFO bind Respondent, its successors, and assigns.

67. Each person signing this consent agreement certifies that he or she has the authority

to sign for the party whom he or she represents and to bind that party to its terms.

68. Each party agrees to bear its own costs and attorneys' fees in this action.

69. This CAFO constitutes the entire agreement between the parties.

City of North Chicago, Illinois, Respondent

5/16/11
Date

Leena Robinson, Jr.
City of North Chicago

United States Environmental Protection Agency, Complainant

5/25/2011
Date

Douglas Ballotti
Douglas Ballotti, Acting Director
Superfund Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RECEIVED
MAY 25 2011
REGIONAL OFFICE
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CONSENT AGREEMENT AND FINAL ORDER

In the Matter of:

City of North Chicago, Illinois

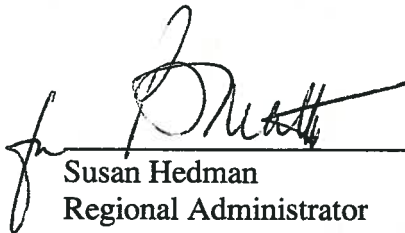
Docket No. CAA-05-2011-0042

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

5-26-11

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection
Agency, Region 5

RECEIVED
JUN 01 2011

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Attachment A
List of Equipment for the SEP

Respondent shall purchase and install the following at its Facility located at located at 35 Lakeview Drive, North Chicago, Illinois 60064 in accordance with paragraph 44 of this CAFO:

- 3 storage tanks, each 4,000 gallons;
- 1 transfer pump, rated for 75 gallons per minute (gpm);
- 2 day tanks, each 545 gallons (one municipal, one industrial);
- 4 feed pumps;
- Necessary process piping;
- Necessary electrical/instrumentation equipment;
- Necessary structural equipment; and
- Necessary plumbing/HVAC equipment.

In the Matter of:
City of North Chicago, Illinois
Docket Nos. CAA-05-2011-0042

Certificate of Service

I, Silvia Palomo, certify that I hand delivered the original of the Consent Agreement and Final Order, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing them in the custody of the United States Postal Service addressed as follows:

Mr. Darrell King
Water Superintendent
City of North Chicago
North Chicago Water Treatment Plant
35 Lakeview Drive
North Chicago, Illinois 60064

RECEIVED
JUN 01 2011
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

on the 1ST day of June, 2011

Silvia Palomo
Silvia Palomo
U.S. Environmental Protection Agency
Region 5

