



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

NOV 30 2017

REPLY TO THE ATTENTION OF:

ELECTRONIC SERVICE
VIA EMAIL

Mr. Steve Turner
Legal Counsel
MTU Onsite Energy Corporation
100 Power Drive
Mankato, Minnesota 56001

Re: MTU Onsite Energy Corporation, Mankato, Minnesota, Consent Agreement and Final Order, Docket No. **EPCRA-05-2018-0001**

Dear Mr. Turner:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on November 30, 2017.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$32,347 in the manner prescribed in paragraph 65, and reference your check with the docket number EPCRA-05-2018-0001.

Your payment is due on January 1, 2018.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Sarah Stillman, Assistant Regional Counsel, at (312) 886-3611. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. EPCRA-05-2018-0001
)	
MTU Onsite Energy Corporation)	Proceeding to Assess a Civil Penalty Under
Mankato, Minnesota,)	Section 325(c)(1) of the Emergency Planning
)	and Community Right-to-Know Act of 1986
Respondent.)	

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1) and Sections 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. Part 22.
2. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is MTU Onsite Energy Corporation, a corporation doing business in the State of Minnesota.
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 the assessment of the civil penalty specified in this CAFO, and 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 factual allegations in this CAFO.

8. 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. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370) (herein after referred to as Inventory Form). The Inventory Form must contain the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

11. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

12. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

13. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$37,500 per day of violation of Section 312 of EPCRA that occurred after December 6, 2013, through November 2, 2015; and to \$54,789 per day of violation that occurred after November 2, 2015, and assessed after January 15, 2017.

Factual Allegations and Alleged Violations

14. Respondent is a corporation and thus a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

15. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 100 Power Drive, Mankato, Minnesota (Facility 1) and the facility located at 304 Lundin Boulevard, Mankato, Minnesota (Facility 2).

16. At all times relevant to this CAFO, Respondent was an employer at both facilities.

17. Respondent's facilities consist of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

18. Both of Respondent's facilities are a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

19. Sulfuric acid is classified as a health hazard.

20. Sulfuric acid CAS# 7664-93-9 is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

21. Sulfuric acid CAS# 7664-93-9 has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. § 370.10(a)(1).

22. Lead is classified as a health hazard.

23. Lead CAS# 7439-92-1 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

24. Lead CAS# 7439-92-1 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. § 370.10(a)(2)(i).

25. CITGO #1 is classified as a health hazard.

26. CITGO #1 CAS# 8008-20-6 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

27. CITGO #1 CAS# 8008-20-6 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. § 370.10(a)(2)(i).

28. Fleet Charge is classified as a health hazard.

29. Fleet Charge CAS# 107-21-1 is a "hazardous chemical" within the meaning of

Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

30. Fleet Charge CAS# 107-21-1 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. § 370.10(a)(2)(i).

31. #2 Diesel fuel is classified as a health hazard.

32. #2 Diesel fuel CAS# 68476-34-6 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

33. #2 Diesel fuel CAS# 68476-34-6 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. § 370.10(a)(2)(i).

34. During at least one period of time in calendar year 2014 sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel were present at Facility 1 in an amount equal to or greater than their respective minimum threshold level.

35. During at least one period of time in calendar year 2015 sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel were present at Facility 1 in an amount equal to or greater than their respective minimum threshold level.

36. During at least one period of time in calendar year 2014 sulfuric acid, lead and Fleet Charge were present at Facility 2 in an amount equal to or greater than their respective minimum threshold level.

37. During at least one period of time in calendar year 2015 sulfuric acid, lead and Fleet Charge were present at Facility 2 in an amount equal to or greater than their respective minimum threshold level.

38. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel at Facility 1.

39. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid, lead and Fleet Charge at Facility 2.

40. Section 312 of EPCRA, 42 U.S.C. § 11022, required Respondent to submit to the SERC and fire department with jurisdiction over Facility 1 a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel on or before March 1, 2015, for calendar year 2014.

41. Section 312 of EPCRA, 42 U.S.C. § 11022, required Respondent to submit to the SERC and fire department with jurisdiction over Facility 1 a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel on or before March 1, 2016, for calendar year 2015.

42. Section 312 of EPCRA, 42 U.S.C. § 11022, required Respondent to submit to the SERC and fire department with jurisdiction over Facility 2 a completed Inventory Form including sulfuric acid, lead and Fleet Charge on or before March 1, 2015, for calendar year 2014.

43. Section 312 of EPCRA, 42 U.S.C. § 11022, required Respondent to submit to the SERC and fire department with jurisdiction over Facility 2 a completed Inventory Form including sulfuric acid, lead and Fleet Charge on or before March 1, 2016, for calendar year 2015.

44. At all times relevant to this CAFO, the Minnesota Division of Homeland Security and Emergency Management was the SERC for Minnesota under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

45. At all times relevant to this CAFO, the Mankato Fire Department was the fire department with jurisdiction over Facility 1 and Facility 2. Minnesota does not have LEPCs.

Count 1 (Facility 1)

46. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

47. Respondent submitted to the SERC and Mankato Fire Department a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel on November 3, 2016, for calendar year 2014.

48. Each day Respondent failed to submit to the SERC and Mankato Fire Department a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel by March 1, 2015, for calendar year 2014 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 2 (Facility 1)

49. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

50. Respondent submitted to the SERC a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel on November 3, 2016, for calendar year 2015.

51. Each day Respondent failed to submit to the SERC a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 3 (Facility 1)

52. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

53. Respondent submitted to the Mankato Fire Department a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel on November 3, 2016, for calendar year 2015.

54. Each day Respondent failed to submit to the Mankato Fire Department a completed Inventory Form including sulfuric acid, lead, CITGO #1, Fleet Charge and #2 Diesel Fuel by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 4 (Facility 2)

55. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

56. Respondent submitted to the SERC and Mankato Fire Department a completed Inventory Form including sulfuric acid, lead and Fleet Charge on November 3, 2016, for calendar year 2014.

57. Each day Respondent failed to submit to the SERC and Mankato Fire Department a completed Inventory Form including sulfuric acid, lead and Fleet Charge by March 1, 2015, for calendar year 2014 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 5 (Facility 2)

58. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in

this paragraph.

59. Respondent submitted to the SERC a completed Inventory Form including sulfuric acid, lead and Fleet Charge on November 3, 2016, for calendar year 2015.

60. Each day Respondent failed to submit to the SERC a completed Inventory Form including sulfuric acid, lead and Fleet Charge by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 6 (Facility 2)

61. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

62. Respondent submitted to the Mankato Fire Department a completed Inventory Form including sulfuric acid, lead and Fleet Charge on November 3, 2016, for calendar year 2015.

63. Each day Respondent failed to submit to the Mankato Fire Department a completed Inventory Form including sulfuric acid, lead and Fleet Charge by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

64. Complainant has determined that an appropriate civil penalty to settle this action is \$32,347 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project (SEP), and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community

Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

65. Within 30 days after the effective date of this CAFO, Respondent must pay a \$32,347 civil penalty for the EPCRA violations. Respondent must pay the penalty by ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22-checking

In the comment area of the electronic funds transfer, state the following: MTU Onsite Energy Corporation and the docket number of this CAFO.

66. Respondent must send a copy of the ACH payment to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

James Entzminger (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Sarah Stillman (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

68. If Respondent does not timely pay the civil penalty or any stipulated penalties due

under paragraph 82, below, 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. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

69. 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 amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

70. Respondent must complete a SEP designed to protect the environment or public health by installing, at Facility 1, a 4,800-gallon containment surrounding Respondent's #2 Diesel Fuel tank with leak-proof double wall lines and an integrated above ground leak detection system with sensors within the wall.

71. By August 31, 2018, at Facility 1, Respondent must complete the SEP as follows:

- a. Install a 4,800-gallon containment with leak-proof double wall lines and an integrated above ground with leak detection system with sensors within the wall.
- b. The installation components include:
 - i. Installation of piping, valves, sumps, couplings, secondary UL piping;
 - ii. Installation of line UV covers;
 - iii. Installation of above ground supports; and
 - iv. INCON leak, alarm, print, internet, sensor control system.

72. Respondent must spend at least \$58,853 to purchase and install the equipment.

73. By signing this CAFO, the authorized officer for Respondent certifies as follows:

I certify that MTU Onsite Energy Corporation is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO.

I certify that MTU Onsite Energy Corporation has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that all costs information provided to EPA in connection with EPA's approval of the SEP is complete and accurate and that MTU Onsite Energy Corporation in good faith estimates that the cost to implement the SEP is \$58,853.

I certify that the SEP is not a project that MTU Onsite Energy Corporation was planning or intending to construct, perform, or implement other than in settlement of the alleged violations resolved in the CAFO.

I certify that MTU Onsite Energy Corporation is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

74. Upon at least 30 days prior written notice to Respondent, and at a mutually agreeable time during Respondent's normal business hours, EPA may inspect Facility 1 to monitor Respondent's compliance with this CAFO's SEP requirements.

75. Within six months of the effective date of this CAFO, Respondent must submit a status report to EPA. The status report will report on the status of the SEP including money spent and expected completion date.

76. Respondent must submit a SEP completion report to EPA by September 30, 2018. This report must contain the following information:

- a. Detailed description of the SEP as completed including pictures of the project;
- 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 canceled checks that specifically identify and itemize the individual costs 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 (quantify the benefits and pollution reductions, if feasible).

77. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 66, above.

78. Respondent must maintain copies of the underlying data for all reports submitted to EPA according to this CAFO. Respondent must provide the documentation of any underlying data to EPA within 14 business days after receiving EPA's request for the information.

79. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

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.

80. Following receipt of the SEP completion report described in paragraph 76, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;

- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 60 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 82, below.

81. If EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 30 days of receiving the notice. The parties will have 60 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 82, below.

82. 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 did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 71, Respondent must pay a penalty of \$58,853.
- b. If Respondent did not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 72, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 72, Respondent must pay a penalty of the difference between the actual expenditures and \$58,853.
- d. If Respondent did not submit timely the SEP completion report or status report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	31st day and beyond

83. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

84. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 65, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

85. Any public statement that Respondent makes referring to the SEP must include the following language, "MTU Onsite Energy Corporation undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against MTU Onsite Energy Corporation for violations of EPCRA Section 312."

86. Nothing in this CAFO is intended to nor will be construed to constitute EPA's approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

87. 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

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

89. This CAFO does not affect the rights of EPA or the United States to pursue

appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

90. Respondent certifies that it is complying with Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

91. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.

92. This CAFO is a "final order" for purposes of EPA's EPCRA/CERCLA Enforcement Response Policy.

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

94. Each person signing this CAFO 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.

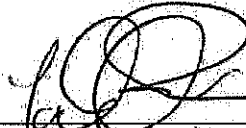
95. Each party agrees to bear its own costs and attorney's fees in this action.

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

97. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: stillman.sarah@epa.gov (for Complainant), and steve.turner@mtu-online.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

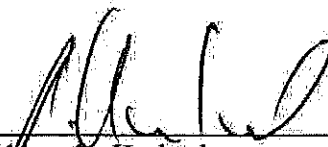
MTU Onsite Energy Corporation, Respondent

Date 11/13/17



Todd Reimann
CEO
MTU Onsite Energy Corporation


Date 11/13/2017



Alexander Haehnel
CFO
MTU Onsite Energy Corporation

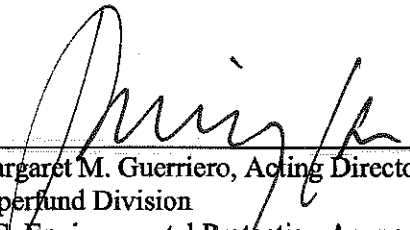
U.S. Environmental Protection Agency, Complainant

Date 11-22-17



Jason El-Zem, Chief
Emergency Response Branch 1
U.S. Environmental Protection Agency
Region 5
Michael E. Hains
for JOZ

Date 11/22/2017



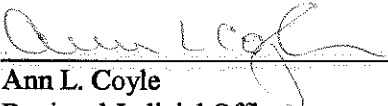
Margaret M. Guerriero, Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: MTU Onsite Energy Corporation, Mankato, Minnesota
Docket No. EPCRA-05-2018-0001

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.

November 29, 2017
Date



Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

In the Matter of: MTU Onsite Energy Corporation, Mankato, Minnesota
Docket No. EPCRA-05-2018-0001

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on November 30, 2017 in the following manner to the addressees:


Electronic Service

Via E-mail: Steve Turner
Legal Counsel
MTU Onsite Energy Corporation
100 Power Drive
Mankato, MN 56001
Office: (507) 385-8609
Email: Steve.Turner@mtu-online.com

Copy by E-mail to
Attorney for Complainant: Sarah Stillman
Stillman.sarah@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
Coyle.ann@epa.gov

Dated: November 30, 2017


LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5