

3. Provide the factual basis for the allegation in paragraph 28 of the complaint that Respondent had knowledge of the release at approximately 0600 Central Time on October 8th.
4. State the factual basis for the allegation in paragraphs 31 and 33 of the complaint that the release was likely to affect the State of Wisconsin and Calumet County, Wisconsin.
5. Provide the factual basis for the allegations in paragraph 36 and 37 of the complaint that Respondent did not notify NRC of a release as soon as Respondent had knowledge thereof but waited until 0832 Central Time on October 8, 2004.
6. Provide the factual basis for the allegations in paragraphs 40 and 41 and 44 and 45 of the complaint, to the effect that Respondent did not notify the State Emergency Response Commission ("SERC") and the Local Emergency Planning Committee ("LEPC"), respectively, immediately after it had knowledge of the release, but notified the SERC and the LEPC of the release at 0805 Central Time and 0810 Central Time, respectively, on October 8, 2004.
7. Provide the factual basis for the allegations in paragraphs 48 and 49 and 52 and 53 of the complaint, to the effect that Respondent did not provide written follow-up emergency notice of the release as soon as practicable to SERC and the LEPC, respectively, after the alleged October 8th release.
8. Respond in detail to Respondent's assertions (Respondent's Defense, pp 7-9) that there is no evidence that chlorine gas was released to the environment, that over 90 percent of the chlorine gas was destroyed inside the plant building within 30 minutes of its production, that none of the chlorine gas left the plant building and that if any chlorine gas left the plant building, it was immediately destabilized by rain, that only a fraction of the chlorine gas produced could possibly have been released to the environment, and that exposure to chlorine gas as a result of the incident on October 8, 2004, was limited to persons in the plant.

By Respondent:

1. Identify the chemicals normally produced by mixing sodium hypochlorite and nitric acid.
2. Provide a copy of and explain the calculations referred to in paragraph 37 of the answer concerning the amount of chlorine gas which likely escaped from the nitric acid tank.
3. Provide any documents and summaries of testimony to be proffered at the hearing in support of Respondent's Defense listed in the answer.

Responses to this Order should be provided to the Regional Hearing Clerk, the other party, and to the undersigned on or before August 3, 2007.

Dated this 9th day of July, 2007.


Spencer D. Nissen
Administrative Law Judge

* In accordance with Rule 22.5(c)(4), the parties are directed to promptly notify the Regional Hearing Clerk, all other parties, and the ALJ of any change in address and/or telephone number.

** The parties are informed that the use of E-Mail to communicate with this office is considered inappropriate.

In the matter of *Land O'Lakes, Inc., Kiel, Wisconsin*, Respondent.
Docket No. CERCLA-05-2007-0007; EPCRA-05-2007-0011 & MM-05-2007-0003

CERTIFICATE OF SERVICE

I certify that the foregoing **Order**, dated July 9, 2007, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA, Region V, MC-13J
77 West Jackson Blvd., 13th Floor
Chicago, IL 60604-3590

One Copy by Pouch Mail to:

Eric H. Olson, Esq.
Associate Regional Counsel
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One Copy by Regular Mail to:

Carolyn V. Wolski, Esq.
Leonard Street & Deinard
Suite 2300, 150 South Fifth Street
Minneapolis, MN 55402

Dated: July 9, 2007
Washington, D.C.