

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

Docket No. EPCRA-05-2025-0006

**Olson Commercial Cold Storage,
Ltd.**

Proceeding to Assess a Civil Penalty Under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986

Defiance, Ohio,

Respondent.

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11045(c)(1) and (c)(2), 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 Manager of Emergency Response Branch 1, Superfund & Emergency Management Division, United States Environmental Protection Agency, Region 5.

3. Respondent is Olson Commercial Cold Storage, Ltd., an Ohio corporation doing business in the State of Ohio.

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. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

Statutory and Regulatory Background

9. Section 311 of EPCRA, 42 U.S.C. § 11021, 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”) or safety data sheet (“SDS”) for a hazardous chemical, to submit to the state emergency response commission (“SERC”), community emergency coordinator for the local emergency planning committee (“LEPC”) and the fire department with jurisdiction over the facility an MSDS or SDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous substance present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (“TPQ”), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or SDS or list within three months after the owner or operator is first required to have the MSDS or SDS available or after the hazardous chemical requiring an MSDS or SDS first becomes present at the facility in an amount exceeding the threshold level.

10. 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 OSHA to prepare or have available an MSDS or SDS for a hazardous chemical, to submit to the SERC, community coordinator for the 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). The form must contain the information required by Section 312(d) of EPCRA, 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 substances present at the facility at any one time in amounts equal to or greater than 500 pounds or the TPQ designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state commissions, local committees, and fire departments in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. 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, MSDS or SDS.

13. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term “hazardous chemical” has the meaning given such term by 29 C.F.R. § 1910.1200(c).

14. 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.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19 authorizes

U.S. EPA to assess a civil penalty of up to \$67,544 per day of violation, for violations of EPCRA Section 312 that occurred after November 2, 2015, and for which penalties are assessed on or after January 6, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), and 40 C.F.R. Part 19 authorizes U.S. EPA to assess a civil penalty of up to \$27,018 per day of violation, for violations of EPCRA Section 311 that occurred after November 2, 2015, and for which penalties are assessed on or after January 6, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

17. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 1340 West High Street, Defiance, Ohio (“facility”).

19. At all times relevant to this CAFO, Respondent was an employer at the facility.

20. Respondent’s facility consists 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.

21. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. At all times relevant to this CAFO, the Ohio EPA was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

23. At all times relevant to this CAFO, the Defiance County LEPC was the LEPC for Defiance County, Ohio under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

24. At all times relevant to this CAFO, the Defiance Fire Department was the fire department

with jurisdiction over the facility.

ANHYDROUS AMMONIA

25. Anhydrous ammonia (CAS #7664-41-7) is classified as a physical or health hazard, a simple asphyxiant, or hazard not otherwise classified.

26. Anhydrous ammonia (CAS #7664-41-7) 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. Anhydrous ammonia (CAS #7664-41-7) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

28. Anhydrous ammonia (CAS #7664-41-7) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

29. As of December 31, 2019, anhydrous ammonia was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

30. During at least one period of time in calendar year 2019, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

31. During at least one period of time in calendar year 2020, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

32. During at least one period of time in calendar year 2021, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2022, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

34. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for anhydrous ammonia.

35. Respondent was required to submit to the SERC, LEPC, and fire department on or before

March 31, 2020, an MSDS or SDS for anhydrous ammonia or a list including anhydrous ammonia.

36. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including anhydrous ammonia on or before March 1, 2020, for calendar year 2019.

37. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including anhydrous ammonia on or before March 1, 2021, for calendar year 2020.

38. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including anhydrous ammonia on or before March 1, 2022, for calendar year 2021.

39. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including anhydrous ammonia on or before March 1, 2023, for calendar year 2022.

SULFURIC ACID

40. Sulfuric acid (CAS #7664-93-9) is classified as a physical or health hazard, or hazard not otherwise classified.

41. Sulfuric acid (CAS #7664-93-9) 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).

42. 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).

43. Sulfuric acid (CAS #7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

44. As of December 31, 2019, sulfuric acid was present at the facility at any one time in an

amount equal to or greater than the minimum threshold level.

45. During at least one period of time in calendar year 2019, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

46. During at least one period of time in calendar year 2020, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

47. During at least one period of time in calendar year 2021, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

48. During at least one period of time in calendar year 2022, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

49. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for sulfuric acid.

50. Respondent was required to submit to the SERC, LEPC, and fire department on or before March 31, 2020, an MSDS or SDS for sulfuric acid or a list including sulfuric acid.

51. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2020, for calendar year 2019.

52. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2021, for calendar year 2020.

53. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2022, for calendar year 2021.

54. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2023,

for calendar year 2022.

LEAD

55. Lead (CAS #7439-92-1) is classified as a physical or health hazard.

56. 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).

57. Lead (CAS #7439-92-1) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

58. As of December 31, 2019, lead was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

59. During at least one period of time in calendar year 2019, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

60. During at least one period of time in calendar year 2020, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

61. During at least one period of time in calendar year 2021, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

62. During at least one period of time in calendar year 2022, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

63. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for lead.

64. Respondent was required to submit to the SERC, LEPC, and fire department on or before March 31, 2020, an MSDS or SDS for lead or a list including lead.

65. Respondent was required to submit to the SERC, LEPC, and fire department, a completed

emergency and hazardous chemical inventory form including lead on or before March 1, 2020, for calendar year 2019.

66. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2021, for calendar year 2020.

67. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2022, for calendar year 2021.

68. Respondent was required to submit to the SERC, LEPC, and fire department, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2023, for calendar year 2022.

69. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC and Defiance Fire Department an MSDS or SDS for anhydrous ammonia or a list showing anhydrous ammonia.

70. Each day Respondent failed to submit to the SERC an MSDS or SDS, or a list for anhydrous ammonia, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

71. Each day Respondent failed to submit to the LEPC an MSDS or SDS, or a list for anhydrous ammonia, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

72. Each day Respondent failed to submit to the Defiance Fire Department an MSDS or SDS, or a list for anhydrous ammonia, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

73. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC and Defiance

Fire Department an MSDS or SDS for sulfuric acid or a list showing sulfuric acid.

74. Each day Respondent failed to submit to the SERC an MSDS or SDS, or a list for sulfuric acid, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

75. Each day Respondent failed to submit to the LEPC an MSDS or SDS, or a list for sulfuric acid, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

76. Each day Respondent failed to submit to the Defiance Fire Department an MSDS or SDS, or a list for sulfuric acid, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

77. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC and Defiance Fire Department an MSDS or SDS for lead or a list showing lead.

78. Each day Respondent failed to submit to the SERC an MSDS or SDS, or a list for lead, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

79. Each day Respondent failed to submit to the LEPC an MSDS or SDS, or a list for lead, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

80. Each day Respondent failed to submit to the Defiance Fire Department an MSDS or SDS, or a list for lead, by March 31, 2020, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

81. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC, and Defiance Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead, for calendar year 2019.

82. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2020, for calendar year 2019, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

83. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2020, for calendar year 2019, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

84. Each day Respondent failed to submit to the Defiance Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2020, for calendar year 2019, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

85. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC, and Defiance Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead, for calendar year 2020.

86. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2021, for calendar year 2020, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

87. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2021, for calendar year 2020, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

88. Each day Respondent failed to submit to the Defiance Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2021, for calendar year 2020, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

89. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC, and Defiance Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead, for calendar year 2021.

90. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2022, for calendar year 2021, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

91. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2022, for calendar year 2021, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

92. Each day Respondent failed to submit to the Defiance Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2022, for calendar year 2021, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

93. As of September 13, 2023, Respondent had not submitted to the SERC, LEPC, and Defiance Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead, for calendar year 2022.

94. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2023, for calendar year 2022, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

95. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2023, for calendar year 2022, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

96. Each day Respondent failed to submit to the Defiance Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and lead by March 1, 2023, for calendar year 2022, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

97. Complainant has determined that an appropriate civil penalty to settle this action is \$25,000 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violations, 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 U.S. 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)..

98. Respondent agrees to pay a civil penalty in the amount of \$25,000 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). EPA conducted an analysis of Respondent's financial information and determined Respondent has a limited ability to pay. Consequently, in accordance with applicable law, EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

99. Respondent shall pay the Assessed Penalties and any interest, fees, and other charges due using any method or combination of appropriate methods as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa> .

100. When making a payment Respondent shall:

- a. Identify every EPCRA payment with Respondent's name and the docket number of this Agreement, EPCRA-05-2025-0006.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons;

Regional Hearing Clerk
R5hearingclerk@epa.gov

Robert Mayhugh
mayhugh.robert@epa.gov

David Duckett
duckett.david@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to U.S. EPA requirements, in the amount due, and identified with the appropriate docket number, Respondent’s name, and billing document number for the CERCLA payment.

101. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R.

§ 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed

Penalties per this Agreement, U.S. EPA is authorized to recover, in addition to the amount of the unpaid

Assessed Penalties, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalties are paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalties are not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalties as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the IRS large corporate underpayment rate, any lower rate would fail to provide Respondents adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover U.S. EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalties in accordance with this Agreement, U.S. EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be

assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalties as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalties, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

102. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalties, interest, or other charges and penalties per this Agreement, U.S. EPA may take additional actions. Such actions U.S. EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

103. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

104. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

105. By signing this CAFO, Respondent consents to the release of any information in this CAFO

to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

106. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that, under 18 U.S.C. § 1001, there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information.

General Provisions

107. The parties consent to service of this CAFO by email at the following valid email addresses: duckett.david@epa.gov (for Complainant) and scott@occoldstorage.com (for Respondent). Respondent understands that the CAFO will become publicly available upon

106. In accordance with 40 C.F.R. § 22.18(c), full payment of the penalty and compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO. For the avoidance of doubt, this CAFO does not resolve any liability for any violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r).

107. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

108. Respondent certifies that it is currently complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004 with respect to the Facility.

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

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

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


112. 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.

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

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


Ohio Commercial Cold Storage, Ltd., Respondent

Date



Scott Olson
Managing Member
Olson Commercial Cold Storage, Ltd

U.S. Environmental Protection Agency, Complainant



Mark Durno, Manager
Emergency Response Branch 1
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

Douglas Ballotti
Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Ohio Commercial Cold Storage, Ltd., Defiance, Ohio
Docket No. EPCRA-05-2025-0006

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.

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