



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

MAR 25 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David M. Cremons
Felhaber Larson Fenlon & Vogt
220 South Sixth Street, Suite 2200
Minneapolis, Minnesota 55402

Re: VersaCold Logistics Services, New Ulm & Zumbrota, Minnesota
Consent Agreement and Final Order – Docket No: **EPCRA-05-2011-0015**

Dear Mr. Cremons:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. EPA has filed the other original CAFO with the Regional Hearing Clerk on March 25, 2011

Please have your client pay the EPCRA civil penalty in the amount of \$17,302 in the manner prescribed in paragraphs 47 and 48, and reference your check with the number BD 2751144E014 and docket number EPCRA-05-2011-0015.

Your payment is due on April 25, 2011.

Please feel free to contact Ruth McNamara at (312) 353-3193 if you have any questions regarding the enclosed documents. Please direct any legal questions to Susan Perdomo, Associate Regional Counsel, at (312) 887,0557. Thank you for your assistance in resolving this matter.

Sincerely,

Silvia Palomo, Acting Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Steve Tomylanovich
MN SERC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. EPCRA-05-2011-0015
)	
VersaCold Logistics Services)	Proceeding to Assess a Civil Penalty
New Ulm & Zumbrota, Minnesota)	Under Section 325(c)(1) and (c)(2) of the
)	Emergency Planning and Community
Respondent.)	Right-to-Know Act of 1986,
<hr/>)	42 U.S.C. § 11045(c)(1) and (c)(2)

RECEIVED

MAR 25 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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 Director, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is VersaCold Logistics Services, 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 to the terms of this 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 prepare and submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC), and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1, 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 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 U.S. 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, a MSDS.

12. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous.

13. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. 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 \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, and to \$32,500 per day of violation for violations that occurred after March 15, 2004, and 37,500 per day of violation for violations that occurred after January 1, 2009.

Factual Allegations and Alleged Violations

14. Respondent is 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 1000 Arctic Avenue, Zumbrota, Minnesota, 55992 (Zumbrota Facility).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 17113 County Road 29, New Ulm, Minnesota, 56073 (New Ulm Facility).

17. At all times relevant to this CAFO, Respondent was an employer at the Zumbrota Facility.

18. At all times relevant to this CAFO, Respondent was an employer at the New Ulm Facility.

19. Respondent's Zumbrota 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.

20. Respondent's New Ulm 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 Zumbrota Facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. Respondent's New Ulm Facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

23. Sulfuric acid CAS# 7664-93-9, ammonia CAS# 7664-41-7, and lead CAS# 7439-92-1 are listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

24. 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).

25. 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).

26. 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).

27. 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).

28. 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).

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

30. Ammonia CAS# 7664-41-7 has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

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

32. During at least one period of time in calendar year 2007, sulfuric acid, ammonia and lead were each present at the Zumbrota Facility in amounts equal to or greater than their respective minimum threshold levels.

33. During at least one period of time in calendar year 2007, sulfuric acid, ammonia and lead were each present at the New Ulm Facility in amounts equal to or greater than their respective minimum threshold levels.

34. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid, ammonia, and lead.

35. 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).

36. At all times relevant to this CAFO, the Zumbrota Fire Department was the fire department with jurisdiction over the Zumbrota Facility.

37. At all times relevant to this CAFO, the New Ulm Fire Department was the fire department with jurisdiction over the New Ulm Facility.

38. Section 312 of EPCRA required Respondent to submit to the SERC and fire department with jurisdiction over the Zumbrota Facility on or before March 1, 2008, for calendar year 2007, a completed emergency and hazardous chemical inventory form including sulfuric acid, ammonia and lead.

39. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form for the Zumbrota Facility, including sulfuric acid, ammonia, and lead, on November 19, 2008 for calendar year 2007.

40. Respondent submitted to the Zumbrota Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, ammonia, and lead on November 21, 2008, for calendar year 2007.

41. Each day Respondent failed to submit to the SERC and/or Zumbrota Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, ammonia, and lead, by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

42. Section 312 of EPCRA required Respondent to submit to the SERC and fire department with jurisdiction over the New Ulm Facility on or before March 1, 2008, for calendar year 2007, a completed emergency and hazardous chemical inventory form including sulfuric acid, ammonia, and lead.

43. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form for the New Ulm Facility, including sulfuric acid, ammonia, and lead, on November 19, 2008 for calendar year 2008.

44. Respondent submitted to the New Ulm Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, ammonia, and lead, on November 21, 2008, for calendar year 2007.

45. Each day Respondent failed to submit to the SERC and/or New Ulm Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, ammonia, and lead, by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

46. In consideration of Respondent's cooperation, good faith negotiations, and agreement to settle this matter without civil or administrative proceedings, without an acknowledgment of liability, and without undue expense or delay for either party, Complainant has determined, and Respondent has agreed, that an appropriate civil penalty to settle this action is \$17,302.

47. Within 30 days after the effective date of this CAFO, Respondent must pay the \$17,302.00 civil penalty for the EPCRA non-compliance. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:
[for checks sent by regular U.S. postal service]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for check sent by express mail]

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

The check must note the following: the case title, the docket number of this CAFO and the billing document number provided by U.S. EPA.

48. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk, (E-13J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

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

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

50. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 61 - 63, 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. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

51. 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, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Projects

52. As an additional condition to the settlement represented by this CAFO, Respondent must complete the following supplemental environmental projects (SEPs) designed to enhance Respondent's ability and the ability of the local responders to respond to accidental releases of ammonia, and to provide technician level training to the local responders.

53. Respondent shall conduct the following three SEPs in accordance with the descriptions and in the time frames specified below.

SEP A. Respondent will upgrade the ammonia equipment at the New Ulm facility. These improvements will provide an additional margin of safety to their employees and local responders in the event of an emergency. This SEP will include among other improvements, the installation of a new ammonia detection system, with new emergency ventilation and equipment controls for vessels and refrigeration compressors. This project will provide an early detection and alarm capability that will assist in allowing for timely response by both staff and local responders.

Respondent will spend at least \$51,445 on this project and complete this project on or before June 1, 2011.

SEP B. Respondent will hire an expert consultant, SCSTracer Environmental, a hazard assessment study and program developer to help Respondent and the local responders understand the potential off site consequences of an ammonia release.

Respondent will spend at least \$1,000 on this project and complete this project on or before June 1, 2011.

SEP C. Respondent will install extensive security fencing around two ground level ammonia cooling towers at the New Ulm facility. The fencing will add a significant layer of protection with regard to the facility's process equipment. Ammonia theft is an increasing problem for refrigerated warehouse facilities and such thefts can also lead to damaged systems and inadvertent ammonia releases. Respondent will spend at least \$4,513 to complete this project, and will complete this project on or before June 1, 2011.

54. Respondent certifies that it is not required to perform or develop the SEPs described in Paragraph 53 above 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.

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

56. Respondent must submit a SEP completion report to U.S. EPA by July 1, 2011.

This report must contain the following information for each project:

- 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 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.

57. Respondent must submit all notices and reports required by this CAFO by first class mail to Ruth McNamara of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 48, above.

58. 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.

59. Following receipt of the SEP completion report described in paragraph 56, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEPs and the SEP report;
- b. There are deficiencies in any one of the SEPs as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEPs or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 61.

60. If U.S. EPA exercises option b, 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 requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP projects as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 61-63, below.

61. If Respondent violates any requirement of this CAFO relating to **SEP A**, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent has spent less than the amount set forth in paragraph 53A (\$51,445), above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 53A.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$2,000 in addition to any penalty required under subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty of \$5,000 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to submit timely the SEP completion report Respondent must pay stipulated penalties as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$10	1st through 14th day
\$20	15th through 30th day
\$30	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone, until it achieves compliance with the milestone.

62. If Respondent violates any requirement of this CAFO relating to **SEP B**, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent has spent less than the amount set forth in paragraph 53B (\$1,000), above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 53B.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$200 in addition to any penalty required under subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty of \$400 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to submit timely the SEP completion report Respondent must pay stipulated penalties as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$10	1st through 14th day
\$20	15th through 30th day
\$30	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone, until it achieves compliance with the milestone.

63. If Respondent violates any requirement of this CAFO relating to **SEP C**,

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

- a. If Respondent has spent less than the amount set forth in paragraph 53C (\$4,513), above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 53C.
 - b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$1,000 in addition to any penalty required under subparagraph a, above.
 - c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty of \$2,000 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
64. If Respondent fails to submit timely the SEP completion report Respondent must

pay stipulated penalties as follows:

a. <u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$10	1st through 14th day
\$20	15th through 30th day
\$30	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone, until it achieves compliance with the milestone.

65. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP will bind Respondent.

66. 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 paragraphs 47 and 48, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

67. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of Section 312(a) of EPCRA, 42 U.S.C. 11022(a)."

68. 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.

- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a 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.

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

70. For Federal Income Tax purposes, Respondent agrees that it will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP projects.

General Provisions

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

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

73. Respondent certifies that it is now in compliance with Section 312 of EPCRA, 42 U.S.C. § 11022 with regard to the Zumbrota Facility and the New Ulm Facility.

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

75. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response

Policy for Section 312 of EPCRA.

76. The terms of this CAFO bind Respondent and its successors, and assigns.
77. 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.
78. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.
79. This CAFO constitutes the entire agreement between the parties.

In the Matter of:

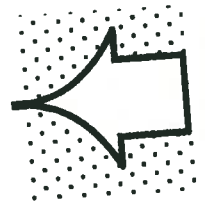
**VersaCold Logistics Services, New Ulm & Zumbrota, Minnesota
Docket No.**

**VersaCold USA, Inc. d/b/a
VersaCold Logistics Services, Respondent**

3-14-2011
Date




Ronald B. Hutchison, Chief Financial Officer



HERE

U.S. Environmental Protection Agency, Complainant

3/24/2011
Date



Richard C. Karl, Director
Superfund Division
Douglas E. Ballotti, Acting Director

In the Matter of:
VersaCold Logistics Services, New Ulm & Zumbrota, Minnesota
Docket No. EPCRA-05-2011-0015

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.

3-24-2011

Date



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

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MAR 25 2011
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:
VersaCold Logistics Services, New Ulm & Zumbrota, Minnesota
Docket No. EPCRA-05-2011-0015

Certificate of Service

I, Ruth McNamara, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number **EPCRA-05-2011-0015** 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 VersaCold's attorney by placing them in the custody of the United States Postal Service addressed as follows:

David M. Cremons
Felhaber Larson Fenlon & Vogt
220 South Sixth Street, Suite 2200
Minneapolis, Minnesota 55402

on the 25th day of March, 2011.

Ruth McNamara
Ruth McNamara
U.S. Environmental Protection Agency
Region 5

RECEIVED
MAR 25 2011

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