



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

August 20, 2015

George Malone  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Re: Case Name: Land O'Lakes, Inc. (Hudson Oil Refinery Superfund Site)  
Docket Number: 06-16-08  
Petition Number: CERCLA 106(b) 15-01

Dear Mr. Malone:

This is to advise you that the Environmental Appeals Board received a petition for reimbursement on August 18, 2015, filed by Land O'Lakes, Inc. pursuant to CERCLA Section 106(b). The petition seeks reimbursement of costs incurred by the Petitioner.

A copy of the petition and exhibits can be found on the Board's website at [www.epa.gov/eab](http://www.epa.gov/eab). Click on "EAB Dockets" in the left-hand menu, and click on the "Active Dockets" link, and then click on the appropriate case name. If you have any difficulty accessing this document, please let me know.

The Board has issued a revised guidance document, dated February 23, 2012, describing the Board's procedures for addressing Section 106(b) reimbursement petitions. The document can be found on the Board's website at <http://www.epa.gov/eab> and click on EAB Guidance Documents (left-hand menu) and click the last link CERCLA Guidance 02-23-12 FINAL.pdf. If you have difficulty accessing this document, please let me know.

Accordingly, please have your staff prepare and submit a response to the petition, as described more fully in Section IV.A of the Board's guidance. If your response challenges the petitioner's eligibility to seek reimbursement, without regard to the merits of the reimbursement claim, the response should be filed not later than September 21, 2015. If, however, your response does address the merits of the reimbursement claim, the response should be filed not later than October 20, 2015. Filing may be accomplished electronically pursuant to the Board's

Order of January 28, 2010.<sup>1</sup> Alternatively, filing may be accomplished by filing a paper original (signed in blue ink) and two copies of these materials with the Board (at the address shown below) by the date specified above and send a copy of the response to the petitioner's attorney.

Please include with the response a certified index to the administrative record that was compiled in connection with the issuance of the underlying CERCLA Section 106(a) Order. Please also include copies of any documents that are relied on in the response and that have not already been submitted to the Board by the petitioner.

All documents including the materials due September 21, 2015 or October 20, 2015, must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

**All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via Courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.<sup>2</sup>**

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

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<sup>1</sup> The Board has issued an Order authorizing the electronic filing of documents in cases involving permit appeals. *See* Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R. Part 22 (Jan. 28, 2010), *available at* <http://www.epa.gov/eab> (click "Standing Orders" on sidebar). Instructions on registration and document filing are available by using the "Electronic Filing" link on the Board's website. Documents containing confidential business information should not be filed electronically as the Board considers business confidentiality claims waived when a document is electronically filed. *Id.* at 5-6. Please note that if a party, or its attorney or other representative, electronically files any document, such as a notice of appeal, brief, or motion, that exceeds fifty (50) pages in length, inclusive of the certificate of service, table of contents, and table of authorities, but exclusive of exhibits or attachments, it must also send one paper copy of that document to the Board by U.S. Mail, hand, courier, or commercial delivery service within one business day of the date of the electronic filing. *See id.* at 4-5. Such paper copy must be accompanied by a signed certification stating that it is identical to the electronically filed document. *Id.* at 5. If the combined page length of all of the exhibits or attachments submitted in support of a brief or motion exceeds fifty (50) pages, the requirement to submit a paper copy, and its timing, applies to the entire set of exhibits or attachments. *Id.* Anyone electronically filing exhibits or attachments in support of a brief, motion, or other document should submit them separately from the associated brief or motion. *Id.* at 3.

<sup>2</sup> All mail sent to the Environmental Protection Agency may be delayed by a random sterilization procedures. Parties are encouraged to utilize the Board's e-filing system or hand or courier delivery when filing pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website ([www.epa.gov/eab](http://www.epa.gov/eab)) at the Clerk of the Board or Frequently Asked Questions links.

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals board 1103M  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are **hand-carried** in person, delivered via Courier, mailed by Express Mail or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

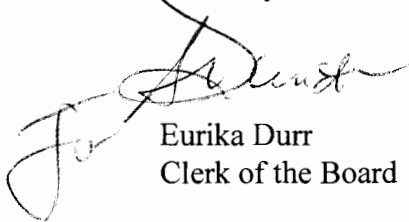
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1201 Constitution Ave., NW  
U.S. EPA, East Building, Room 3332  
Washington, D.C. 20004

Such documents may be delivered to the Board, from 8:30 a.m. to 4:00 p.m., Monday through Friday (excluding federal holidays), and must include the Board's phone number, 202-233-0122. Documents filed electronically may be filed at any time up to 11:59 p.m. Eastern Time on the day the document is required to be filed with the Board.

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr", is written over the typed name and title.

Eurika Durr  
Clerk of the Board

cc: Bryon E. Starns, Esq.  
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