



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
APR - 4 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Terry Larsen, Chief Executive Officer
Mille Lacs Soil Service Association
165 State Highway 23, Box 86
Foreston, Minnesota 56330

Re: **Mille Lacs Soil Service Association, Foreston, Minnesota**
Consent Agreement and Final Order
Docket No. *CAA-05-2013-0033*

Dear Mr. Larsen:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. U.S. EPA has filed the original CAFO with the Regional Hearing Clerk on *April 4, 2014*. Please pay the civil penalty in the amount of \$50,000 in the manner prescribed in paragraphs 9-11 and reference your check with the docket number.

Please feel free to contact Greg Chomycia at (312) 353-8217 if you have any questions regarding the enclosed documents. Please direct any legal questions to Mary McAuliffe, Regional Counsel, at (312) 886-6237. Thank you for your assistance in resolving this matter.

Sincerely yours,

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

Enclosure

cc. Mary McAuliffe, ORC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:)
)
Mille Lacs Soil Service Association)
Foreston, Minnesota,)
)
Respondent.)
_____)

Docket No. CAA-05-2013-0033

Consent Agreement and Final Order

1. Complainant, the Director of the Superfund Division, U.S. Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. §7413(d).

2. On July 22, 2013, EPA filed the Complaint in this action against Respondent Mille Lacs Soil Service Association. The Complaint alleges that Respondent violated Section Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Risk Management Program regulations codified at 40 C.F.R. Part 68 at its facility in Foreston, Minnesota.

3. Respondent filed an Answer and requested a hearing under Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint other than those it admitted in its Answer.

5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that it is complying fully with 40 C.F.R. Part 68.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e) and the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$50,000.00.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$50,000.00 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

The check must state on its face: "In the matter of Mille Lacs Soil Service, Docket No. CAA-05-2013-0033."

11. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to EPA at the following addresses when it pays the penalty:

Greg Chomycia (SC-5J)
Chemical Emergency Preparedness and Prevention
Section
Superfund Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Mary McAuliffe (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

12. This civil penalty is not deductible for federal tax purposes.
13. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
14. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury Pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

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

16. 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 violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 15, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

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

19. 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.

20. Each party agrees to bear its own costs and attorneys fees in this action.

21. This CAFO constitutes that entire agreement between the parties.

22. The effective date of this CAFO is the date when this CAFO is filed with the Regional Hearing Clerk's office.

Mille Lacs Soil Service Association, Respondent

Date: 4-2-14

By:  M. Graetz
Heidi Olson
Manager

**In the Matter of Mille Lacs Soil Service Association
Docket No. CAA-05-2013-0033**

United States Environmental Protection Agency, Complainant

Date: 4/3/2014


By: 
Richard Karl, Director
Superfund Division

Consent Agreement and Final Order
In the Matter of: Mille Lacs Soil Service Association
Docket No. CAA-05-2013-0033

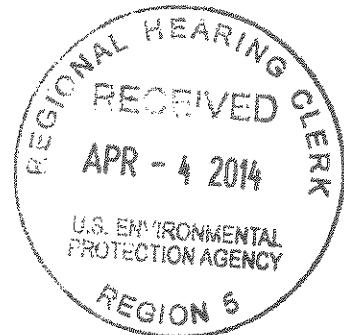
Final Order

This Consent Agreement and Final Order, as agreed to by 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.

4/3/2004
Date



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



**Consent Agreement and Final Order
In the Matter of: Mille Lacs Soil Service Association
Docket No. CAA-05-2013-0033**

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number CAA-05-2013-0033 with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed a copy by first-class, postage prepaid, by placing it in the custody of the United States Postal Service addressed as follows:

Thomas D. Jensen
Lind Jensen Sullivan & Peterson
1300 AT&T Tower
901 Marquette Avenue South
Minneapolis, Minnesota 55402

Terry Larsen, Chief Executive Officer
Mille Lacs Soil Service Association
165 State Highway 23, Box 86
Foreston, Minnesota 56330

Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Ariel Rios Building/Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460



On the 4 day of April, 2014.

A handwritten signature in black ink, appearing to read "Charles Rodriguez".

Charles Rodriguez
Student Aide
U.S. EPA, Region 5
Office of Regional Counsel