



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

JUN 11 2019

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric Tiegen
Corporate Environmental Manager
Land O'Lakes, Inc.
4001 Lexington Avenue North
Arden Hills, Minnesota 55126

Re: Expedited Settlement Agreement Land O'Lakes, Inc., Arden Hills, Minnesota
Emergency Planning and Community Right-to-Know Act Section 312
Payment Docket No. EPCRA-19-ESA-003
Docket No. **EPCRA-05-2019-0008**

Dear Mr. Tiegen:

Enclosed please find a copy of the fully executed EPCRA Section 312 Expedited Settlement Agreement and Final Order (ESA). The ESA is binding on EPA and Land O'Lakes, Inc. EPA will take no further action against Land O'Lakes, Inc. for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact James Entzminger at (312) 312-886-4062, or Entzminger.james@epa.gov, if you have any questions regarding the enclosed document or if you have any other questions about EPCRA reporting. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hartz".

Michael E. Hartz, Chief ^{for}
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Steve Tomlyanovich (w/ enclosure)
Division of Homeland Security
and Emergency Management
445 Minnesota Street, Suite 223
St. Paul, Minnesota 55101



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. Jackson Boulevard
Chicago, IL 60604-3590



EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

DOCKET NO: EPCRA-05-2019-0008
PAYMENT DOCKET NO: EPCRA-19-ESA-003

This Expedited Settlement Agreement and Final Order is issued to:
Land O'Lakes, Inc.
4001 Lexington Avenue North
Arden Hills, Minnesota 55126

for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act.

This Expedited Settlement Agreement (ESA) and Final Order is an administrative proceeding for the assessment of a civil penalty under Section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, for alleged violations of Section 312 of EPCRA, 42 U.S.C. § 11022. The Complainant is, by lawful delegation, the Director of the Superfund Division, EPA Region 5. The Respondent is Land O'Lakes, Inc., a Minnesota cooperative corporation.

Complainant and Respondent (jointly the "Parties") have agreed 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. Respondent consents to the assessment of the civil penalty and to the terms specified in this ESA and Final Order. This action is thus simultaneously commenced and concluded by this ESA and Final Order. *See* 40 C.F.R. § 22.1(a)(8), 22.13(b) and 22.18(b)(2)-(3).

The Regional Administrator has redelegated the authority to issue Final Orders ratifying consent agreements pursuant to 40 C.F.R. § 22.13(b) and 22.18(b)(3) to the Regional Judicial Officer, Office of Regional Counsel, EPA Region 5.

ALLEGED VIOLATION

Complainant alleges that Respondent, owner and/or operator of the facility at 4001 Lexington Avenue North, Arden Hills, Minnesota, failed to timely submit a completed emergency and hazardous chemical inventory form (a Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for calendar year 2016 as required by Section 312

of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier II form for calendar year 2016 on or before March 1, 2017.

SETTLEMENT

In consideration of the factors including the nature, circumstances, extent, and gravity of the violation; Respondent's prior history of violations; and any other matters as justice may require, EPA and Respondent agree that an appropriate civil penalty to settle this action is \$5,000.00. In signing this ESA, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegation(s) contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations or appeal the ESA and Final Order contained herein.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected; and (2) Respondent is submitting payment of the civil penalty as described below.

Respondent must pay the full penalty by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$5,000.00 to the following address:

U. S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The payment docket number of this ESA must be included on the check. (The payment docket number is located at the top left corner of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

James Entzminger
U.S. EPA Region 5
Superfund Division
Chemical Emergency Preparedness and Prevention Section
77 W. Jackson Boulevard, (SC-5C)
Chicago, IL 60604

Upon the issuance of the Final Order, Respondent's correction of the alleged violation, and confirmation of receipt of Respondent's payment of the civil penalty, Respondent's liability is resolved only for federal civil penalties for the violation alleged in this ESA. This ESA and Final Order do not affect the rights of EPA or the United States to pursue appropriate injunctive

or other equitable relief or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of EPCRA or any other statute. This ESA and Final Order does not affect Respondent's duty to comply with EPCRA, the regulations promulgated thereunder, or any other applicable federal, state, or local laws or requirements.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 5 office at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension has been granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violation identified in this ESA.

This ESA and Final Order is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

Each Person signing this ESA and Final Order 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.

FOR RESPONDENT:


Signature:  Date: 5/24/2019

Name (print): Sheilah Stewart

Title (print): SVP & General Counsel

Name of facility: Land O'Lakes, Inc.

FOR COMPLAINANT:



Douglas Ballotti, Director
Superfund Division

Date: 6/5/2019

FINAL ORDER

This Expedited Settlement 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

Date: 6/9/99

LAND O'LAKES, INC.
ATTN: ACCTS PAYABLE 651-375-5299
4001 LEXINGTON AVE N
ARDEN HILLS, MN 55126


Date: 05/30/2019
Check #: 15577185
Payment Amount: 5,000.00
Vendor #: 1910372



000318 R3K4SDA
TREASURER OF THE UNITED STATES
US EPA FINES AND PENALTIES CINCINNATI
PO BOX 979077
SAINT LOUIS MO 63197-9000

Remittance Advice

Invoice Date	Invoice #	Explanation	Invoice Gross Amt	Discount Amount	Invoice Net Amt
05/22/2019	EPCRA-19-ESA-003	DOCKET# EPCRA-19-ESA-003	5,000.00	0.00	5,000.00



EPCRA-05-2019-0008

In the Matter of: Land O'Lakes, Inc., Arden Hills, Minnesota
Docket No. EPCRA-05-2019-0008

Certificate of Service

I certify that I filed a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, which was filed on June 11, 2019 in the following manner to the addressees:

Copy by Certified Mail
Return Receipt Requested:

Eric Tiegen
Corporate Environmental Manager
Land O'Lakes, Inc.
4001 Lexington Avenue North
Arden Hills, Minnesota 55126

Copy by E-Mail to
Attorney for Complainant

Robert Peachey
peachey.robert@epa.gov

Copy by E-Mail to
Regional Judicial Officer

Ann Coyle
Coyle.ann@epa.gov

Dated: June 11, 2019

L. Whitehead
LaDawn Whitehead, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2643 7749