



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
JUN 26 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patrick Kritzer
Owner
Kritzer Oil Co. – Bulk Plant
501 S. State Street
Waseca, Minnesota 56093

Re: Expedited Settlement Agreement
Emergency Planning and Community Right-to-Know Act Section 312
Payment Docket No. EPCRA-17-ESA-007
Docket No. **EPCRA-05-2017-0020**

Dear Mr. Kritzer:

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 Kritzer Oil Co. – Bulk Plant. EPA will take no further action against Kritzer Oil Co. – Bulk Plant for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Ruth McNamara at (312) 353-3193, or mcnamara.ruth@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 "Michael E. Hans".

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 W. Jackson Boulevard
Chicago, IL 60604-3590

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

DOCKET NO: EPCRA-05-2017-0020
PAYMENT DOCKET NO: EPCRA-17-ESA-007

This Expedited Settlement Agreement is issued to:

Patrick Kritzer
Owner
Kritzer Oil Co. - Bulk Plant
501 S. State Street
Waseca, Minnesota 56093



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

The United States Environmental Protection Agency, Region 5, and Kritzer Oil Co. – Bulk Plant (“Respondent”) have agreed to the settlement of this action before the filing of a complaint. EPA 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. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045. The Director of the Superfund Division, Region 5, EPA has been delegated the authority to issue an Administrative Complaint seeking the assessment of civil penalties for violations of Section 312 of EPCRA, 42 U.S.C. § 11022. The Regional Administrator for Region 5 of EPA is authorized to issue a Final Order, which concludes this matter pursuant to 40 C.F.R. § 22.18.

ALLEGED VIOLATIONS

EPA alleges that Respondent, owner and/or operator of the facility at 5th - 7th Avenues & 3rd Street SW, Waseca, Minnesota failed to timely submit a completed emergency and

hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the calendar year 2015, 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 I or Tier II form for calendar years 2015 on or before March 1, 2016. Respondent filed the required form on September 23, 2016.

SETTLEMENT

In consideration of factors including the nature, circumstances, extent, and gravity of the violations; 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's conduct as alleged herein; (3) neither admits nor denies the factual allegation contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to request a hearing to contest any fact or allegation or appeal the final order contained herein. Respondent consents to, and is bound by, the terms and conditions of this ESA.

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 send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$ 5,000.00 in payment of the full penalty amount 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:**

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

The ESA, when executed by both parties and filed with the Regional Hearing Clerk, is a final order under 40 C.F.R. Part 22², and is binding on EPA and Respondent. Upon filing of the fully executed document, EPA will take no further action against Respondent for the violations cited in the ESA. EPA will neither accept nor approve the ESA if returned more than 45 days after the date of Respondent's receipt of this letter, unless an extension has been granted by EPA. Also, EPA will not accept nor approve the ESA if you have not demonstrated your correction of the violations.

By the terms of the ESA, and upon filing of the ESA, Respondent waives its opportunity for a hearing or appeal pursuant to 40 C.F.R. § 22.15(c). While the terms of the ESA are non-negotiable, should Respondent have any other questions regarding this ESA process, please contact Ruth McNamara at (312) 353-3193 or by email at mcnamara.ruth@epa.gov. If you have any legal questions, please contact Robert Smith, Associate Regional Counsel, at (312) 886-0765, or smith.roberth@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans", followed by a horizontal line.

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

Enclosures

² Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits

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 any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, 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. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with EPCRA, the regulations promulgated thereunder, or any other applicable law or requirement.

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, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA 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: 6/12/2017

Name (print): Patrick S. Kritzer

Title (print): President

Name of facility: Kritzer Oil Co. - Bulk Plant

FOR COMPLAINANT:

Margaret Guerriero
Douglas Ballotti, Acting Director
Superfund Division

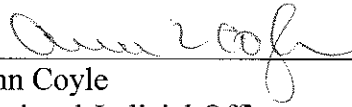
M. Cecilia Moore Jr

Date: 6/22/17

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

Date: 6/23/17

In the Matter of: Kritzer Oil Co. - Bulk Plant, Waseca, Minnesota
Docket No. EPCRA-05-2017-0020

Certificate of Service

I certify that I filed a true and correct copy of the foregoing Expedited Settlement Agreement,
which was filed on June 26, 2017 in the following manner to the
addressees:

Copy by Certified Mail

Return Receipt Requested: Patrick Kritzer
Owner
Kritzer Oil Co. – Bulk Plant
501 S. State Street
Waseca, Minnesota 56093

Copy by E-Mail to

Attorney for Complainant smith.roberth@epa.gov
E-Mail Address

Copy by E-Mail to

Regional Judicial Officer Ann Coyle
Coyle.ann@epa.gov

Dated: June 26, 2017



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

CERTIFIED MAIL RECEIPT NUMBER(S):

7001 0320 0005 8922 0102

