



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

APR 01 2010

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Eric Anderson  
General Manager  
Northern Partners Cooperative  
Post Office Box 560  
Mendota, Illinois 61342

Re: Northern Partners Cooperative, Mendota, Illinois, Consent Agreement and  
Final Order, Docket Nos. MM-05-2010-0004 CERCLA-05-2010-0003

Dear Mr. Anderson:

**EPCRA-05-2010-0010**

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on APR 02 2010.

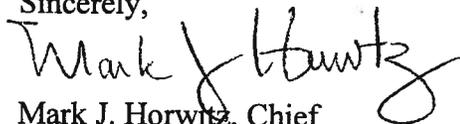
Please pay the Comprehensive Environmental Response, Compensation, and Liability Act civil penalty in the amount of \$3,000.00 in the manner prescribed in paragraph 60, and reference your check with the billing document number 2751030B003 and the docket number CERCLA-05-2010-0003.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$12,750.00 in the manner prescribed in paragraph 61, and reference your check with the billing document number 2751044E014 and the docket number EPCRA-05-2010-0010.

Your payments are due on May 3, 2010 [within 30 days of filing date].

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Robert H. Smith, Associate Regional Counsel, at (312) 886-0765. Thank you for your assistance in resolving this matter.

Sincerely,



Mark J. Horwitz, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Jon England, Legal Counsel (w/ enclosure)  
Kathy Allen (w/ enclosure)  
IL SERC

Robert W. Dodd, Attorney (w/ enclosure)  
Dodd Ludwig Maatuka, LLC  
303 South Mattis Avenue, Suite 201  
Champaign, Illinois 61821-3070 (certified)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

MM-05-2010-0004

EPCRA-05-2010-0010

In the Matter of: )  
)  
Northern Partners Cooperative )  
f/d/b/a Van Orin Co-Operative Oil )  
Company )  
Malden, Illinois )  
Respondent. )  
\_\_\_\_\_ )

Docket No. CERCLA-05-2010-0003  
Proceeding to Assess a Civil Penalty Under  
Section 109(b) of the Comprehensive  
Environmental Response, Compensation,  
and Liability Act, and Section 325(b)(2) of the  
Emergency Planning and Community  
Right-to-Know Act of 1986

RECEIVED  
APR 02 2010

CONSENT AGREEMENT AND FINAL ORDER  
Preliminary Statement

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section(s) 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(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 Chief of the Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Northern Partners Cooperative, a special act corporation doing business in the State of Illinois.

4. At all times relevant to this Consent Agreement and Final Order (CAFO), Van Orin Co-Operative Oil Company was the owner or operator of the facility located at 24998 1900<sup>th</sup> N Avenue, Malden, Illinois. Subsequent to these violations, Van Orin Co-Operative Oil Company was one of four companies that through a merger became Northern Partners Cooperative. As a

result of the merger, Northern Partners Cooperative has assumed liability for the violations alleged in this CAFO.

5. 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 CAFO. 40 C.F.R. § 22.13(b).

6. 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.

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

#### **Jurisdiction and Waiver of Right to Hearing**

8. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

9. 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**

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the hazardous substance's reportable quantity.

11. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals

are produced, used, or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state, and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

13. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency planning commission (SERC) of any state likely to be affected by a release.

14. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

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

16. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), and Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorize U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103 and EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased

these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation for violations that occurred between March 15, 2004 and January 12, 2009, and to \$37,500 per day of violation that occurred after January 12, 2009.

**Factual Allegations and Alleged Violations**

17. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

18. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

19. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 24998 1900<sup>th</sup> N Avenue, Malden, Illinois (facility).

20. At all time relevant to this CAFO, Respondent was in charge of the facility.

21. Respondent’s facility consists of a building, structure, installation, equipment, pipe or pipeline, storage container, motor vehicle, rolling stock, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

22. Respondent’s facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

23. Respondent’s 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, including motor vehicles and rolling stock.

24. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

25. Xylene (CAS #1330-20-7) is listed as a toxic and hazardous substance under Occupational Safety and Health Act (OSHA) regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

26. Xylene (CAS #1330-20-7) 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).

27. At all times relevant to this CAFO, xylene was produced, used or stored at Respondent’s facility.

28. Anhydrous ammonia (CAS #7664-41-7) is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

29. Anhydrous ammonia (CAS #7664-41-7) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

30. Anhydrous 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).

31. Anhydrous ammonia (CAS #7664-41-7) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

32. On April 27, 2008, at or about 10:30 p.m., a release occurred from Respondent’s facility of approximately 1,000 pounds of anhydrous ammonia (the release).

33. In a 24 hour time period, the release of anhydrous ammonia exceeded 100 pounds.

34. During the release, approximately 1,000 pounds spilled, leaked, poured, emitted, discharged, escaped, or dumped, into the land surface or subsurface strata, or ambient air, and/or air or land.

35. The release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

36. The release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

37. Respondent had knowledge of the release on April 27, 2008 at approximately 10:30 p.m..

38. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

39. The release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

40. The release was likely to affect Illinois.

41. At all times relevant to this CAFO, the Illinois Emergency Management Agency was the SERC for Illinois under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

42. The release was likely to affect Bureau County, Illinois.

43. At all times relevant to this CAFO, the Bureau County Local emergency planning Committee was the LEPC for Bureau County, Illinois under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

44. Respondent notified the NRC of the release on April 28, 2008, at 6:14 a.m.

45. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

46. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

47. Respondent notified the Illinois SERC of release on April 28, 2008, at or after 6:24 a.m.

48. Respondent did not immediately notify the SERC after Respondent had knowledge of the release.

49. Respondent's failure to immediately notify the SERC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

50. Respondent notified the LEPC of the release on April 28, 2008, at 7:35 a.m.

51. Respondent did not immediately notify the LEPC after Respondent had knowledge of the release.

52. Respondent's failure to immediately notify the LEPC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

53. Respondent provided written follow-up emergency notice of the release to the SERC on May 12, 2008.

54. Respondent did not provide the SERC written follow-up emergency notice of the release as soon as practicable after the release occurred.

55. Respondent's failure to provide written follow-up emergency notice to the SERC as soon as practicable after the release occurred is a violation Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

56. Respondent provided written follow-up emergency notice of the release to the LEPC on November 18, 2009.

57. Respondent did not provide the LEPC with written follow-up emergency notice of the release as soon as practicable after the release occurred.

58. Respondent's failure to provide written follow-up emergency notice to the LEPC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

**Civil Penalty**

59. In consideration of Respondent's agreement to perform a supplemental environmental project, cooperation, willingness to quickly resolve this matter, and size of business, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$15,750.00.

60. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,000.00 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

**for checks sent by regular U.S. postal service**

U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

**for checks sent by express mail**

U.S. Bank  
Government Lockbox 979076 U.S. EPA Superfund Payments  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, the docket number of this CAFO and the billing document number 2751030B003.

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to "EPA Hazardous Substance Superfund," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read "D68010727  
Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, the docket number of this CAFO and the billing document number 2751030B003.

61. Within 30 days after the effective date of this CAFO, Respondent must pay a \$12,750.00 civil penalty for the EPCRA violations. 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. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**for checks 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: Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, the docket number of this CAFO and the billing document number 2751044E014

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read “D68010727  
Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state the following: Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, the docket number of this CAFO and the billing document number 2751044E014.

**for online payments using debit or credit card**

Respondent must pay online using ACH debit or credit card. For payments online using ACH debit or credit card please visit [www.pay.gov](http://www.pay.gov). Using the Search Public Forms option on the tool bar (left side of page), enter SFO 1.1 in the search field. Open the form and complete the information requested.

62. A transmittal letter, stating Respondent’s name, the case title, Respondent’s complete address, the case docket number and the billing document number must accompany each payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

James Entzminger (SC-6J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Robert H. Smith (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

64. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 77, 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.

65. 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 Project**

66. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by replacing the running gears on at least 16 nurse tanks.

67. At its Malden, Illinois facility, Respondent must complete the SEP as follows:

By July 1, 2010, Respondent must replace the running gears on 16 of the nurse tanks that it owns or operates at the Malden Illinois location with 8 new running gears.

68. Respondent must spend at least \$60,000 to replace the running gears on all of the nurse tanks.

69. Respondent certifies that it is not required to perform or develop the SEP 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.

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

71. Respondent must maintain copies of the underlying data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying data to U.S. EPA within seven days of U.S. EPA's request for the information.

72. Respondent must submit a SEP completion report to U.S. EPA by August 2, 2010.

This report must contain the following information:

- a. Detailed description of the SEP as completed, including the total number of nurse tanks that the Respondent owns or operates at the Malden, Illinois location, the information from the data plate on nurse tanks where the running gears were replaced, and pictures of the old running gears and the new running gears;
- 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, work 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 (quantify the benefits and pollution reductions, if feasible).

73. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 62, above.

74. 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.

75. Following receipt of the SEP completion report described in paragraph 72, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP 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 SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 77.

76. 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 as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 77, below.

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

- a. If Respondent has spent less than the amount set forth in paragraph 68, 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 68.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$12,000.00 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 \$30,000.00 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 comply with the schedule in paragraph 67 for implementing the SEP, fails to submit timely the SEP completion report in paragraph 72, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	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.

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

79. 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 60-61, above, with 19 percent to the "EPA Hazardous Substance

Superfund,” and the remainder to the “Treasurer, United States of America,” and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

80. 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 CERCLA Section 103 and EPCRA Section 304.”

81. 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.

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

#### **General Provisions**

83. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in the CAFO.

84. 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.

85. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) and Section 304 of EPCRA, 42 U.S.C. § 11004.

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

87. This CAFO is a “final order” for purposes of U.S. EPA’s Enforcement Response Policy for Section 103 of CERCLA and Sections 304 of EPCRA.

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

89. 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.

90. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

91. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:**

**Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, Malden,  
Illinois**

**Docket No.** \_\_\_\_\_

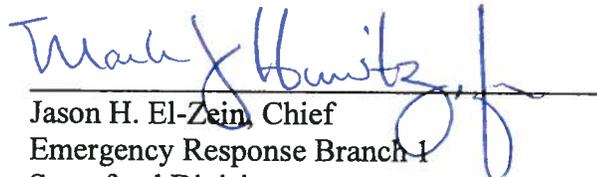
**Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, Respondent**

3-17-10  
Date

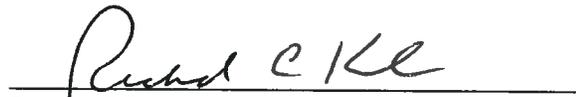
  
Eric Anderson  
General Manager  
Northern Partners Cooperative  
f/d/b/a Van Orin Co-Operative Oil Company,

**U.S. Environmental Protection Agency, Complainant**

03/26/2010  
Date

  
Jason H. El-Zein, Chief  
Emergency Response Branch 1  
Superfund Division

3-29-10  
Date

  
Richard C. Karl  
Director  
Superfund Division

**In the Matter of:**

**Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, Malden, Illinois**

**Docket No. MM-05-2010-0004 CERCLA-05-2010-0003 EPCRA-05-2010-0010**

**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.

Date

3/29/10

Walter W. Karaduz  
*for*

Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
APR 02 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**In the Matter of:**

**Northern Partners Cooperative, f/d/b/a Van Orin Co-Operative Oil Company, Malden, Illinois**

**Docket No. MM-05-2010-0004**

**CERCLA-05-2010-0003**

**EPCRA-05-2010-0010**

**Certificate of Service**

I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order 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 Northern Partners Cooperative and their Counsel by placing them in the custody of the United States

Postal Service addressed as follows:

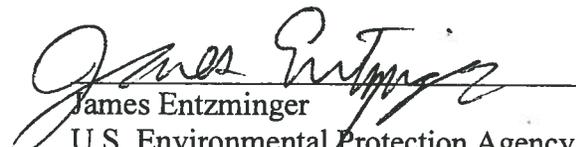
Eric Anderson, General Manager  
Northern Partners Cooperative  
Post Office Box 560  
Mendota, Illinois 61342

Robert W. Dodd, Attorney  
Dodd Ludwig Maatuka, LLC  
303 South Mattis Avenue, Suite 201  
Champaign, Illinois 61821-3070

**RECEIVED**  
APR 02 2010

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

on the 1 day of April, 2010

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5