



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

FEB 21 2017

REPLY TO THE ATTENTION OF:

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

Tavia Leonard  
Human Resource Manager/  
Safety Manager  
Dianne's Fine Desserts  
410 W. Industrial Street  
Le Center, Minnesota 55102

Re: Expedited Settlement Agreement  
Emergency Planning and Community Right-to-Know Act Section 312  
Payment Docket No. EPCRA-17-ESA-004  
Docket No. **EPCRA-05-2017-0011**

Dear Ms. Leonard:

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 Dianne's Fine Desserts. EPA will take no further action against Dianne's Fine Desserts 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](mailto: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 "M. Hans", with a horizontal line extending to the right.

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-05-2017-0011  
**PAYMENT DOCKET NO:** EPCRA-17-ESA-004

**This Expedited Settlement Agreement is issued to:**

**Tavia Leonard**  
**Human Resource Manager/  
Safety Manager**  
**Dianne's Fine Desserts**  
**410 W. Industrial Street**  
**Le Center, Minnesota 56057**



**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 Dianne's Fine Desserts ("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.

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

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: Tavia Leonard

Date: 02/02/2017

Name (print): Tavia Leonard

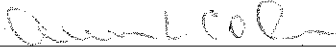
Title (print): HR / Safety Manager

Name of facility: Dianne's Fine Desserts

**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: 2/17/17

In the Matter of: Dianne's Fine Desserts, Le Center, Minnesota  
Docket No. EPCRA-05-2017-0011

Certificate of Service

I certify that I, LaDawn Whitehead, filed a true and correct copy of the foregoing Expedited Settlement Agreement, which was filed on EPCRA-05-2017-0011 in the following manner to the addressees:

Copy by Certified Mail

Return Receipt Requested: Tavia Leonard  
Human Resource manager/  
Safety Manager  
Dianne's Fine Desserts  
410 W. Industrial Street  
Le Center, Minnesota 56057

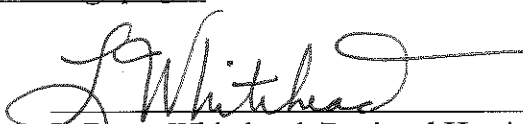
Copy by E-Mail to

Attorney for Complainant Robert H. Smith  
[smith.roberth@epa.gov](mailto:smith.roberth@epa.gov)

Copy by E-Mail to

Regional Judicial Officer Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: February 21, 2017



LaDawn Whitehead, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0188 0444