



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 OCT -1 AM 9:58
REGIONAL HEARING
CLERK

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Evans Chemetics LP
33 Wood Avenue South
Iselin New Jersey 08830
Attention: Jelle Westra, Chief Executive Officer

Re: Administrative Complaint In the Matter of Evans Chemetics LP, Docket No. CAA-02-2007-1223

Dear Mr. Westra:

Enclosed please find an Administrative Complaint ("Complaint") that the United States Environmental Protection Agency ("EPA") has filed against Evans Chemetics LP ("Respondent") under the authority of Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), regarding compliance with the risk management program requirements of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), and the regulations at 40 C.F.R. Part 68.

You have the right to a formal hearing to contest any of the allegations in the Complaint and/or to contest the penalty proposed in the Complaint. If you wish to contest the allegations or the penalty proposed in the Complaint, you must file, within **thirty (30)** days of your receipt of the enclosed Complaint, an Answer with the EPA Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of your receipt of this Complaint and have not obtained a formal extension for filing an Answer from the Regional Judicial Officer, a default order may be entered against you and the entire proposed penalty may be assessed without further proceedings.

Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss any issue relating to the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement and to have an informal conference with EPA. However, a request for an informal conference **does not** substitute for a written Answer, affect what you may choose to say in an Answer, or extend the thirty (30) days by which you must file an Answer requesting a hearing.

Enclosed with this letter is a copy of the "Combined Enforcement Policy for CAA Section 112(r) Risk Management Program," dated August 15, 2001 ("Section 112(r) Penalty Policy"). Also enclosed is a copy of the "Consolidated Rules of Practice," which govern this proceeding. For your general information and use, I also enclose both an "Information Sheet for U.S. EPA Small Business Resources" and a "Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings," which may or may not apply to you.

If you have any questions or wish to schedule an informal settlement conference with regard to the Complaint, please contact Douglas Fischer, EPA Region 2 Office of Regional Counsel at (212) 637-3180 or at the address identified in the Complaint.

Sincerely yours,



George Pavlou, Director
Emergency and Remedial Response Division

Enclosures

cc: Karen Maples, Regional Hearing Clerk

Enclosures: Complaint
Penalty Calculation Worksheet
Penalty Policy
Consolidated Rules
Information Sheet for U.S. EPA Small Business Resources
Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 OCT -1 AM 9:50
REGIONAL HEARING
CLERK

-----X
)
In the Matter of:) Docket No. CAA-02-2007-1223
)
)
EVANS CHEMETICS LP,) Administrative Complaint under
228 East Main Street) Section 113 of the Clean Air Act,
Waterloo, New York 13165) 42 U.S.C. § 7413
)
)
Respondent.)
-----X

ADMINISTRATIVE COMPLAINT

I. JURISDICTION

1. This Complaint ("Complaint") initiates an administrative action for the assessment of a civil penalty pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d). The Complainant in this action is the Director of the Emergency and Remedial Response Division of the United States Environmental Protection Agency, Region 2 ("EPA"), who has been delegated the authority to institute this action.
2. EPA and the U.S. Department of Justice have determined, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that EPA may pursue this matter through administrative enforcement action.

II. APPLICABLE STATUTES AND REGULATIONS

3. Section 113(d) of the Act, 42 U.S.C. § 7413(d), provides for the assessment of penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r).
4. Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), requires the EPA Administrator to promulgate release prevention, detection, and correction requirements regarding regulated substances in order to prevent accidental releases of regulated substances. EPA promulgated regulations in 40 C.F.R. Part 68 to implement Section 112(r)(7) of the Act, which set forth the requirements of risk management programs that must be established and implemented at affected stationary sources. The regulations at 40 C.F.R. Part 68, Subparts A through G, require owners and operators of stationary sources to, among other things, develop and implement: (1) a management system to oversee the implementation of the risk management program elements; and (2) a risk management program that includes, but is not limited to, a hazard assessment, a prevention program, and an emergency response program. Pursuant to 40 C.F.R. Part 68, Subparts A and G, the risk

management program for a stationary source that is subject to these requirements is to be described in a risk management plan ("RMP") that must be submitted to EPA.

5. Sections 112(r)(3) and (5) of the Act, 42 U.S.C. §§ 7412(r)(3) and (5), require the Administrator to promulgate a list of regulated substances, with threshold quantities. EPA promulgated a regulation known as the List Rule, at 40 C.F.R. Part 68, Subpart F, to implement Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3). The List Rule lists the regulated substances and their threshold quantities.
6. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. §§ 68.10(a), 68.12, and 68.150, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process shall comply with the requirements of 40 C.F.R. Part 68 (including, but not limited to, submission of an RMP to EPA) no later than June 21, 1999, or three years after the date on which such regulated substance is first listed under 40 C.F.R. § 68.130, or the date on which the regulated substance is first present in a process above the threshold quantity, whichever is latest.
7. The regulations at 40 C.F.R. Part 68 separate the covered processes into three categories, designated as Program 1, Program 2, and Program 3. A covered process is subject to Program 3 requirements, as per 40 C.F.R. § 68.10(d), if the process: a) does not meet one or more of the Program 1 eligibility requirements set forth in 40 C.F.R. § 68.10(b); and b) is listed in one of the specific North American Industry Classification System ("NAICS") codes found at 40 C.F.R. § 68.10(d)(1) or is subject to the United States Occupational Safety and Health Administration ("OSHA") process safety management standard set forth in 29 C.F.R. § 1910.119.
8. 40 C.F.R. § 68.12(d) requires that the owner or operator of a stationary source with a Program 3 process undertake certain tasks, including, but not limited to, development and implementation of a management system (pursuant to 40 C.F.R. § 68.15), the implementation of prevention program requirements, which include mechanical integrity (pursuant to 40 C.F.R. §§ 68.65-68.87), the development and implementation of an emergency response program (pursuant to 40 C.F.R. §§ 68.90-68.95), and the submission of additional information on prevention program elements regarding Program 3 processes (pursuant to 40 C.F.R. § 68.175).

III. DEFINITIONS

9. 40 C.F.R. § 68.3 defines "stationary source" in relevant part, as any buildings, structures, equipment, installations, or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.
10. 40 C.F.R. § 68.3 defines "threshold quantity" as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the Act as amended, listed in 40 C.F.R.

§ 68.130, and determined, to be present at a stationary source as specified in 40 C.F.R. § 68.115.

11. 40 C.F.R. § 68.3 defines "regulated substance" as any substance listed in 40 C.F.R. § 68.130 pursuant to Section 112(r)(3) of the Act.
12. 40 C.F.R. § 68.3 defines "process," in relevant part, as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.
13. 40 C.F.R. § 68.3 defines "covered process" as a process that has a regulated substance present in more than a threshold quantity pursuant to 40 C.F.R. § 68.115.

IV. FINDINGS OF VIOLATIONS

14. Respondent, Evans Chemetics LP, is, and at all times referred to herein, was, a "person" within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e).
15. Respondent is the owner and/or operator of a facility located at 228 East Main Street, Waterloo, New York, hereinafter referred to as the "Facility." The Facility is located on a main street in a mixed residential/commercial area. The nearest residence is located across the street (<0.1 mile) from the Facility.
16. At the Facility, Respondent manufactures chemical products that are used in a number of products, including hair care, cosmetics, food packaging, food additive, pharmaceuticals, and plastics.
17. The Facility is a "stationary source" as that term is defined at 40 C.F.R. § 68.3.
18. Respondent uses acrylonitrile, a regulated substance as defined in 40 C.F.R. § 68.3, in a process at the Facility.
19. The threshold quantity for acrylonitrile is listed by EPA in 40 C.F.R. § 68.130 as 20,000 pounds.
20. Respondent uses epichlorohydrin, a regulated substance as defined in 40 C.F.R. § 68.3, in a process at the Facility.
21. The threshold quantity for epichlorohydrin is listed by EPA in 40 C.F.R. § 68.130 as 20,000 pounds.
22. On June 14, 1999, Respondent submitted to EPA an RMP for the Facility, which specified that Respondent's process systems at the Facility contained 100,220 pounds of acrylonitrile and 95,918 pounds of epichlorohydrin. The RMP also identified such processes as Program 3.

23. On June 17, 2004, Respondent submitted to EPA an RMP update for the Facility, which specified that Respondent's process systems contained 100,220 pounds of acrylonitrile and 95,918 pounds of epichlorohydrin, and that such processes are Program 3.
24. On October 21, 2005, Respondent submitted to EPA an RMP update for the Facility. This update specified that Respondent's process systems at the Facility contained 100,220 pounds of acrylonitrile and 95,918 pounds of epichlorohydrin, and that such processes are Program 3.
25. The processes in which Respondent uses acrylonitrile and epichlorohydrin, as identified in Respondent's RMP, are covered processes as defined in 40 C.F.R. § 68.3, because a regulated substance is present above threshold quantities in each of those processes.
26. The processes in which Respondent uses acrylonitrile and epichlorohydrin at the Facility are Program 3 processes within the meaning of 40 C.F.R. § 68.10(d), because the processes do not meet the requirements set forth in 40 C.F.R. § 68.10(b) for a Program 1 process, and because the processes are in NAICS Code 325199, and are subject to the OSHA process safety management standard set forth in 29 C.F.R. § 1910.119.
27. On or about May 23, 2006, EPA conducted an inspection at the Facility to determine Respondent's compliance with Section 112(r) of the Act and the applicable regulations set forth at 40 C.F.R. Part 68.

COUNT I

28. The allegations set forth in paragraphs 1 through 27, above, are incorporated herein by reference.
29. At the time of EPA's inspection, EPA personnel noticed that only approximately 20% of the valves on Respondent's acrylonitrile processing equipment were labeled, and that failure to label such valves does not comply with recognized and generally accepted good engineering practices in accordance with 40 C.F.R. § 68.65(d)(2).
30. According to information obtained during the EPA inspection, a compliance audit performed by Respondent was inadequate, and not in accordance with 40 C.F.R. § 68.79(a), because the compliance audit failed to identify the deficiencies in the Facility's emergency response program identified in subparagraphs 31-36, below.
31. According to information obtained during the EPA inspection, Respondent's emergency response plan did not include documentation regarding proper first-aid and emergency medical treatment necessary to treat accidental human exposures to acrylonitrile and epichlorohydrin, as required by 40 C.F.R. § 68.95(a)(1)(ii).

32. According to information obtained during the EPA inspection, Respondent's emergency response plan did not provide adequate procedures and measures for emergency response after an accidental release of a regulated substance in accordance with 40 C.F.R. § 68.95(a)(1)(iii), because Respondent's emergency response plan (i) contained only generic information regarding the use of personal protection equipment ("PPE") by Respondent's emergency response team, and did not provide specific instructions regarding which PPE should be used under conditions involving the release of the specific regulated substances used at the Facility; (ii) did not identify the roles and responsibilities of Respondent's emergency team members; (iii) did not identify monitoring measures to be implemented in the event of a release of a regulated substance at the Facility; (iv) did not include specific protective actions to be taken relative to various concentrations of acrylonitrile and epichlorohydrin; and (v) did not include specific procedures for decontaminating personnel and equipment that may become exposed to acrylonitrile or epichlorohydrin as a result of a release of such a substance.
33. According to information obtained during the EPA inspection, Respondent did not have adequate procedures in place for fit-testing of respirators for Respondent's emergency response team members, in accordance with 40 C.F.R. § 68.95(a)(2).
34. According to information obtained during the EPA inspection, Respondent did not have adequate procedures in place for inspection of any self-contained breathing apparatus for Respondent's emergency response team members, in accordance with 40 C.F.R. § 68.95(a)(2).
35. According to information obtained during the EPA inspection, Respondent did not provide all employees on its emergency response team with annual hazardous waste operations and emergency response refresher training each year as required by 40 C.F.R. § 68.95(a)(3), which requires that the emergency response program shall include training for all employees in relevant procedures.
36. Respondent did not have procedures to review and update, as appropriate, its emergency response plan to reflect changes at the Facility and ensure that employees are informed of changes, in accordance with 40 C.F.R. § 68.95(a)(4).
37. Respondent's failures to comply with the requirements of 40 C.F.R. Part 68 as described above constitute violations of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). Respondent is therefore subject to the assessment of penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

V. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, Adjustment of Civil Monetary Penalties for Inflation, EPA is authorized to assess civil penalties not to exceed \$27,500 per day for each violation of Section 112 of the Act, 42 U.S.C. § 7412, that occurred on or after January 30, 1997 through March 15, 2004, and \$32,500 per day for each violation of

Section 112 of the Act that occurred after March 15, 2004. Civil penalties under Section 113 of the Act may be assessed by Administrative Order. On the basis of the violations of the Act described above, Complainant alleges that Respondent is subject to penalties for violating Section 112(r) of the Act, 42 U.S.C. § 7412(r).

The proposed civil penalty in this matter has been determined in accordance with the "Combined Enforcement Policy for CAA Section 112(r) Risk Management Program," dated August 15, 2001 ("Section 112(r) Penalty Policy") and the September 21, 2004 memorandum "Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule (Pursuant to the Debt Collection Improvement Act of 1996, Effective October 1, 2004)" from Thomas V. Skinner, Acting Assistant Administrator, to the Regional Administrators. A copy of the Section 112(r) Penalty Policy accompanies this Complaint. A Penalty Calculation Worksheet which shows how the proposed penalty was calculated is included as Attachment 1.

In determining the amount of any penalty to be assessed, Section 113(e) of the Act, 42 U.S.C. § 7413(e), requires EPA to take into consideration the size of Respondent's business, the economic impact of the proposed penalty on Respondent's business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations as established by any credible evidence, payment by Respondent of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violations.

In accordance with Section 113(d) of the Act, 40 C.F.R. Part 19, and the Section 112(r) Penalty Policy, and based on the facts alleged in this Complaint, Complainant proposes to assess a civil penalty of \$93,159.00 against Respondent.

Payment of a civil penalty shall not affect Respondent's ongoing obligation to comply with the Act and other applicable federal, state or local laws.

The proposed penalty reflects a presumption of Respondent's ability to pay the penalty and to continue in business based on the size of its business and the economic impact of the proposed penalty on its business. Respondent may submit appropriate documentation to rebut this presumption.

VI. PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation are entitled, "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS" (hereinafter, the "Consolidated Rules"), and are codified at 40 C.F.R. Part 22. A copy of the Consolidated Rules accompanies this Complaint.

A. Notice of Opportunity to Request a Hearing and Answering The Complaint

To request a hearing, Respondent must file an Answer to the Complaint, pursuant to 40 C.F.R. §§ 22.15(a) - (c). Pursuant to 40 C.F.R. § 22.15(a), such Answer must be filed within 30 days after service of the Complaint.

An Answer is also to be filed, pursuant to 40 C.F.R. § 22.15(a), if Respondent contests any material fact upon which the Complaint is based, contends that the proposed penalty is inappropriate, or contends that Respondent is entitled to judgment as a matter of law. If filing an Answer, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint. The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866

Respondent shall also serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Complainant's copy of Respondent's Answer, as well as a copy of all other documents that Respondent files in this action, shall be sent to:

Douglas Fischer
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, N.Y. 10007-1866
Phone: (212) 637-3180

Pursuant to 40 C.F.R. § 22.15(b), Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied, pursuant to 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) whether Respondent requests a hearing.

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation, pursuant to 40 C.F.R. § 22.15(d).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

B. Failure To Answer

If Respondent fails to file a timely answer to the Complaint, EPA may file a Motion for Default pursuant to 40 C.F.R. §§ 22.17(a) and (b), which may result in the issuance of a default order assessing the proposed penalty pursuant to 40 C.F.R. § 22.17(c). If a default order is issued, any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final. If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount, in federal court.

VII. INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions and objectives of CERCLA and the Act and the applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged; (2) any information relevant to Complainant's calculation of the proposed penalty; (3) the effect the proposed penalty would have on Respondent's ability to continue in business; and/or (4) any other special facts or circumstances Respondent wishes to raise. Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant, or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to the EPA Assistant Regional Counsel identified in Section VI.A., above.

Respondent's request for a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing pursuant to 40 C.F.R. § 22.15(c).

In the event settlement is reached, its terms shall be recorded in a written Consent Agreement signed by the parties and incorporated into a Final Order, pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Respondent's entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in such Consent Agreement terminates this administrative litigation and the civil proceedings arising out of the allegations made in this Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

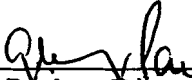
VIII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address provided in Section VI.A., above), a copy of the check or other instrument of payment, as provided in 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA Assistant Regional Counsel identified in Section VI.A., above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America," in the full amount of the penalty assessed in this Complaint to the following addressee:

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

The check must be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this Complaint. Pursuant to 40 C.F.R. § 22.18(a)(3), upon EPA's receipt of such payment, a Final Order shall be issued. Furthermore, as provided in 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's rights to contest the allegations made in the Complaint and to appeal the Final Order. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable regulations and requirements, and to maintain such compliance.

Dated: 9/28, 2007



George Pavlou, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Attachment

TO: Evans Chemetics LP
33 Wood Avenue South
Iselin, New Jersey 08830
Attention: Jelle Westra, Chief Executive Officer

cc: Karen Maples, Region 2 Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

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In the Matter of:) Docket No. CAA-02-2007-1223
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EVANS CHEMETICS LP,) Administrative Complaint under
228 East Main Street) Section 113 of the Clean Air Act,
Waterloo, New York 13165) 42 U.S.C. § 7413
)
)
Respondent.)
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CERTIFICATION OF SERVICE

I certify that on the date noted below, I caused to be sent, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, to the following person at the address listed below:

Evans Chemetics LP
33 Wood Avenue South
Iselin, New Jersey 08830
Attention: Jelle Westra, Chief Executive Officer

Date: October 1, 2007
Name: Brenda Hadley
Title: Branch Secretary
Address: 290 Broadway, - 17th fl, NY, NY