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American Environmental Container Corp.  
Manufacturers of San Juan Pools

2007 OCT 30 PM 2: 22

U.S. EPA. REGION IX  
REGIONAL HEARING CLERK

October 24, 2007

To whom it may concern:

**Subject: Response to Civil Complaint EPCRA-09-2007-0028**

This is in response to the civil complaint EPCRA-09-2007 dealing with Arizona Environmental Container Corporation.

The factual allegations in paragraphs 1 through 8 and 10 are directly admitted; also paragraph 9 is admitted with some reasonable margin of error for the amount of processed styrene.

Sections 11 and 12 are denied. Ole Solberg, an Arizona PE, was contracted by Arizona Environmental Container Corporation to file the Form R for 2005. This was the first and only time we have filed electronically. As per the attached documents a Form R was filed electronically over the Internet on June 20, 2006. As the information was pushed onto the EPA's server through the Internet we are confident the EPA received this information. It appears that at some point the EPA found this information to be insufficient because of a faulty electronic certification process. As per the attached presentation by Josh Woodyard of the EPA, the EPA is aware of problems associated with their electronic certification process. As Ole Solberg, acting as an agent for Arizona Environmental Container Corporation, was approached by the EPA to try the new electronic filing process, and was not made aware of the known problems associated with the electronic certification process, Arizona Environmental Container Corporation cannot be held liable for the EPA's faulty electronic certification process.

The certifying official at Arizona Environmental Container Corporation was not made aware of a problem with the electronic submission of the 2005 Form R for approximately 340 days after the Form R was due. Part of the problem was Ole Solberg used the wrong email address on the electronic form. He used the email address of toddsul@hotmail.com, the correct email address is toddsull@hotmail.com. Ole Solberg was aware of the correct address as he sent Todd Sullivan an email on June 20, 2006 stating he had filed the Form R electronically that same day. However, Arizona Environmental Container Corporation never received emails from the EPA on this matter because the wrong email address was on the electronic form. Also, other correspondence between Mr.



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Solberg and Arizona Environmental Container Corporation was addressed to Mark Rackley. Mark Rackley has never been the certifying official, and this correspondence was never received by the certifying official. Attached is a copy of a form from the EPA showing Ole Solberg was the preparer of the Form R and shows the wrong email for the certifying official.

Upon receiving notification of a problem with the electronic filing, Arizona Environmental Container Corporation immediately filed the 2005 Form R using traditional methods. Arizona Environmental Container Corporation was unaware of the issues the EPA was having with their electronic certification process. When made aware of a problem with the electronic filing the problem was quickly solved.

Arizona Environmental Container Corporation has filed a Form R every year it was required before this report in question, and has filed on time for 2006. All other Form R's were filed the by traditional methods. The information was placed on a diskette and the certification was a hand signed letter. Until the EPA makes their electronic certification process more user friendly Arizona Environmental Container Corporation will continue to file using traditional methods.

Yours truly,

A handwritten signature in black ink, appearing to read "Kirk Sullivan". The signature is fluid and cursive.

Kirk Sullivan  
President / Owner  
Arizona Environmental Container Corporation