



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

SEP 24 2004

VIA CERTIFIED MAIL  
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REPLY TO THE ATTENTION OF  
04 SEP 27 P 3:22

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION 5  
DE-9J

Mr. Jeffrey K. Haynes, Esq.  
Beier Howlett P.C.  
200 East Long Lake Road  
Suite 110  
Bloomfield Hills, Michigan 48304

RE: Dearborn Refining Company  
Dearborn, Michigan  
Docket No. RCRA-5-2001-019  
Penalty Demand Letter

Dear Mr. Haynes:

On September 10, 2004, a Final Order ("Final Order") in the matter of Dearborn Refining Company was signed by Environmental Appeals Judge Scott C. Fulton of the Environmental Appeals Board ("EAB"), in which the EAB affirmed in its entirety the Initial Decision ("Initial Decision") by Administrative Law Judge Barbara Gunning ("ALJ Gunning"), dated August 15, 2003, and filed with the United States Environmental Protection Agency Region 5 Hearing Clerk on August 20, 2003. (A copy of the EAB's Final Order and Judge Gunning's redacted version of the Initial Decision is attached). The Final Order upheld the Initial Decision's order by which ALJ Gunning assessed a civil penalty in the amount of one-million two-hundred and fifty-thousand dollars (\$1,250,000.00). (*See* pp. 69-70 of the redacted version of the Initial Decision.) The Initial Decision also required Dearborn to comply with specific injunctive relief. (*See* pp. 70-73 of the redacted version of the Initial Decision).

The Final Order, which was filed with the Regional Hearing Clerk on September 14, 2004, requires the payment of the civil penalty to the Treasurer, United States of America, within thirty (30) days of filing of the Final Order. Accordingly, Dearborn Refining Company, by ruling of the EAB, is required to make payment on or prior to October 14, 2004, and is required to comply with the injunctive relief that was ordered in accordance with the schedule provided in the Initial Decision.

Please direct your client to pay the civil penalty of \$1,250,000.00 in accordance with Section III of the Final Order, and reference the check with the number BD# 054204014 and docket number RCRA-5-2001-019. Please have a copy of the check sent to my attention at:

U.S. EPA, Region 5  
Waste Pesticides and Toxics Division  
Enforcement and Compliance Assurance Branch  
(Mail Code DE-9J)  
77 W. Jackson  
Chicago, Illinois 60604

Thank you for your cooperation in resolving this matter.

Sincerely,



Harriet Croke, Acting Chief  
Enforcement and Compliance Assurance Branch

Enclosures (2)

cc: Aram Moloian, Dearborn Refining Company, (w/Enclosures)  
John Craig, MDEQ, (w/Enclosures)