

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Lester Sykes
Chicago, Illinois,**

Respondent

Docket No. TSCA-05-2008-0013

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**FILING OF CERTIFICATION OF SERVICE AND
FILING OF PROOF OF SERVICE OF COMPLAINT**

40 C.F.R. § 22.5(a)(3) provides that a certificate of service be attached to the complaint. 40 C.F.R. § 22.5(b)(1)(i) provides that service of a complaint shall be made by, among other things, any reliable commercial delivery service that provides written verification of delivery. 40 C.F.R. § 22.5(b)(iii) provides that proof of service of the complaint shall be made by a properly executed receipt, and shall be filed with the Regional Hearing Clerk immediately upon completion of service.

In the Chief Administrative Law Judge's decision In the Matter of Burnham Associates, Inc., Docket No. MPRSA-01-2010-0078, 2010 WL 7127648 (EPA ALJ, Dec. 21, 2010), the Chief Administrative Law Judge (ALJ) considered a Motion to Dismiss filed by Respondent where Complainant had failed to file a properly executed receipt of delivery of the complaint in that matter sent to Respondent's attorney. In her December 21, 2010 "Order Denying Respondent's Motion to Dismiss and Directing Complainant to File Proof of Service of the Complaint," the Chief ALJ ordered Complainant to file proof of service of the complaint.

As ordered by the Chief ALJ, on the same day, December 21, 2010, Complainant promptly filed the United Parcel Service (UPS) Shipping Document with tracking number, and the UPS Internet Tracking Information, including the "Proof of Delivery" page, for that tracking number, to show that on October 28, 2010, Complainant had mailed the complaint that was delivered to Respondent's counsel's address on October 29, 2010, and thus served Respondent's counsel with the complaint in that matter. A copy of the filed Proof of Service in that matter is available on EPA's Office of ALJ's website at: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/7b598669425eac47852575400050b7e2/adb2608452be4bfb852577bb001b82ce!OpenDocument>.

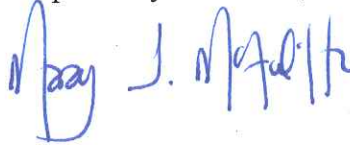
Consistent with the Chief ALJ's Order in Burnham Associates, in the matter at hand, Complainant hereby files the following:

1. Certification of Service of the administrative complaint prepared on April 21, 2009 by Complainant's Enforcement Officer Scott Cooper in the above-captioned matter.

In his Certification of Service, Mr. Cooper certifies that the Complaint in this matter was sent on April 21, 2009 by U.S. Postal Service, priority mail, delivery confirmation No. 0308 0070 0000 4820 2310, to Respondent Lester Sykes;

2. U.S. Postal Service Delivery Confirmation Receipt for Priority Mailing to Respondent Lester Sykes; and
3. U.S. Postal Service confirmation of delivery for Receipt Number 0308 0070 0000 4820 2310, showing the Complaint was delivered on April 22, 2009.

Respectfully submitted,



Mary T. McAuliffe
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd. (C-13J)
Chicago, Illinois 60604
(312) 886-6237
mcauliffe.mary@epa.gov

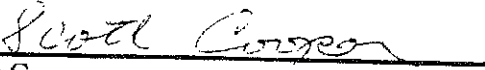
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CERTIFICATION OF SERVICE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

I hereby certify that on this 21st day of April, 2009, a second copy of the civil administrative complaint In the Matter of Lester Sykes, Docket No. TSCA-05-2008-0013 was served by U.S. Postal Service, priority mail, delivery confirmation No. 0308 0070 0000 4820 2310, by placement in the U.S. Environmental Protection Agency mail room at 77 W. Jackson Blvd., Chicago, Illinois, to the following individual:

Lester Sykes
200 East 96th Street
Chicago, IL 60628



Scott Cooper
Pesticides and Toxics Compliance Section (LC-8J)
EPA, Region 5

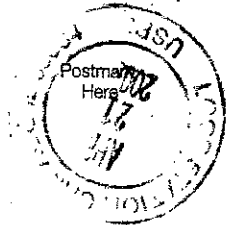
Cooper LC-8J
U.S. Postal Service™ Delivery Confirmation® Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Mr. Lester Sykes
(Please Print Clearly)
200 East 96th Street
Chicago, IL 60628

DELIVERY CONFIRMATION NUMBER:
9306 0070 0000 4820 2310



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Keep this receipt. For Inquiries:
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Status: **Delivered**

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State Department
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In the Matter of: Lester Sykes
Docket No. TSCA-05-2008-0013

CERTIFICATE OF SERVICE

On this 8th day of November, 2012, I certify that I hand-delivered the original and one copy of Complainant's Filing of Certification of Service and Filing of Proof of Service of Complaint to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency.

I also mailed a copy of Complainant's Filing of Certification of Service and Filing of Proof of Service of Complaint, via First Class mail, addressed as follows:

Mr. Lester Sykes
200 East 96th Street
Chicago, Illinois 60628

I also certify that I forwarded an intra-Agency copy to:

Ann Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd (C-14J)
Chicago, Illinois 60604



Charles Rodriguez
Student Aide
U.S. EPA, Region 5
Office of Regional Counsel

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