



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

REPLY TO THE ATTENTION OF:

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

Mr. David E. Mohnke  
 President  
 E-T-M Enterprises, Inc.  
 920 North Clinton Street  
 Grand Ledge, Michigan 48837-1106

Re: E-T-M Enterprises, Inc., Grand Ledge, Michigan, Consent Agreement and Final Order  
 Docket No. EPCRA-05-2014-0009

Dear Mr. Mohnke:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on FEB 20 2014.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$4,150 plus interest in the manner prescribed in paragraph 71, and reference your checks with the docket number EPCRA-05-2014-0009.

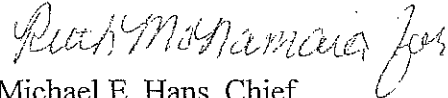
Your installment payments are due on

Installment	Due by	Payment	Principal	Interest (1%)
Payment #1	Within 30 days of effective date of CAFO	\$358.46	\$355.00	\$3.46
Payment #2	Within 60 days of effective date of CAFO	\$348.16	\$345.00	\$3.16
Payment #3	Within 90 days of effective date of CAFO	\$347.88	\$345.00	\$2.88
Payment #4	Within 120 days of effective date of CAFO	\$347.59	\$345.00	\$2.59
Payment #5	Within 150 days of effective date of CAFO	\$347.30	\$345.00	\$2.30
Payment #6	Within 180 days of effective date of CAFO	\$347.01	\$345.00	\$2.01
Payment #7	Within 210 days of effective date of CAFO	\$346.73	\$345.00	\$1.73
Payment #8	Within 240 days of effective date of CAFO	\$346.44	\$345.00	\$1.44

Payment #9	date of CAFO Within 270 days of effective date of CAFO	\$346.15	\$345.00	\$1.15
Payment #10	date of CAFO Within 300 days of effective date of CAFO	\$345.86	\$345.00	\$0.86
Payment #11	date of CAFO Within 330 days of effective date of CAFO	\$345.58	\$345.00	\$0.58
Payment #12	date of CAFO Within 360 days of effective date of CAFO	\$345.29	\$345.00	\$0.29

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Andre Daugavietis, Associate Regional Counsel, at (312) 886-6663. Thank you for your assistance in resolving this matter.

Sincerely,



Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Captain Christopher A. Kelenske, Chairperson (w/ enclosure)  
Susan Parker (w/ enclosure)  
MI SERC

Charles E. Barbieri, Attorney  
Foster Swift Collins & Smith PC  
313 South Washington Square  
Lansing, Michigan 48933-2193



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

<b>In the Matter of:</b>	)	<b>Docket No. EPCRA-05-2014-0009</b>
	)	
<b>E-T-M Enterprises, Inc.</b>	)	<b>Proceeding to Assess a Civil Penalty Under</b>
<b>Grand Ledge, Michigan,</b>	)	<b>Section 325(c)(1) and (c)(2) of the Emergency</b>
	)	<b>Planning and Community Right-to-Know</b>
<b>Respondent.</b>	)	<b>Act of 1986</b>

**Consent Agreement and Final Order**  
**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1) and (c)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is E-T-M Enterprises, Inc., a corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree 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.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA

to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state and local committees in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

13. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term "hazardous chemical" has the meaning given such term by 29 U.S.C. § 1910.1200(c).

14. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt

Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occurred after March 15, 2004 through January 12, 2009 and to \$16,000 per day of violation for violations that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this Complaint, Respondent was an owner or operator of the facility located at 920 North Clinton Street, Grand Ledge, Michigan (Facility).

19. At all times relevant to this Complaint, Respondent was an employer at the Facility.

20. Respondent’s Facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

21. Respondent’s Facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. Calcium carbonate is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

23. Calcium carbonate (CAS #1317-65-3) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

24. Calcium carbonate (CAS #1317-65-3) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

25. Calcium carbonate is sold under a trade name of “omyacarb #5.”

26. Styrene is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

27. Styrene (CAS #100-42-5) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

28. Styrene (CAS #100-42-5) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

29. The MSDS for “hi flex black gel coat” lists styrene as a component.

30. “Hi flex black gel coat” is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. “Hi flex black gel coat” has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. During calendar year 2011 “hi flex black gel coat” was present at the Facility at least one period of time in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2008, “omyacarb #5” was present at the Facility in an amount equal to or greater than the minimum threshold level.

34. During at least one period of time in calendar year 2009, “omyacarb #5” was present at the Facility in an amount equal to or greater than the minimum threshold level.

35. During at least one period of time in calendar year 2010, “omyacarb #5” was present at the Facility in an amount equal to or greater than the minimum threshold level.

36. During at least one period of time in calendar year 2011, “omyacarb #5” was present at the Facility in an amount equal to or greater than the minimum threshold level.

37. OSHA requires Respondent to prepare, or have available, an MSDS for “hi flex black gel coat,” “omyacarb #5,” and resin.

38. Section 311 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Facility, within 90 days of exceeding the minimum threshold level for “hi flex black gel coat,” an MSDS for “hi flex gel coat” or a list including “hi flex black gel coat.”

39. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Facility, a completed emergency and hazardous chemical inventory form including “omyacarb #5,” on or before March 1, 2009, for calendar year 2008.

40. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Facility, a completed emergency and hazardous chemical inventory form including “omyacarb #5” on or before March 1, 2010, for calendar year 2009.

41. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Facility, a completed emergency and hazardous chemical inventory form including “omyacarb #5” on or before March 1, 2011, for calendar year 2010.

42. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Facility, a completed emergency and hazardous chemical inventory form including “omyacarb #5” on or before March 1, 2012, for calendar year 2011.



43. At all times relevant to this Complaint, the Citizen-Community Emergency Response Coordinating Council was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

44. At all times relevant to this Complaint, the Eaton County LEPC was the LEPC for Eaton County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

45. At all times relevant to this Complaint, the Grand Ledge Fire Department was the fire department with jurisdiction over the facility.

### **Count 1**

46. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

47. As of April 25, 2012, Respondent had not submitted to the SERC an MSDS for “hi flex black gel coat” or a list showing “hi flex black gel coat.”

48. Each day Respondent failed to submit to the SERC an MSDS or a list for “hi flex black gel coat” within 90 days of exceeding the minimum threshold level, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

### **Count 2**

49. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

50. As of April 25, 2012, Respondent had not submitted to the LEPC an MSDS for “hi flex black gel coat” or a list showing “hi flex black gel coat.”

51. Each day Respondent failed to submit to the LEPC an MSDS or a list for “hi flex black gel coat” within 90 days of exceeding the minimum threshold level, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

### **Count 3**

52. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

53. As of April 25, 2012, Respondent had not submitted to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” for calendar year 2008.

54. Each day Respondent failed to submit to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” by March 1, 2009, for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

### **Count 4**

55. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

56. As of April 25, 2012, Respondent had not submitted to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” for calendar year 2009.

57. Each day Respondent failed to submit to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” by March 1, 2010, for calendar year 2009 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

### **Count 5**

58. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

59. As of April 25, 2012, Respondent had not submitted to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” for calendar year 2010.

60. Each day Respondent failed to submit to the SERC, the LEPC, and the Grand Ledge Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” by March 1, 2011, for calendar year 2010 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 6**

61. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

62. As of April 25, 2012, Respondent had not submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” for calendar year 2011.

63. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” by March 1, 2012, for calendar year 2011 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 7**

64. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

65. As of April 25, 2012, Respondent had not submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb # 5” for calendar year 2011.

66. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb #5” by March 1, 2012, for calendar year 2011 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Count 8**

67. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

68. As of April 25, 2012, Respondent had not submitted to the Grand Ledge Fire Department a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb # 5” for calendar year 2011.

69. Each day Respondent failed to submit to the Grand Ledge Fire Department a completed Emergency and Hazardous Chemical Inventory Form including “omyacarb # 5” by March 1, 2012, for calendar year 2011 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Civil Penalty**

70. Complainant has determined that, based on Respondent’s ability to pay, an appropriate civil penalty to settle this action is \$4,150 plus interest for the EPCRA alleged violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered U.S. EPA’s Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response

Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

71. Within 30 days after the effective date of this CAFO, Respondent must pay a \$4,150 civil penalty for the EPCRA violations. As an alternative Respondent may pay the \$4,150 penalty using the payment plan listed below.

Installment	Due by	Payment	Principal	Interest (1%)
Payment #1	Within 30 days of effective date of CAFO	\$358.46	\$355.00	\$3.46
Payment #2	Within 60 days of effective date of CAFO	\$348.16	\$345.00	\$3.16
Payment #3	Within 90 days of effective date of CAFO	\$347.88	\$345.00	\$2.88
Payment #4	Within 120 days of effective date of CAFO	\$347.59	\$345.00	\$2.59
Payment #5	Within 150 days of effective date of CAFO	\$347.30	\$345.00	\$2.30
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Payment #10	Within 300 days of effective date of CAFO	\$345.86	\$345.00	\$0.86
Payment #11	Within 330 days of effective date of CAFO	\$345.58	\$345.00	\$0.58
Payment #12	Within 360 days of effective date of CAFO	\$345.29	\$345.00	\$0.29

Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

for checks sent by express mail Respondent shall send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: E-T-M Enterprises, Inc. and the docket number of this CAFO.

72. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, and the case docket number must accompany each payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

James Entzminger (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Andre Daugavietis (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

73. This civil penalty is not deductible for federal tax purposes.

74. If Respondent does not timely pay any installment payment as set forth in paragraph 71, above, the entire unpaid balance of the civil penalty and any amount required by paragraph 71, shall become due and owing upon written notice by U.S. EPA to Respondent of the delinquency. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

75. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

76. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

77. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

78. Respondent certifies that it is complying with Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a).

79. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.

80. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

81. The terms of this CAFO bind Respondent and its successors and assigns.

82. Each person signing this consent agreement 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.

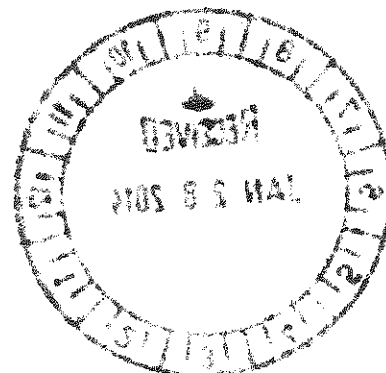
83. Each party agrees to bear its own costs and attorney's fees in this action.

84. This CAFO constitutes the entire agreement between the parties.

**E-T-M Enterprises, Inc., Respondent**

January 22, 2014  
Date

SR Mohle President  
[Person's Name] Steven R. Mohle  
[Person's Title] President  
E-T-M Enterprises, Inc., Respondent

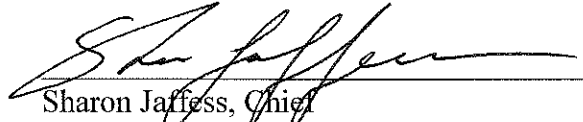


Sm




**U.S. Environmental Protection Agency, Complainant**

2/11/2014  
Date

  
Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

2/11/2014  
Date

  
Richard C. Karl, Director  
for Superfund Division  
U.S. Environmental Protection Agency  
Region 5


**In the Matter of: E-T-M enterprises, Inc., Grand Ledge, Michigan**  
**Docket No. EPCRA-05-2014-0009**



**Final Order**

This Consent 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.

2-12-2014  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

In the Matter of: E-T-M Enterprises, Inc., Grand Ledge, Michigan  
Docket No. EPCRA-05-2014-0009



Certificate of Service

I, Jarrah P. Sanders, certify that I filed the original and a copy of the Consent Agreement and Final Order (CAFO) with the Regional Hearing Clerk, U. S. Environmental Protection Agency, Region 5, delivered a copy of the CAFO by intra-office mail to the Regional Judicial Officer, U.S. Environmental Protection Agency, Region 5, and mailed the second original CAFO by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing it in the custody of the United States Postal Service addressed as follows:

David E. Mohnke, President  
E-T-M Enterprises, Inc.  
920 North Clinton Street  
Grand Ledge, Michigan 48837-1106

Original copy of the mailed to


Charles E. Barbieri, Attorney  
Foster Swift Collins & Smith PC  
313 South Washington Square  
Lansing, Michigan 48933-2193

Andre Daugavietis, Attorney  
U.S. EPA, Region 5

James Entzminger,  
U.S. EPA, Region 5

Captain Christopher A. Kelenske, Chairperson  
Susan Parker  
MI SERC

on the 20<sup>th</sup> day of February, 2014

  
\_\_\_\_\_  
Jarrah P. Sanders  
U.S. Environmental Protection Agency  
Region 5