



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

June 26, 2009

Sherry L. Stenerson, Esq.
General Counsel
SuperClean Brands, Inc.
1380 Corporate Center Curve, Suite 200
Eagan, MN 55121

**Re: In the Matter of: SuperClean Brands, Inc., St. Paul, Minnesota
Docket No. EPCRA-05-2009-0016
Notice of Filing**

Dear Ms. Stenerson:

This letter is to notify you that Complainant's Initial Prehearing Exchange was filed in the above-referenced matter on June 26, 2009. A copy of the filing is enclosed.

Please do not hesitate to call me at (312) 886-8044, if you have any questions regarding this filing.

Sincerely,

A handwritten signature in cursive script that reads "Terence Stanuch".

Terence Stanuch
Associate Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)
)
SuperClean Brands, Inc.)
St. Paul, Minnesota)
)
Respondent.)
_____)

Docket No. EPCRA-05-2009-0016

RECEIVED
JUN 26 2009

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

COMPLAINANT'S INITIAL PREHEARING EXCHANGE

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, by and through her attorney, Terence Stanuch, and pursuant to the Court's May 11, 2009 Prehearing Order, hereby submits her Initial Prehearing Exchange regarding the above-captioned case.

Introduction

Complainant avers that the testimony, evidence and exhibits that will be presented at hearing will establish that SuperClean Brands, Inc. (hereinafter "Respondent") is liable for violating section 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11023. Complainant further avers that the testimony, evidence and exhibits presented at hearing will also demonstrate that the applicable penalty policies which the U.S. EPA has developed for enforcing EPCRA were interpreted and applied correctly and that the civil penalty of \$57,870 proposed in the Complaint is fully warranted and justified, and that Respondent should be assessed the entire proposed penalty.

Witnesses

Complainant does not intend to call any expert witnesses at hearing but intends to call the following persons as fact witnesses:

John Myhre

Mr. Myhre is an authorized U.S. EPA inspector working in the Land and Chemicals Division of the U.S. EPA, Region 5, who conducted both the October 27, 2005 and October 18, 2006 inspections of Respondent's facility located at 51 Maryland Ave. East in St. Paul, Minnesota. Mr. Myhre's testimony will include an explanation as to how he conducted his inspections, and an explanation of his inspection reports including his analysis and findings summarized in the "Findings and Conclusions" sections of those reports. CX-15 and CX-16.

Terence Bonace

Mr. Bonace is a Life Scientist working in the Land and Chemicals Division of the U.S. EPA, Region 5. Mr. Bonace's testimony will include an explanation as to how he determined that Respondent was required to submit Forms R for methanol for reporting years 2003, 2004 and 2005; and for ethylene glycol for reporting years 2004 and 2005. Mr. Bonace will discuss the evidence proving that Respondent did not submit the required Forms R in a timely manner, and will also testify as to the appropriateness of the penalty proposed in the Complaint. For a summary of Mr. Bonace's testimony regarding the proposed penalty, please see the "Explanation of Proposed Penalty" section of this Prehearing Exchange.

List of Attached Exhibits

Complainant intends to submit the following exhibits at hearing, which are attached to this Prehearing Exchange.

1. Complainant's Exhibit No. 1 - Respondent's March 13, 2008 "Response to Notice of Intent to File Civil Administrative Complaint; SuperClean Brands, Inc. - St. Paul, Minnesota" to Terry Stanuch of the U.S. EPA.

2. Complainant's Exhibit No. 2 - Respondent's Form R for methanol for reporting year 2003, dated October 9, 2004.

3. Complainant's Exhibit No. 3 - Respondent's June 13, 2008 email to Terence Bonace of the U.S. EPA stating that the proof of service for Respondent's Form R for methanol for reporting year 2003 is attached to the email.

4. Complainant's Exhibit No. 4 - Respondent's proof of service for Form R for methanol for reporting year 2003 that was attached to Respondent's June 13, 2008 email. Notice that the Certified Mail Receipt is postmarked October 3, 2005 but there is no reference on the receipt indicating that this Certified Mail Receipt applied to Respondent's Form R for methanol for reporting year 2003 which Respondent signed on October 9, 2004.

5. Complainant's Exhibit No. 5 - Respondent's January 30, 2009 email to Terry Stanuch stating that an affidavit regarding the mailing of Respondent's Form R for methanol for reporting year 2003, by Respondent's employee Gene Jensen, is attached.

6. Complainant's Exhibit No. 6 - January 30, 2009 affidavit of Gene Jensen. Notice that Mr. Jensen does not specifically state a date upon which he mailed Respondent's Form R for methanol for reporting year 2003.

7. Complainant's Exhibit No. 7 - Respondent's May 26, 2009 email to Terry Stanuch which contained as an attachment a March 12, 2009 Data Base Verification regarding Respondent's Form R for methanol for reporting year 2003.

8. Complainant's Exhibit No. 8 - The March 12, 2009 Chemical Report Summary from Data Base Verification which indicates that Respondent's Form R for methanol for reporting year 2003 was received on March 10, 2009, and was postmarked on March 5, 2009.

9. Complainant's Exhibit No. 9 - A June 9, 2009 Certified Statement from Tonya J. Richardson of U.S. EPA's Toxics Release Inventory Information Outreach Branch stating that Respondent's Form R for methanol for reporting year 2003 was postmarked as being submitted on March 5, 2009.
10. Complainant's Exhibit No. 10 - Respondent's Form R for methanol for reporting year 2004, dated September 30, 2005.
11. Complainant's Exhibit No. 11 - Respondent's Form R for methanol for reporting year 2005, dated October 17, 2006.
12. Complainant's Exhibit No. 12 - Respondent's Form R for ethylene glycol for reporting year 2004, dated June 10, 2008.
13. Complainant's Exhibit No. 13 - Respondent's Form R for ethylene glycol for reporting year 2005, dated June 10, 2008.
14. Complainant's Exhibit No. 14 - Complainant's penalty calculation worksheet.
15. Complainant's Exhibit No. 15 - Complainant's October 27, 2005 inspection report of Respondent's facility, including Attachments C, F, J, K, O and R.
16. Complainant's Exhibit No. 16 - Complainant's October 18, 2006 inspection report of Respondent's facility, including Attachments C and F.
17. Complainant's Exhibit No. 17 - August 29, 2008 email from Terence Bonace to Terry Stanuch containing a Duns and Bradstreet "Market Spectrum" showing that SuperClean Brands, Inc. uses the trade name "Fox Packaging."
18. Complainant's Exhibit No. 18 - U.S. EPA's "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990)"(amended)(April 12, 2001).

19. Complainant's Exhibit No. 19 - U.S. EPA June 5, 2006 "Memorandum - Penalty Policy Supplements Pursuant to the 2004 Civil Monetary Penalty Inflation Adjustment Rule."
20. Complainant's Exhibit No. 20 - Administrative Complaint - In the Matter of: SuperClean Brands, Inc. dba Fox Packaging Company, St. Paul, Minnesota; Docket No. EPCRA-05-2007-0013; filed on April 13, 2007.
21. Complainant's Exhibit No. 21 - Consent Agreement and Final Order - In the Matter of: SuperClean Brands, Inc. dba Fox Packaging Company, St. Paul, Minnesota; Docket No. EPCRA-05-2007-0013; filed on December 12, 2007.
22. Complainant's Exhibit No. 22 - Copy of introduction to 40 C.F.R. § 9.1 (page 159) and listing of OMB Control Numbers for the Toxic Chemical Release Reporting: Community Right-to-Know (page 173).
23. Complainant's Exhibit No. 23 - Cover sheet and page 18 from U.S. EPA's Toxic Chemical Release Inventory Reporting Forms and Instructions - *Revised 2003 Version*.
24. Complainant's Exhibit No. 24 - Cover sheet and page 19 from U.S. EPA's Toxic Chemical Release Inventory Reporting Forms and Instructions - *Revised 2004 Version*.
25. Complainant's Exhibit No. 25 - Cover sheet and page 21 from U.S. EPA's Toxic Chemical Release Inventory Reporting Forms and Instructions - *Revised 2005 Version*.
26. Administrative Complaint - Docket No. EPCRA-05-2009-0016 - This document was filed on March 17, 2009 and is part of the Administrative Record. Therefore, this document is not included as an exhibit as part of this Prehearing Exchange.
27. Respondent's Answer to the Administrative Complaint - This document was filed on April 16, 2009 and is part of the Administrative Record. Therefore, this document is not included as an exhibit as part of this Prehearing Exchange.

Place and Length of Hearing, and Translation Services

A. Place of Hearing

EPCRA requires certain users of toxic chemicals to report annually on emissions of those chemicals to the air, water and land so that the people who live and work in the neighborhood around these facilities can find out if they are being exposed to these chemicals. Reporting forms that are submitted late, or not at all, do not allow the public to find out this information. Consequently, Complainant believes that the hearing should be held at a place of public accommodation in St. Paul, Minnesota, such as a public library or other government building that is as near as possible to Respondent's facility. The alleged violations in this case directly and negatively affect the people of St. Paul and the hearing should be held at a location that is both open to the public and readily accessible to the people who live and work in Respondent's neighborhood.

B. Length of Hearing

Complainant anticipates it will need approximately 4 - 5 hours to present its direct case and explain the rationale in calculating the proposed penalty.

C. Translation Services

Complainant does not need any translation services to present its case.

Explanation of the Proposed Penalty

Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), states:

(1) Any person (other than a governmental entity) who violates any requirement of section 11022 or 11023 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

To provide guidance and ensure that penalties assessed for violations of EPCRA are calculated in a fair and consistent manner, the U.S. EPA developed the "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990)"(amended)(April 12, 2001), ("the ERP").

(CX-18). The ERP states that:

[t]he purpose of the Enforcement Response Policy is to ensure that enforcement actions for violations of EPCRA § 313 and the PPA (*Pollution Prevention Act, explanation added*) are arrived at in a fair, uniform and consistent manner; that the enforcement response is appropriate for the violation committed; and that persons will be deterred from committing EPCRA § 313 violations and the PPA (*sic*). ERP at 1.

The ERP also states that "[e]ach day a violation continues may constitute a separate violation. *Id.*

Pursuant to the 2004 Civil Monetary Penalty Inflation Adjustment Rule, the U.S. EPA issued the June 5, 2006 "Memorandum - Penalty Policy Supplements Pursuant to the 2004 Civil Monetary Penalty Inflation Adjustment Rule." CX-19. This memorandum adjusted all penalties for inflation, for several environmental statutes including EPCRA, for all violations occurring on or after March 15, 2004.

The ERP applies a multiple-step process to determine, on a case-by-case basis, the amount of civil penalty that is appropriate for each case. A gravity-based penalty amount is selected from a penalty matrix based upon the intersection of the "extent" and "circumstance" levels of the alleged violations. The penalty matrix used for this case may be found on page 11-B of the June 5, 2006 Penalty Policy Supplements memorandum. CX-19. Extent and circumstance levels are determined based upon the gross sales of the business, the number of employees, the amount of

chemical usage over the threshold amount, and the number of days that the Form R submittal was late. After the gravity-based penalty is determined, adjustments are made to the gravity-based penalty based upon an analysis of the evidence of the case in consideration of specifically identified criteria.

Determination of the Gravity-Based Penalty

To determine a gravity-based penalty, the ERP requires an analysis of the evidence in a particular case in consideration of the “extent” of the violation, and in consideration of the “circumstances” of the violation. ERP at 8.

A. Extent Level

To determine which of three “extent” levels, A, B or C is appropriate, Complainant first had to consider the following:

1. the quantity of each EPCRA § 313 chemical manufactured, processed, or otherwise used by the violating facility;
2. the number of employees at the violating facility; and
3. the gross sales of the violating facility’s total corporate entity. ERP at 8.

For purposes of selecting an extent level, Complainant determined that in 2003, Respondent had gross sales of \$17,295,000 and 37 employees; in 2004, Respondent had gross sales of \$16,182,585 and 39 employees and; in 2005, Respondent had gross sales of \$25,000,000 and 23 employees. Also, during 2003, 2004 and 2005, Respondent used more than 10 times the threshold amount of methanol, but used less than 10 times the threshold amount of ethylene glycol during 2004 and 2005. Therefore, Respondent’s extent level during 2003, 2004 and 2005 with regard to methanol is “B,” but Respondent’s extent level during 2004 and 2005 with regard to ethylene glycol is “C.”

B. Circumstance Level

The ERP also separates a violator's failure to submit a Form R in a timely manner into two categories. Category I is designated for Form R reports that are submitted one year or more after the July 1 due date, and Category II is designated for Form R reports that are submitted after the July 1 due date but before July 1 of the following year. ERP at 4. Page 12 of the ERP specifies that Category I violations are considered "Level 1," and Category II violations are considered "Level 4" and that the "per day formula" applies.

Respondent's Forms R for methanol for reporting year 2003, and for ethylene glycol for reporting years 2004 and 2005 were all submitted more than one year after they were due. Therefore, these three violations are all designated as Category I violations. However, Respondent's Forms R for methanol for reporting years 2004 and 2005 were submitted less than one year after they were due. Therefore, these two violations are both designated as Category II violations and Complainant had to apply the following "per day formula" specified at page 13 of the ERP:

(Level 4 penalty) plus $\frac{(\text{number of days late minus 1}) \times (\text{Level 1 penalty} - \text{Level 4 penalty})}{\text{divided by 365}}$

Calculation of the Gravity-Based Penalty

Methanol for the 2003 Reporting Year

Pounds of methanol used during 2003:	34,000,000
Threshold:	25,000
Form R due date:	July 1, 2004
Form R received date:	October 9, 2005

Days late: more than 365
Circumstance level: 1
Extent Level: B
Penalty: \$21,922 - with no adjustment because the Form R was submitted more than one year late.

Methanol for the 2004 Reporting Year

Pounds of methanol used during 2004: 29,000,000

Threshold: 25,000

Form R due date: July 1, 2005

Form R received date: September 30, 2005

Days late: 90

Circumstance level: 4

Extent Level: B

Penalty: \$11,196 - based upon the following calculation:

$$\$7,737 \text{ plus } (90 \text{ minus } 1) \text{ times } (\$21,922 - \$7,737) \text{ equals } \$11,196$$

divided by 365

Methanol for the 2005 Reporting Year

Pounds of methanol used during 2005: 31,400,000

Threshold: 25,000

Form R due date: July 1, 2006

Form R received date: October 17, 2006

Days late: 107

Circumstance level: 4

Extent Level: B

Penalty: \$11,856 - based upon the following calculation:

$$\frac{\$7,737 \text{ plus } (107 \text{ minus } 1) \text{ times } (\$21,922 - \$7,737)}{\text{divided by } 365} \text{ equals } \$11,856$$

Ethylene Glycol for the 2004 Reporting Year

Pounds of ethylene glycol used
during 2004: 43,000

Threshold: 25,000

Form R due date: July 1, 2005

Form R received date: June 10, 2008

Days late: more than 365

Circumstance level: 1

Extent Level: C

Penalty: \$6,448 - with no adjustment because the Form R was
submitted more than one year late.

Ethylene Glycol for the 2005 Reporting Year

Pounds of ethylene glycol used
during 2005: 86,000

Threshold: 25,000

Form R due date: July 1, 2006

Form R received date: June 10, 2008

Days late: more than 365

Circumstance level: 1

Extent Level: C

Penalty: \$6,448 - with no adjustment because the Form R was submitted more than one year late.

Adjustments to the Gravity-Based Penalty

The ERP recognizes several “adjustment factors” to be considered in determining whether any upward or downward adjustment should be made to the gravity-based penalty. These adjustment factors include the following criteria: voluntary disclosure, history of prior violations, delisted chemicals, attitude and other factors as justice may require. The ERP also discusses “settlements with conditions,” such as the applicability of Supplemental Environmental Projects, and whether a violator has an ability to pay the proposed penalty.

A. Voluntary Disclosure (page 14 of the ERP)

To be eligible for a voluntary disclosure reduction to the gravity-based penalty, a facility must voluntarily disclose their EPCRA violations to the U.S. EPA. Since Respondent did not voluntarily disclose any of the alleged violations to the U.S. EPA, and wasn’t even aware of the need to submit Forms R for ethylene glycol for reporting years 2004 and 2005 until the U.S. EPA sent Respondent a Notice of Intent to File an Administrative Complaint (see page 2 of CX-1), no adjustment was made to the gravity-based penalty for this factor.

B. History of Prior Violations (page 16 of the ERP)

The penalty matrix is intended to apply to “first offenders” and the penalty can be adjusted upward if a violator has a history of violating any section of EPCRA. See section (d) on page 17 of the ERP. Section (a) on page 16 of the ERP states that in order to constitute a prior violation, the prior violation must have resulted in a final order, either as a result of an uncontested complaint or as a result of a contested complaint which is finally resolved against the violator. Section (b) on page 17 of the ERP states that to be considered a “prior such violation,” the

violation must have occurred within the last five years of the present violation. Finally, section (d) on page 17 of the ERP states that for one prior violation, the penalty should be adjusted upward by 25%, and adjusted upward by 50% for two prior violations.

On April 13, 2007, the U.S. EPA filed an administrative complaint (CX-20) against Respondent alleging violations of section 312(a) of EPCRA, 42 U.S.C. § 11022(a). The Complaint alleged that Respondent failed to submit to the State Emergency Response Commission and the St. Paul Fire Department, by March 1, 2006, its 2005 Emergency and Hazardous Chemical Inventory Form for methanol, isopropyl alcohol and ethylene glycol, and sought a civil penalty of \$48,178. Respondent submitted the required forms for 2005 on May 22, 2006.

On December 12, 2007, a Consent Agreement and Final Order (CAFO) (CX-21) was filed resolving this matter. In the CAFO, Respondent neither admitted nor denied liability for the alleged violations but agreed to pay a civil penalty of \$18,000.

Pursuant to the guidance discussed in this section, and since Respondent did not submit the required Forms R for ethylene glycol for reporting years 2004 and 2005 until June 10, 2008, Complainant could have increased the gravity-based penalty for each of these two counts by 50%. This upward adjustment for Respondent's "history of prior violation" would have increased the proposed penalty for each ethylene glycol count by \$3,224, from \$6,448 to \$9,672; and would have increased the total proposed penalty to \$64,318. However, based upon Respondent's explanation in its March 13, 2008 letter (see CX-1) as to why these Forms R were not submitted, and Respondent's cooperation to submit them shortly thereafter, Complainant decided not to increase the gravity-based penalty for a history of prior violation.

C. Delisted Chemicals (page 17 of the ERP)

A fixed reduction of 25% to the gravity-based penalty may be appropriate if the U.S. EPA has delisted a chemical by a final Federal Register notice. Since neither of the chemicals identified in the Complaint, methanol and ethylene glycol, have been delisted, no adjustment was made to the gravity-based penalty for this factor.

D. Attitude (page 18 of the ERP)

Pursuant to the “attitude” adjustment factor, downward adjustments to the gravity-based penalty may be appropriate:

- (1) based on the cooperation extended to the U.S. EPA throughout the compliance evaluation/enforcement process, and cooperation and preparedness during the settlement process; or
- (2) in consideration of the facility’s good faith efforts to comply with EPCRA and the speed and completeness with which it comes into compliance.

Complainant believes that this adjustment factor is more relevant in the context of settlement negotiations. Therefore, the penalty proposed in the complaint was not adjusted after considering this factor.

E. Other Factors as Justice May Require (page 18 of the ERP)

In addition to the other adjustment factors discussed in the ERP, the U.S. EPA will consider other issues that might arise, on a case-by-case basis and which, at the U.S. EPA’s discretion, should be considered in assessing penalties. The ERP states that those factors which are relevant to EPCRA § 313 violations include, but are not limited to: new ownership for history of prior violations, “significant-minor” borderline violations, and a lack of control over the violation. Complainant is not aware of any “other factors as justice may require” that are either favorable or detrimental to Respondent that would affect the gravity-based penalty. Also, as

discussed above, Complainant already decided not to increase the gravity-based penalty because of Respondent's history of prior violation. Therefore, the gravity-based penalty was not adjusted after considering this factor.

F. Settlement with Conditions (page 19 of the ERP)

Circumstances may arise where a violator will offer to make expenditures for environmentally beneficial purposes above and beyond those required by law in lieu of paying the full proposed penalty. However, Complainant and Respondent have not identified any supplemental environmental projects to offset any of the proposed penalty. Therefore, the gravity-based penalty was not adjusted after discussing this factor.

G. Ability to Pay (page 19 of the ERP)

The U.S. EPA will not seek a civil penalty that exceeds a violator's ability to pay and will assume that the violator has the ability to pay at the time the complaint is issued if information concerning the alleged violator's ability to pay is not readily available. Complainant avers that there have been several discussions with Respondent regarding whether it has an ability to pay a proposed penalty for the alleged violations and, to date, Respondent has chosen to not assert an inability-to-pay argument. Therefore, the gravity-based penalty was not adjusted after discussing this factor.

In conclusion, Complainant decided not to adjust the proposed penalty of \$57,870 after considering all of the adjustment factors discussed above.

Paperwork Reduction Act

The requirements of the Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. §§ 3501 *et seq.*, apply to this proceeding. Pursuant to section 3507 of the PRA, 44 U.S.C. § 3507, the Office of Management and Budget ("OMB") issued control number "2070-0093" for EPA's Form R, and

this OMB control number is displayed in the upper right hand corner on every page of Form R. For reporting years 2003 and 2004, the OMB control number was valid until January 31, 2006; and for reporting year 2005, the OMB control number was valid until January 31, 2008.

Section 3512 of the PRA, 44 U.S.C. § 3512, states that (a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this subchapter if -

- (1) the collection of information does not display a valid control number assigned by the Director in accordance with this subchapter; or
- (2) the agency fails to inform the person who is to respond to the collection of the information that such person is not required to respond to the collection of information unless it displays a valid control number.

The PRA provisions regarding the ability of federal agencies to assess penalties, as stated above, are not applicable to this proceeding for two reasons. First, an OMB control number is displayed in the upper right hand corner on every page of Form R and this control number was valid during the reporting years in question. Second, the U.S. EPA has notified the public in at least two publications that no person is required to respond to an information collection request regulated by the PRA unless a valid control number assigned by OMB is displayed. See CX-22, CX-23, CX-24 and CX-25.

Therefore, for the reasons stated above, Complainant avers that the Paperwork Reduction Act does not negatively affect this proceeding.

Respectfully Submitted,

RECEIVED
JUN 26 2009

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U.S. ENVIRONMENTAL
PROTECTION AGENCY**


Terence Stanuch
Associate Regional Counsel

Office of Regional Counsel (C-14J)
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stanuch.terry@epa.gov

In the Matter of: SuperClean Brands, Inc., Respondent
Docket No. EPCRA-05-2009-016

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Complainant's Initial Prehearing Exchange regarding: In the Matter of: SuperClean Brands, Inc., Docket No. EPCRA-05-2009-016, was filed with the Regional Hearing Clerk, U.S. EPA, Region 5, on June 26, 2009 and that copies were sent this day in the following manner to the addresses listed below:

Copy by government pouch mail to:

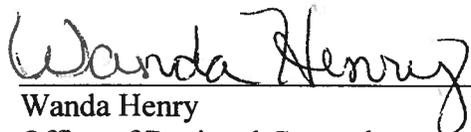
The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave. NW
Washington, DC 20460

Copy by regular U.S. mail to:

Attorney for Respondent:

Sherry L. Stenerson, Esq.
General Counsel
SuperClean Brands, Inc.
1380 Corporate Center Curve, Suite 200
Eagan, MN 55121

Dated this 26th day of June, 2009.



Wanda Henry
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Chicago, Illinois