



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

July 11, 2011

REPLY TO THE ATTENTION OF
E-19J

Honorable Susan L. Biro
Office of Administrative Law Judges
U. S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

RE: In The Matter of: *Giles Chemical (Greendale, Indiana)*
Docket Nos.: MM-05-2011-0006 and CERCLA-05-2011-0012 and
EPCRA-05-2011-0017
Complaint Date: June 1, 2011
Total Proposed Penalty: \$143,280.00 (CERCLA is \$31,875; EPCRA is \$111,405)

Dear Judge Biro:

Enclosed is a copy of the Respondent's Answer to an Administrative Complaint for *Giles Chemical* in Greendale, Indiana.

Please assign an Administrative Law Judge for this case. If you have questions, please contact me at (312) 886-3713.

Sincerely,

A handwritten signature in blue ink that reads "La Dawn Whitehead".

La Dawn Whitehead
Regional Hearing Clerk

Enclosure

cc: Phillip R. Scaletta, Esquire
ICE MILLER LLP
One American Square, Ste 2900
Indianapolis, Indiana 46282-0200
(317) 236-2330

Jeffrey Trevino, Esquire
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July 8, 2011

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VIA OVERNIGHT DELIVERY

Regional Hearing Clerk (E-13J)
U.S. EPA Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

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JUL 11 2011

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

RE: *In the Matter of: U.S. EPA v. Giles Chemical, Greendale, Indiana*
Docket No. CERCLA-05-2011-0012

Dear Clerk:

Enclosed please find Giles Chemical's Answer to the U.S. EPA's Proceeding to Assess a Civil Penalty Under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act, and Section 325(b)(2), (c)(1) and (c)(2) of the Emergency Community Right-to-Know Act of 1986.

Yours truly,

ICE MILLER LLP


Phillip R. Scaletta

PRS:llw
Enclosures

cc: Jeffery Trevino (C-14J) (w/enclosure)

I/2638987.1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
MM-05-2011-0006

In the Matter of:
U.S. EPA

) Docket No. CERCLA-05-2011-0012
)
)

v.

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PROTECTION AGENCY

) EPCRA-05-2011-0017
)
)

Giles Chemical Greendale, Indiana
Respondent.

) Giles Chemical's Answer to the U.S. EPA's
) Proceeding to Assess a Civil Penalty Under
) Section 109(b) of the Comprehensive
) Environmental Response, Compensation and
) Liability Act, and Section 325(b)(2), (c)(1) and
) (c)(2) of the Emergency Community Right-to-
) Know Act of 1986
)

Giles Chemical's Answer to U.S. EPA's Complaint

On June 10, 2011, Respondent, Giles Chemical ("Giles") received a complaint filed by the United States Environmental Protection Agency, Region 5 ("Complaint"). Giles hereby submits its Answer to the Complaint within the thirty day time period for responding and states:

1. This is an administrative proceeding to assess a civil penalty under Section 109(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), and Section 325(b)(2), (c)(1), (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S. § 11045(b)(2), (c)(1), (c)(2).

ANSWER: Paragraph No. 1 of the Complaint contains no allegations against Giles, so no response is required. To the extent Paragraph No. 1 contains any allegations against Giles, those allegations are denied.

2. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, United States Environmental Protection Agency (U.S. EPA), Region 5.

ANSWER: Giles is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 2 of the Complaint.

3. The Respondent is Giles Chemical a limited liability company doing business in the State of Indiana.

ANSWER: Giles admits the allegations contained in Paragraph No. 3 of the Complaint.

Statutory and Regulatory Background

4. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the hazardous substance's reportable quantity.

ANSWER: Paragraph No. 4 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 4.

5. Section 304(a)(1) of EPCRA, 42 § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used, or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

ANSWER: Paragraph No. 5 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 5.

6. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency planning commission (SERC) of any state likely to be affected by a release.

ANSWER: Paragraph No. 6 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 6.

7. Section 304(e) of EPCRA, 42 U.S.C. § 11004(e), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

ANSWER: Paragraph No. 7 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 7.

8. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state, and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

ANSWER: Paragraph 8 of the Complaint contains no allegations against Giles, and Giles does not have sufficient knowledge or information to form a belief as to the truth of the

allegations contained in Paragraph No. 8 of the Complaint. To the extent Paragraph No. 8 contains any allegations against Giles, those allegations are denied.

9. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous.

ANSWER: Paragraph No. 9 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 9.

General Allegations

10. Respondent is a "person" as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

ANSWER: Giles admits the allegations contained in Paragraph No. 10.

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

ANSWER: Giles admits the allegations contained in Paragraph No. 11.

12. At all times relevant to this Complaint, Respondent was an owner or operator and person in charge of the facility located at 200 Brown Street, Greendale, Indiana (facility).

ANSWER: Giles admits the allegations contained in Paragraph No. 12.

13. Respondent's facility consists of a building, structure, installation, equipment, storage container or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

ANSWER: Giles denies the allegations contained in Paragraph No. 13 of the Complaint. The allegations in Paragraph No. 13 of the Complaint are vague and ambiguous due to lack of temporal scope.

14. Respondent's facility is a "facility" as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

ANSWER: Giles admits the allegations contained in Paragraph No. 14 of the Complaint.

15. 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.

ANSWER: Giles admits its facility consists of buildings, equipment, structures and other stationary items located on a single site and denies the further allegations contained in Paragraph No. 15 of the Complaint as vague and ambiguous and lacking temporal scope..

16. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

ANSWER: Giles admits the allegations contained in Paragraph No. 16 of the Complaint.

17. Sulfuric acid CAS# 7664-93-9 is a "hazardous substance" as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

ANSWER: Paragraph No. 17 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 17.

18. Sulfuric acid CAS# 7664-93-9 has a reportable quantity of 1,000 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

ANSWER: Paragraph No. 18 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 18.

19. Sulfuric acid CAS# 7664-93-9 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.

ANSWER: Paragraph No. 19 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 19.

20. Sulfuric acid CAS# 7664-93-9 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).

ANSWER: Paragraph No. 20 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 20.

21. At all times relevant to this Complaint, Sulfuric acid CAS# 7664-93-9 was produced, used or stored at the facility

ANSWER: Giles admits to the use and storage of sulfuric acid at the facility but denies the remaining allegations contained in Paragraph No. 21 of the Complaint due to the allegations being vague and ambiguous and lacking temporal scope.

22. Sulfuric acid CAS# 7664-93-9 is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

ANSWER: Paragraph No. 22 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 22.

23. Sulfuric acid CAS# 7664-93-9 has a reportable quantity of 1,000 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

ANSWER: Paragraph No. 23 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 23.

24. On October 13, 2009, at or about 11:19 p.m. ET, a release occurred from Respondent's facility of approximately 17,393 pounds of sulfuric acid (the release).

ANSWER: Giles admits that on October 13, 2009, a release occurred from its facility of sulfuric acid. Giles denies the remaining allegations contained in Paragraph No. 24 of the Complaint.

25. In a 24 hour time period, the release of 17,393 pounds exceeded 1,000 pounds.

ANSWER: Giles admits the release exceeded 1,000 pounds but denies the remaining allegations contained in Paragraph No. 25 of the Complaint.

26. During the release, approximately 17,393 pounds spilled, leaked, pumped, poured, emptied, discharged, escaped, or dumped into the waters of the contiguous zone, surface water, land surface or subsurface strata, and/or water, or land.

ANSWER: Giles admits there was a release of sulfuric acid onto the land surface and water but denies the remaining allegations contained in Paragraph No. 26 of the Complaint.

27. The release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

ANSWER: Giles admits the allegations contained in Paragraph No. 27 of the Complaint.

28. The release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

ANSWER: Giles admits the allegations contained in Paragraph No. 28 of the Complaint.

29. Respondent had knowledge of the release on October 14, 2009, at approximately 2:30 a.m. ET.

ANSWER: Giles admits the allegations contained in Paragraph No. 29 of the Complaint.

30. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

ANSWER: Giles admits the allegations contained in Paragraph No. 30 of the Complaint.

31. The release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

ANSWER: Giles admits the allegations contained in Paragraph No. 31 of the Complaint.

32. The release was likely to affect Indiana.

ANSWER: Giles denies the allegations contained in Paragraph No. 32 of the Complaint.

33. At all times relevant to this Complaint, the Indiana State Emergency Response Commission was the SERC for Indiana under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

ANSWER: Paragraph No. 33 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 33.

34. The release was likely to affect Dearborn County, Indiana.

ANSWER: Giles denies the allegations contained in Paragraph No. 34 of the Complaint.

35. At all times relevant to this Complaint, the Dearborn County Local Emergency Planning Commission was the LEPC for Dearborn County under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

ANSWER: Giles is without sufficient knowledge or information to admit the allegations contained in Paragraph No. 35 of the Complaint.

Count 1

36. Complainant incorporates paragraphs 1 through 35 of this Complaint as if set forth in this paragraph.

ANSWER: Giles hereby incorporates its responses to Paragraphs No. 1 through 35 of this Complaint as if set forth in this paragraph.

37. Respondent notified the NRC of the release on October 14, 2009, at 5:54 a.m.

ANSWER: Giles admits it notified the NRC of the release on October 14, 2009 but denies the remaining allegations contained in Paragraph No. 37 of the Complaint.

38. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

ANSWER: Giles denies the allegations contained in Paragraph No. 38 of the Complaint.

39. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

ANSWER: Giles denies the allegations contained in Paragraph No. 39 of the Complaint.

Count 2

40. Complainant incorporates paragraphs 1 through 35 of this Complaint as if set forth in this paragraph.

ANSWER: Giles hereby incorporates its responses to Paragraph No. 1 through 35 of this Complaint as if set forth in this paragraph.

41. Respondent notified the Indiana SERC of the release on October 14, 2009, at 3:30 a.m.

ANSWER: Giles admits it notified the Indiana SERC of the release on October 14, 2009 but denies the remaining allegations contained in Paragraph No. 41 of the Complaint.

42. Respondent did not immediately notify the SERC after Respondent had knowledge of the release.

ANSWER: Giles denies the allegations contained in Paragraph No. 42 of the Complaint.

43. Respondent's failure to immediately notify the SERC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

ANSWER: Giles denies the allegations contained in Paragraph No. 43 of the Complaint.

Count 3

44. Complainant incorporates paragraphs 1 through 35 of this Complaint as if set forth in this paragraph.

ANSWER: Giles hereby incorporates its responses to paragraphs 1 through 35 of this Complaint as if set forth in this Paragraph.

45. As of January 27, 2010, Respondent had not notified the LEPC of the release.

ANSWER: Giles has insufficient knowledge or information regarding the allegation contained in Paragraph No. 45 of the Complaint.

46. Respondent did not immediately notify the LEPC after Respondent had knowledge of the release.

ANSWER: Giles denies the allegations contained in Paragraph No. 46 of the Complaint.

47. Respondent's failure to immediately notify the LEPC of the release is a violation of Section 304(a) of EPCRA, 42 § 11004(a).

ANSWER: Giles denies the allegations contained in Paragraph No. 47 of the Complaint.

Count 4

48. Complainant incorporates paragraphs 1 through 35 of this Complaint as if set forth in this paragraph.

ANSWER: Giles hereby incorporates its responses to Paragraphs No. 35 of the Complaint as if set forth in this Paragraph.

49. As of January 27, 2010, Respondent had not provided written follow-up emergency notice of the release to the SERC.

ANSWER: Giles denies the allegations contained in Paragraph No. 49 of the Complaint.

50. Respondent did not provide the SERC written follow-up emergency notice of the release as soon as practicable after the release occurred.

ANSWER: Giles denies the allegations contained in Paragraph No. 50 of the Complaint.

51. Respondent's failure to provide written follow-up emergency notice to the SERC as soon as practicable after the release occurred is a violation of Section 304(e) of EPCRA, 42 U.S.C. § 11004(c).

ANSWER: Giles denies the allegations contained in Paragraph No. 51 of the Complaint.

Count 5

52. Complainant incorporates paragraphs 1 through [71] of this Complaint as if set forth in this paragraph.

ANSWER: Giles hereby incorporates its responses to Paragraph No. 1-[71] of this Complaint as if set forth in this paragraph.

53. As of January 27, 2010, Respondent had not provided written follow-up emergency notice of the release to the LEPC.

ANSWER: Giles denies the allegations contained in Paragraph No. 53 of the Complaint.

54. Respondent did not provide the LEPC written follow-up emergency notice of the release as soon as practicable after the release occurred.

ANSWER: Giles denies the allegations contained in Paragraph No. 54 of the Complaint.

55. Respondent's failure to provide written follow-up emergency notice of the release to the LEPC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

ANSWER: Giles denies the allegations contained in Paragraph No. 55 of the Complaint.

Proposed CERCLA Penalty

56. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103. The Debt Collection improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004. and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

ANSWER: Paragraph No. 56 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 56.

57. Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), requires U.S. EPA to consider the nature, circumstances, extent and gravity of the violations, a violator's ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violation, and any other matters that justice may require, when assessing an administrative penalty under Section 109(b) of CERCLA.

ANSWER: Paragraph No. 56 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 56.

58. Based upon an evaluation of the facts alleged in this Complaint and the factors in Section 109(a)(3) of CERCLA, Complainant proposes that the U.S. EPA assess a civil penalty against Respondent of \$31,875 for the CERCLA violation alleged in Count 1 of this Complaint.

ANSWER: Giles denies any violation occurred under Count 1 of this Complaint and therefore any assessment of a civil penalty is excessive.

59. Complainant calculated the CERCLA, penalties by evaluating the facts and circumstances of this case with specific reference to the 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)," a copy of which is enclosed with this Complaint.

ANSWER: Giles is without sufficient knowledge or information to respond to Paragraph No. 59.

Proposed EPCRA Penalty

60. Section 325(b) of EPCRA, 42 U.S.C. § 11045(b), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

ANSWER: Paragraph No. 60 of the Complaint states legal conclusions to which no response is required. If a response is required, Giles denies the allegations contained in Paragraph No. 60.

61. Based upon an evaluation of the facts alleged in this Complaint, and after considering the nature, circumstances, extent and gravity of the violations, the violator's ability to pay, prior history of violations, degree of culpability, economic benefit or saving resulting from the violations, and any other matters that justice may require, Complainant proposes that the U.S. EPA assess a civil penalty against Respondent of \$111,405 for the EPCRA violations

alleged in this Complaint. Complainant allocated this proposed penalty to the various EPCRA counts of this Complaint as follows:

Count 2	EPCRA Section 304(a) (SERC):	\$15,780
Count 3	EPCRA Section 304(a) (LEPC):	\$31,875
Count 4	EPCRA Section 304(c) (SERC):	\$31,875
Count 5	EPCRA Section 304(c) (LEPC):	\$31,875

TOTAL EPCRA SECTION 325 PENALTY \$111,405

ANSWER: Giles denies any violation occurred under Count 2 through 5 and therefore any assessment of a civil penalty is excessive.

62. Complainant calculated the EPCRA penalties by evaluating the facts and circumstances of this case with specific reference to 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)," a copy of which is enclosed with this Complaint.

ANSWER: Giles is without sufficient knowledge or information to respond to Paragraph No. 62 of the Complaint.

Affirmative Defenses

1. The release of sulfuric acid was caused by vandalism, and initially found and reported to the Indiana Department of Environmental Management by law enforcement officers. Giles was not notified by law enforcement of the release until approximately 2:30 a.m. October 14, 2009.
2. As soon as Giles became aware of the release of sulfuric acid and secured the facility, it immediately took action to assess the situation and properly responded to and reported

the release to the appropriate governmental agencies. The Indiana Department of Environmental Management was on-site and verbally verified to Giles that all parties to which a report was required under applicable spill regulations had been contacted or were on-site.

3. Response efforts were undertaken immediately to identify the cause of the release, contain the material and limit the exposure to the environment. No environmental harm was directly caused by the release.
4. Giles acted in good faith in investigating the source of the release and to identify whether the reportable quantity had been exceeded, whether the release had gone beyond the facility boundaries, and immediately responding to the release.
5. Giles reported the release to the appropriate federal, state and local government agencies immediately after it had knowledge that the reportable quantity had been exceeded, which constitutes immediate notification, either via telephone, internet or in-person. Therefore no violation of reporting requirements occurred.
6. Giles provided follow up written documentation regarding the circumstances of the release as soon as reasonably practicable.
7. The counts alleged in this Complaint are without legal basis as Giles was in compliance with its obligations under federal law.
8. The purpose of the immediate notification is to allow federal, state and local agencies to determine what level of government response is needed. State and local agencies were on-site from the beginning of Giles' involvement. Therefore the purpose of the notification requirement was met in this case.

9. Giles reserves its right to rely upon such other affirmative defenses which may be available or apparent during discovery proceedings in this case and hereby reserves the right to amend its answer to plead such defenses.

Request for a Settlement Conference

On July 7, 2011, counsel for Giles contacted U.S. EPA via telephone to request a settlement conference in an attempt to resolve this matter informally. Giles requests a settlement conference be held prior to any formal hearing.

Request for a Hearing


Giles hereby formally requests a hearing before the Administrator.

Prayer for Relief

WHEREFORE, Giles respectfully requests that U.S. EPA take nothing by way of their Complaint and for all other appropriate relief.

ICE MILLER LLP

By: 
Phillip R. Scaletta

By: 
Jennifer A. Andres

ICE MILLER LLP
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Suite 2900
Indianapolis, IN 46282-0200
(317) 236-2100

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JUL 11 2011

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. mail, first-class postage prepaid, on the 1st day of July, 2011, addressed to:

Regional Hearing Clerk (E-13J)
U.S. EPA Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

Jeffery Trevino (C-14J)
Office of Regional Counsel
U.S. EPA Region 5
77 W. Jackson Boulevard
Chicago, IL 60604


Phillip R. Scaletta

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