



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

APR 02 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ronald Miniati
Chairman of the Board
Ed Miniati, Inc.
16250 Vincennes Avenue
South Holland, Illinois 60473

Re: Ed Miniati, Inc., South Holland, Illinois, Consent Agreement and Final Order **CAA-05-2012-0016**
Docket Nos. CERCLA-05-2012-0006 EPCRA-05-2012-0012 MM-05-2012-0002

Dear Mr. Miniati:

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 APR 02 2012.

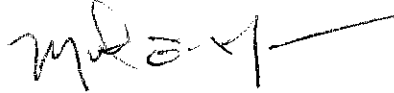
Please pay the Comprehensive Environmental Response, Compensation, and Liability Act civil penalty in the amount of \$55,328 in the manner prescribed in paragraph 55, and reference your check with the billing document number 2751230B006 and the docket number CERCLA-05-2012-0006.

Please pay the Emergency Planning and Community Right-to-Know Act and the Clean Air Act civil penalty in the amount of \$17,472 in the manner prescribed in paragraph 58, and reference your check with the billing document numbers 2751244E010²⁰ 2751203A018 and the docket numbers EPCRA-05-2012-0012 CAA-05-2012-0016.

Your payments are due on MAY 02 2012.

Please feel free to contact James Entzminger at 312-886-4062 or Silvia Palomo at 312-353-2172 if you have any questions regarding the enclosed documents. Please direct any legal questions to Robert S. Guenther, Associate Regional Counsel, at (312) 886-0566. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hans", with a long horizontal line extending to the right.

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

Enclosure

cc: Jon England, Legal Counsel (w/ enclosure)
Kathy England (w/ enclosure)
IL SERC

Ed Walsh, Attorney (w/ enclosure)
Reed Smith LLP
10 South Wacker Drive
Chicago, Illinois 60606-7507 (certified)

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 terms of this CAFO and to the civil penalty assessed herein.

JURISDICTION AND WAIVER OF THE RIGHT TO A 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 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.

10. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires the owner or operator of a facility to 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).

11. Under section 304(b) of EPCRA, 42 U.S.C. § 11004(b), the owner or operator of a facility must give notice required under 304(a) of EPCRA, 42 U.S.C. § 11004(a), immediately

after the release to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release.

12. Section 112(r)(7)(B) of the CAA, 42 U.S.C. § 7412(r)(7)(B), requires the Administrator of EPA to issue regulations regarding the prevention and detection of accidental releases of designated chemicals. These regulations further require the Administrator to ensure that the owners or operators of stationary sources where a regulated substance is present above a threshold quantity prepare a risk management plan to prevent or minimize risks of accidental releases of those designated substances.

13. Pursuant to section 112(r)(7)(A) and (B) of the CAA, 42 U.S.C. § 112(r)(7)(A), (B), the Administrator promulgated the Chemical Accident Pollution Prevention rule on January 31, 1994. This rule is codified at 40 C.F.R. part 68 and has been modified from time to time since.

14. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.12(d), requires the owner and operator of a stationary source with a process subject to Program 3, as defined at 40 C.F.R. § 68.10(d), to develop and implement a management system as provided by 40 C.F.R. § 68.15, conduct a hazard assessment pursuant to 40 C.F.R. §§ 68.20 to 68.42, implement the prevention requirements of 40 C.F.R. §§ 68.65 to 68.87, and develop and implement an emergency response program as provided in 40 C.F.R. §§ 68.90 and 68.95. These requirements are collectively known as the “Risk Management Program” (RMP).

15. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.10(d), defines a Program 3 process as one which does not meet the requirements of a Program 1 process found at 40 C.F.R. § 68.10(b) and is subject to the process safety management standard at 29 U.S.C. § 1910.119.

16. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), and section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorize U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA section 103 or EPCRA section 304. 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 occurring after March 15, 2004, through January 12, 2009, and to \$37,500 per day of violation for violations occurring after January 12, 2009.

17. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), authorizes EPA to assess a civil penalty of up to \$25,000 per day of violation of section 112(r) of the CAA, up to a maximum of \$200,000. 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 daily maximum to \$32,500 per day of violation up to a maximum of \$270,000 for CAA section 112(r) violations occurring after March 15, 2004, through January 12, 2009, and may assess a civil penalty of up to \$37,500 per day of violation up to a maximum of \$295,000 for these violations occurring after January 12, 2009.

18. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), also limits the Administrator's authority to pursue administrative penalties under the CAA to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

19. Respondent is a “person” as that term is defined under section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
20. Respondent is a “person” as that term is defined under section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
21. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 16250 South Vincennes Road, South Holland, Illinois (facility).
22. At all time relevant to this CAFO, Respondent was in charge of the facility.
23. Respondent’s facility consists of a building or structures and sites or areas where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located.
24. Respondent’s facility is a “facility” as that term is defined under section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
25. 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.
26. Respondent’s facility is a “facility” as that term is defined under section 329(4) of EPCRA, 42 U.S.C. § 11049(4).
27. Respondent’s process subjects it to the Program 3 requirements because the distance to a public receptor, as defined at 40 C.F.R. § 68.30, is less than the distance to the flammable or toxic endpoint for a worst-case release assessment under 40 C.F.R. § 68.25, and because the process is subject to the process safety management standard at 29 U.S.C. § 1910.119.

28. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3, defines “stationary source” as: “any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.”

29. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3 defines “process” to mean “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.”

30. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.130, Table 1, lists anhydrous ammonia (CAS# 7664-41-7) as a substance which, in case of an accidental release, is known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment, and prescribes a threshold quantity of 10,000 lbs.

31. Anhydrous ammonia is a “hazardous substance” as that term is defined under section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

32. Anhydrous ammonia is also an “extremely hazardous substance” according to section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

33. Anhydrous ammonia has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. part 355, appendix A.

34. On May 7, 2007, at or about 11:00 a.m., a release of anhydrous ammonia occurred from Respondent’s facility of approximately 1,054 pounds (the release).

35. In a 24-hour time period, the release of anhydrous ammonia exceeded 100 pounds.
36. During the release, approximately 1,054 pounds of anhydrous ammonia leaked, emitted, or escaped into the ambient air.
37. The release is a “release” as that term is defined under section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
38. The release is a “release” as that term is defined under section 329(8) of EPCRA, 42 U.S.C. § 11049(8).
39. Respondent had knowledge of the release on May 7, 2007, at approximately 11:00 a.m.
40. The release was one for which notice was required under section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
41. The release required notice under section 304(a) of EPCRA, 42 U.S.C. § 11004(a).
42. The release was likely to affect Cook County, Illinois.
40. Respondent notified the Illinois Emergency Management Agency (IEMA) of the release in a timely manner.
43. At all times relevant to this Complaint, the Cook County Local Emergency Planning Committee was the LEPC for Cook County, Illinois, under section 301(c) of EPCRA, 42 U.S.C. § 11001(c).
44. Respondent notified the NRC of the release on March 10, 2010.
45. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

46. 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).

47. Respondent notified the LEPC of the release on May 8, 2007.

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

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

50. On October 16, 2009, Respondent's RMP, prepared pursuant to 40 C.F.R. § 68.12(d), failed to include elements required by those provisions. A table listing the deficiencies in Respondent's RPM is attached to this CAFO as Table A.

51. Respondent's failure to develop and implement a complete RMP is a violation of the requirements of 40 C.F.R. § 68.12(d).

52. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that a CAA administrative penalty action is appropriate for the period of CAA violations alleged in this Complaint.

53. Respondent's violation of 40 C.F.R. § 68.12(d) constitutes the unlawful operation of a stationary source subject to a regulation or requirement promulgated under section 112(r) of the CAA, 42 U.S.C. § 7412(r), and authorizes the Administrator to seek penalties pursuant to section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B).

CIVIL PENALTY

54. Complainant has determined that an appropriate civil penalty to settle this action is \$55,328 for the CERCLA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violation, Respondent's

agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, history of violations, economic benefit or savings resulting from the violation, 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).

55. Within 30 days after the effective date of this CAFO, Respondent must pay a \$55,328 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

56. Complainant has determined that an appropriate civil penalty to settle this action is \$5,824 for the EPCRA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violation, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, history of violations, economic benefit or savings resulting from the violation, and any other matters as justice may require. Complainant also considered U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

57. Complainant has determined that an appropriate civil penalty to settle this action is \$11,648 for the CAA violation. In determining the penalty amount, Complainant considered Respondent's agreement to perform a supplemental environment project, the size of

Respondent's business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations, the seriousness of the violations and other factors as justice may require. Complainant also considered U.S. EPA's Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

58. Within 30 days after the effective date of this CAFO, Respondent must pay a combined \$17,472 civil penalty for the EPCRA and CAA violations. Respondent must pay the combined 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

59. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket numbers and the billing document number must accompany the payment. Respondent must send a copy of the checks and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3511

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

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

60. These civil penalties are not deductible for federal tax purposes.

61. If Respondent does not timely pay the civil penalty or any stipulated penalties due under paragraph 73, below, 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. Respondent acknowledges and agrees that the validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

62. 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.

SUPPLEMENTAL ENVIRONMENTAL PROJECT

63. Respondent must complete a supplemental environmental project (SEP) designed to protect human health and the environment by installing a chiller to allow for water reuse at its facility and reduce wastewater discharges to the Metropolitan Water Reclamation District of Greater Chicago.

64. At its South Holland, Illinois, facility, Respondent must complete the SEP as follows:

a. Within 4 weeks of the effective date of the CAFO, Respondent will complete the engineering drawings.

b. Within 12 weeks of the effective date of the CAFO, Respondent will procure the water chiller equipment.

c. Within 26 weeks of the effective date of the CAFO, Respondent will take delivery and install the water chiller equipment.

65. Respondent must spend at least \$76,425 to design, purchase and install the equipment described above.

66. Respondent, by its undersigned signatory, certifies as follows:

I certify that Ed Miniati, Inc., is not required to perform or develop the SEP by any law, regulation, prior order, or prior agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Ed Miniati, Inc., has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Ed Miniati, Inc., is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

67. Until Complainant approves the SEP completion report pursuant to paragraph 68, below, U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements. Additionally, Respondent must maintain copies of underlying data for all reports submitted to U.S. EPA according to this CAFO. Upon Complainant's request, Respondent must provide the documentation of any underlying data to U.S. EPA within seven days or a period of time agreed between the parties.

68. Respondent must submit a SEP completion report to U.S. EPA by a date 6 months from the filing date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;

c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;

d. Certification that Respondent has completed the SEP in compliance with this CAFO; and

e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

69. Respondent must submit all notices and reports required by this CAFO by first class mail to Silvia Palomo of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 59, above.

70. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

71. Following receipt of the SEP completion report described in paragraph 68, above, U.S. EPA must notify Respondent in writing that:

a. It has satisfactorily completed the SEP and the SEP report; or

b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or

c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 73, below.

72. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach

an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any reasonable requirements U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 73, below.

73. If Respondent violates any requirement of this CAFO relating to the SEP,

Respondent must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 64, Respondent must pay a penalty of \$76,425; or

b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 65, Respondent will not be liable for any stipulated penalty under subparagraph a, above; or

c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 65, Respondent must pay a penalty of \$7,643; or

d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$100	1 st through 14 th day
\$200	15 th through 30 th day
\$500	31 st day through submission

74. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

75. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment

specified in paragraphs 58 - 59, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

76. Any public statement that Respondent makes referring to the SEP must include the following language, “Respondent undertook this project in settlement of a United States Environmental Protection Agency enforcement action against Ed Miniati, Inc., for violations of the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act, the Emergency Planning and Community Right-to-know Act and the hazardous substance emergency planning requirements of the Clean Air Act.”

77. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

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

79. 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 other violations of law.

80. Going forward, Respondent certifies that it is currently complying with section 103(a) of CERCLA, 42 U.S.C. § 9603, section 304(a) of EPCRA, 42 U.S.C. § 11022(a), and section 112(r) of the CAA, 42 U.S.C. § 7412(r).

81. This CAFO does not affect Respondent’s responsibility to comply with CERCLA, EPCRA, the CAA or other applicable federal, state and local laws, and regulations. This CAFO is a “final order” for purposes of U.S. EPA’s EPCRA/CERCLA Enforcement Response Policy and the Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

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

83. 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.

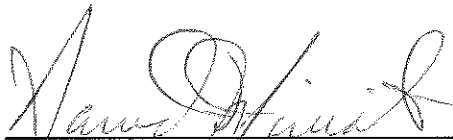
84. Each party agrees to bear its own costs and attorney's fees in this action.

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

Ed Miniati, Inc., Respondent

3/16/2012

Date

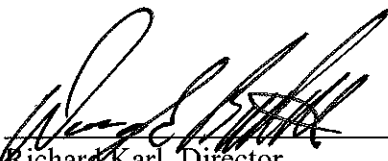


David Miniati
President

U.S. Environmental Protection Agency, Complainant

3/29/2012

Date



Richard Karl, Director
Superfund Division

**In the Matter of:
Ed Miniati, Inc., South Holland, Illinois
Docket No.**

In the Matter of: CERCLA-05-2012-0006 EPCRA-05-2012-0012
Ed Miniati, Inc.
South Holland, Illinois
Docket No.

MM-05-2012-0002

CAA-05-2012-0016
RECEIVED


APR 08 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

FINAL ORDER

This Consent Agreement and Final Order, as agreed to by the parties, will 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.

3-30-12
Date



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

In the Matter of: Ed Miniati, Inc., South Holland, Illinois

Docket No. CERCLA-05-2012-0006 EPCRA-05-2012-0012 CAA-05-2012-0016

Certificate of Service

I, James Entzminger, 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:

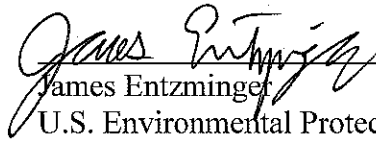
Ed Walsh, Attorney
Reed Smith LLP
10 South Wacker Drive
Chicago, Illinois 60606-7507

Ronald Miniati, Chairman of the Board
Ed Miniati, Inc.
16250 Vincennes Avenue
South Holland, Illinois 60473

RECEIVED
APR 02 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

on the 2 day of April, 2012


James Entzminger
U.S. Environmental Protection Agency
Region 5