

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

RECEIVED  
SEP 25 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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


Docket No. EPCRA-05-2009-0016


**COMPLAINANT'S AMENDED INITIAL PREHEARING EXCHANGE**

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA or Agency), Region 5, by and through her undersigned attorneys, and pursuant to the Court's September 21, 2009 Order Granting Motion to Amend Complainant's Initial Prehearing Exchange, hereby amends its Initial Prehearing Exchange to include the following:

1. Attachments H, L and M (attached) to the U.S. EPA's October 27, 2005 inspection report of Respondent's facility (Complainant's Exhibit No. 15) are now included as part of Exhibit No. 15; and
2. Attachment P (attached) to the U.S. EPA's October 18, 2006 inspection report of Respondent's facility (Complainant's Exhibit No. 16) is now included as part of Exhibit No. 16.

Respectfully Submitted,

  
Terence Stanuch  
Associate Regional Counsel

  
Erik Olson  
Associate Regional Counsel

Office of Regional Counsel (C-14J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3590  
stanuch.terry@epa.gov; (312) 886-8044  
olson.erik@epa.gov; (312) 886-6829

**Complainant's Exhibit No. 15**  
**Attachment H**

Attachment H.

Memo to file from John Myhre, dated February 15, 2006.

# Memo

**To:** File  
**From:** John Myhre  
**Date:** February 15, 2006  
**Subject:** Fox Packaging

I first contacted Fox Packaging (51 Maryland Ave E; St. Paul, MN 55117) on September 19, 2005 and set up a TRI inspection covering calendar years 2003 and 2004. The inspection date was October 27, 2005. Mr. Gene Jensen agreed to provide inventories and MSDS sheets for EPCRA 313 chemicals including ethylene glycol and methanol for calendar years 2003 and 2004. He agreed to furnish them by November 30, 2005.

On November 17, I telephoned Mr. Jensen, and asked him to be sure to send a copy of any Form R that was filed. Mr. Jensen said that he would do so.

A submission of documents was postmarked November 30, 2005. The package had a number of deficiencies, which are described in my letter of December 16, 2005 (The letter is discussed in more detail below).

A second communication, received December 7, 2005, contained a copy of Form R (handwritten) for reporting year 2004. The date on the Form R was 9-30-04, and it was signed by Gene Jensen, General Manager. There was no documentation of the Form R having been submitted to the EPA Processing Center in Maryland.

On December 16, 2005 I noted the deficiencies in the submission and the Form R in a letter addressed to Mr. Gene Jensen. The deficiencies noted are listed below. The numbers reflect the numbers used in the letter.

—I noted a failure to file for a listed material.

1. Failure to file a Form R for ethylene glycol for reporting year 2004.

—I noted failures to file Form R for methanol, as described in items 2 and 3.

2. No Form R was filed for 2004, to State of Minnesota.

3. No Form R was filed for 2003, to US EPA.

—I listed the deficiencies in the information package in items 4 through 12.

4. Failure to account for returned goods that were placed back into the product stream.

5. Failure to submit year-end inventories as verbally promised during the inspection and as listed on the "Receipt for Samples and Documents".

6. Failure to submit a corrected Full-Time-Equivalent list as verbally promised during the inspection.
7. Submission of an MSDS for Methanol (from Celanese) with a 2005 date; too recent to apply to calendar years 2003 and 2004.
8. Failure to submit MSDS forms for Methanol from Univer, Murex NA, CNJ Chem Ltd., Ashland, and Brenntag Great Lakes.
9. Failure to submit all purchase invoices from CNJ Chem.
10. Failure to account for ethylene glycol inventory during 2003.
11. Request to correlate the 20,000 tons throughput (in 2003) of ethylene glycol with the reported receipts of 5 tons.
12. Submission of a "return" for ethylene glycol from Ashland Distribution in 2004, but not listing any receipts from Ashland Distribution.

—I listed deficiencies in the Form R sent on December 7 in items 13 through 21.

13. Failure to show parent company (Part I, Section 5.1)
14. Failure to note imported material (Part II, Section 3.1)
15. Improper processing box; should be formulation component (Part II, Section 3.2)
16. Using NA for fugitive emissions (Part II, Section 5.1)
17. Using NA for Other Disposal (Part II, Section 5.5.4)
18. Using NA for transfer to POTW (Part II, Section 6.1)
19. Using NA for quantities transferred to off-site locations (Part II, Section 6.2)
20. Failure to report for previous years or future year estimates (Part II, Section 8.1b)
21. Probable improper production ratio (Part II, Section 8.9)

—I also requested that they send me copies of any filings, and specifically asked for copies of proof of submission. In my letter I requested a reply within 14 days of receipt of the letter.

The letter requesting the corrective action was received on December 20, 2005, so a reply should have been sent by January 3, 2006. Nothing had been submitted by January 13, 2006. I sent a letter on January 13, 2006 to Mr. Elliot Badzin, President of the company, requesting that the information be sent by January 27, 2006. The letter was received on January 17, 2006.

On January 18, 2006 I received a call from a Mr. Jeff Thomas, who identified himself as the in-house attorney for Fox Packaging. He said that there was a time issue, what with a national sales meeting coming up that would take up a week or more. He asked that the deadline be extended to February 10, 2006. I agreed verbally to extend the deadline to February 2, 2006.

Mr. Thomas followed up the conversation with a letter dated January 18, 2006, confirming the extension. In the letter he stated "I have now discussed this matter with the Fox Plant Manager, Gene Jensen, and he feels that he will be able to provide all of the requested information on or before February 3, 2006. If that is not the case, you will hear directly from either Mr. Jensen or [sic] myself, with an explanation of when any remaining information will be provided."

On February 8, 2006 I received a submission from Mr. Jensen (Postmarked February 3, 2006). Upon examining the package, I found numerous failures to comply with my requests for

clarification. I have listed the response to each question below. The numbers reflect the numbers used in the letter. Underlined results show a response that answered the question.

1. No documentation of a Form R submission for ethylene glycol for 2004
2. No documentation of a Form R submission for methanol for 2004 to State of Minnesota
3. No documentation of a Form R submission for methanol for 2003 to US EPA
4. No documentation of returned materials
5. Supplied Year-end inventories, in a very cursory form
6. Supplied Part-time employee hours
7. Supplied Celanese MSDS dated 07/23/2002
8. Partial Compliance:
  - Supplied MSDS from Brenntag; two copies, each dated 07/23/2002.
  - Supplied MSDS from Ashland; four copies total, dated 07/10/03, 09/02/03, and 08/18/04 (two copies)
  - No MSDS from Univar
  - No MSDS from Murex NA Ltd.
  - No MSDS from CNJ Chem Inc.
9. Supplied requested purchase invoices from CNJ
10. No discussion of ethylene glycol receipts from Ashland for 2004
11. No accounting for the ethylene glycol reported on air emissions
12. No explanation of the purchase invoice credit memo; a invoice was supplied without explanation.

—Regarding the Form R, a revised Form R was included in the submission. It was a copy showing the same date as the previous submission (9-30-04) with corrections made with “white-out”. The copy sent had the actual white-out corrections. There was no documentation of the revised Form R having been submitted to the EPA Processing Center in Maryland.

13. Revised to show parent company.
14. No change to show import.
15. No change to show as a formulation component.
16. Revised to show 0.0001 pounds/year fugitive releases.
17. Revised to show 0.
18. No change, still NA into POTW.
19. No change, still NA for transfers to other locations.
20. Revised to show on-site disposals for columns A, C, and D.
21. Revised production ratio to 1.0125.

I have had no further communications from Fox Packaging as of February 15, 2006

**Complainant's Exhibit No. 15**  
**Attachment L**

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Attachment L.

Letter to Elliott Badzin, B. Bros Packaging, dated January 13,  
2006.



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

January 13, 2006

REPLY TO THE ATTENTION OF  
DT-8J

**CERTIFIED MAIL**  
**RECEIPT No. 7005 1160 0000 2175 1921**

Elliott Badzin  
President  
B. Bros Packaging Inc  
2855 Eagandale Blvd  
Saint Paul, MN 55121

Dear Mr. Badzin:

On October 27, 2005, I, as a representative of the United States Environmental Protection Agency (U.S. EPA), conducted the on-site portion of an inspection to determine compliance with Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) at your 51 E. Maryland Ave, St. Paul, MN facility. On the Receipt for Samples and Documents (copy enclosed) Mr. Gene Jensen agreed to provide certain information about the usage of listed toxic chemicals at the 51 E. Maryland Ave. facility including:

1. Inventories and purchasing records for products containing EPCRA 313 chemicals including methanol and ethylene glycol for calendar years 2003 and 2004.
2. MSDS sheets or other manufacturer notification describing the EPCRA 313 chemicals applicable to calendar years 2003 and 2004.

On the Receipt for Samples and Documents, Mr. Jensen agreed to provide this information by November 30, 2005.

The information requested was postmarked November 30, 2005. After I examined the materials, I noted a number of deficiencies in the information submitted. I also noted some deficiencies in the Form R for reporting year 2004 that was provided by Mr. Jensen, being received on December 7, 2005. I noted these deficiencies in a letter dated December 16, 2005 and addressed to Mr. Jensen at 51 E. Maryland Ave (copy enclosed).



RECEIPT FOR SAMPLES AND DOCUMENTS

U.S. ENVIRONMENTAL PROTECTION AGENCY  
 Emergency Planning and Community Right-to-Know Act of 1986  
 (SARA Title III)

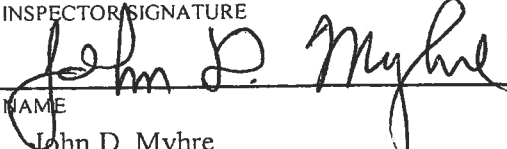
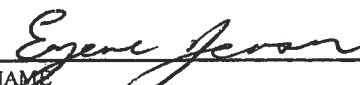
Page 1 of 1

1. INVESTIGATION IDENTIFICATION			3. FIRM NAME B. Bros Packaging, dba Fox Packaging
DATE October 27, 2005	INSPECTOR NO. FEP57	DAILY SEQ. NO. 01	
4. INSPECTOR ADDRESS UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5, DT-8J 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590			5. FIRM ADDRESS 51 Maryland Ave East Saint Paul, MN 55117

The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Emergency Planning and Community Right-to-Know Act of 1986.

RECEIPT OF THE DOCUMENT(S) AND/OR SAMPLES DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
1	Documentation for calendar years 2003 and 2004, listed in items 1, 2, 3, and 4 below, is to be submitted by <u>Nov 30, 2005</u> <sup>4 year end inventories</sup> <u>Purchase invoices for Methanol and Ethylene glycol</u> for listed EPCRA 313 toxic chemicals and/or chemical categories or mixtures containing listed EPCRA 313 toxic chemicals and/or toxic chemical categories used by the facility in calendar years 2003 and 2004.
2	<u>MSDS sheets for products containing above materials</u> for listed EPCRA Section 313 toxic chemicals and/or toxic chemical categories or mixtures containing listed EPCRA Section 313 toxic chemicals and/or toxic chemical categories used by the facility. If the supplier notification is not dated as applicable to calendar year 2004, a document is needed stating that the documentation submitted is applicable to calendar years 2003 and 2004.
3	Documentation of the facility usage calculations, including methodology, utilized to determine usage of listed EPCRA Section 313 toxic chemicals or toxic chemical categories.
4	<del>Documentation of the determination of the Activity (Manufacture Use, Process Use, and/or Otherwise Use) of each listed EPCRA Section 313 toxic chemical or toxic chemical category used during calendar years 2003 and 2004.</del>

INSPECTOR SIGNATURE 		RECIPIENT SIGNATURE 	
NAME John D. Myhre		NAME Eugene Jensen	
TITLE EPCRA Compliance Inspector	DATE SIGNED 27 Oct 2005	TITLE General Manager	DATE SIGNED 10-27-05



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

December 16, 2005

REPLY TO THE ATTENTION OF  
DT-8J

**CERTIFIED MAIL**

**RECEIPT No. 7005 1160 0000 2175 1907**

Gene Jensen  
General Manager  
Fox Packaging  
51 Maryland Avenue East  
St. Paul, MN 55117

Dear Mr. Jensen:

I received your package, and after examining it I note the following deficiencies:

1. Your data indicate that you processed at least 25,000 pounds of Ethylene Glycol for reporting year 2004, which exceeds the threshold for reporting.
2. The Form R for Methanol for reporting year 2004 has not yet been sent to the State of Minnesota.
3. The Form R for Methanol for reporting year 2003 has not yet been sent to the United States Environmental Protection Agency.
4. During our tour of your facility, you showed pallets of plastic bottles of fluid that had been returned for various reasons. You told me that these bottles would be opened and the contents would be repackaged. This repackaging is considered processing and must be counted toward threshold in the same manner as incoming raw material. Please send me documentation for the repackaging quantity, including concentration, of the toxic materials for calendar years 2003 and 2004.
5. According to the Receipt for Samples and Documents, you agreed to include year-end inventories. Please send year-end inventories for methanol and ethylene glycol for the start of calendar years 2003 and 2004, and for the end of calendar year 2004.
6. Although not specifically mentioned on the Receipt for Samples and Documents, during our initial conference you verbally promised to send a corrected listing of your Full Time Equivalent employees for calendar years 2003 and 2004. Please send this information.
7. You included an MSDS for methanol from Celanese Ltd. which has a Published Date of 07/22/2005. This MSDS cannot be used for reporting year 2004 because the date is too recent. Please send the supplier notification that applies to calendar year 2004.
8. You included purchase invoices for Methanol during calendar years 2003 and 2004 from Univar, Murex NA Ltd, CNJ Chem Inc, Ashland, and Brenntag Great Lakes LLC. You did not include the supplier notification from these sources. Please send the supplier notifications that apply to calendar years 2003 and 2004.
9. You included "Purchase Order History Listing by P.O. Number" sheets for CNJ Chem Inc, with the following purchase order numbers: 17435, 17436, 17438, 17439, 17440, 17441, 17442, 17443, 17444, and 17445 (All are listed as having a date of 10/01/04). Please send the appropriate purchase invoices for these orders.
10. Your "Transaction History Review" states that on 12/16/2003 you received 522.019 gallons of Ethylene Glycol from Brenntag Great Lakes, and that you had on hand 522.475 gallons. Please account for the on-hand inventory.
11. Your "Air Emissions Summary for Year 2003" lists a throughput of 20,000 "tons produ". The amounts in 10. above total about 5 tons. Please account for the remaining 19,995 tons.
12. You included a "Cred Memo for Return" for ethylene glycol from Ashland Distribution Company (Invoice # 92975867, Date 09/30/2004) but you do not show any purchase invoices for material received from Ashland, nor is there any listing of Ashland on your Transaction History Review for 2004 ethylene glycol. Please send

the purchase invoices and supplier notification from Ashland for calendar years 2003 and 2004. (I did receive Invoice 92975867, dated 12/27/2004 with the notation "Received Jan 6 2005". This invoice should be used for reporting year 2005.)

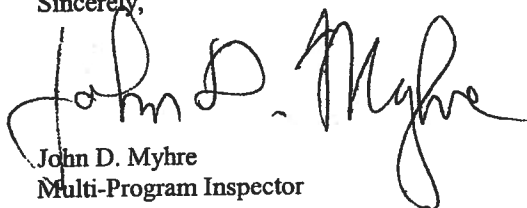
On the Form R for reporting year 2004 that you included with the package, I note the following deficiencies:

13. In Part I, Section 5.1 you put "NA" for the name of the parent company, yet in our meeting you told me that the parent company was B. Bros. Investments, 2855 Eagandale Blvd, Eagan, MN 55121.
14. In Part II, Section 3.1 you have no boxes checked, yet on the Transaction History Review you list 1,901,712 gallons of Methanol from Edmonton Methanol Company. The purchase invoices from Edmonton Methanol/Celenese Canada states that the material originates in Canada. The "Imported" box should have been checked.
15. In Part II, Section 3.2 you stated that you process the toxic chemical by "d. Repackaging". In our tour of the facility, you showed me the mixing station, so you should choose "b. As a formulation component" instead.
16. In Part II, Section 5.1 you marked "NA" (that fugitive or non-point air emissions could not possibly have occurred). That is the meaning of "NA" (Toxic Chemical Release Inventory Reporting Forms and Instructions, Revised 2004 Version, EPA 260-B-05-001, January 2005, Pages 40 and 60). Note especially that "NA" is generally not applicable for 5.1 ("Instructions", Page 40). Among other events that could have occurred would be spillage while emptying returned bottles of fluid, a process that was described to me during our tour of the facility. Another possibility would be spillage from containers that are broken during handling within the facility.
17. In Part II, Section 5.5.4 you marked "NA" (that Other disposal could not have occurred). Note that this is generally not acceptable ("Instructions", page 40). Among other events that could have occurred would be spillage onto the land when attaching or removing piping to the tank cars that I was shown during our tour of the facility..
18. In Part II, Section 6.1 you reported "NA" for quantities transferred to Publicly Owned Treatment Works (POTW). Can you be sure that nothing went into the sewers?
19. In Part II, Section 6.2 you reported "NA" for quantities transferred to other off-site locations. After the returned containers are emptied, what was the fate of the containers? Any remaining material in the containers must be reported if the containers are shipped off site. ("Instructions", pages 47, 48, 49). If something was done at the facility, the fate of the residue must be reported in the proper location.
20. In Part II, Section 8.1b, you reported only for the current operating year. There is no entry for the previous year, nor is there an estimate for the following two years.
21. In Part II, Section 8.9 you reported a Production Ratio or Activity Index of 0.57. According to a letter dated 10/26/05 from Dan Weaver, Accounting Manager, the income for the St. Paul facility decreased only slightly. To calculate this ratio, you should use the ratio of the production quantity of methanol for 2003 divided by the quantity for 2004.

You should submit a revised Form R to correct errors. You should also examine previous Form R submissions to see if these should be corrected, as well as checking to see if you should be reporting any other items. Should you file anything, please send me a copy of the forms and copies of mailing receipts to both the Maryland processing center (for the US EPA) and to the State of Minnesota.

Please respond within 14 calendar days of the receipt of this letter. Be sure to include both my name and the mailing code (DT-8J) on the envelope to ensure delivery. If there are any questions, you may contact me at 312-886-6018. The undersigned is assisting the U.S. EPA under a Cooperative Agreement with Senior Service America, Inc.

Sincerely,



John D. Myhre  
Multi-Program Inspector

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7005 1160 0000 2175 1907

**RECEIVED**

Certified Fee: 2.30

Return Receipt Fee (Endorsement Required): 0.00

Restricted Delivery Fee (Endorsement Required): 0.00

Total Possible Endorsement Fees: 0.00

PESTICIDES AND TOXICS  
 PROHIBITED SECTION  
 Pesticides and Toxics Branch

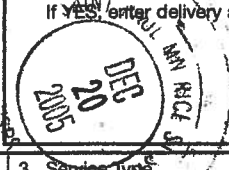


MAIL E DT-61

Gene Jensen  
 General Manager  
 Fox Packaging  
 51 Maryland Avenue East  
 St. Paul, MN 55117

Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by (Please Print Clearly)	B. Date of Delivery 12-20
1. Article Addressed to:  Gene Jensen General Manager Fox Packaging 51 Maryland Avenue East St. Paul, MN 55117	C. Signature x <i>Cindy Carlisle</i>	
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7005 1160 0000 2175 1907		



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

**OFFICIAL USE** ✓

Postage	\$ 63	Postmark Here
Certified Fee	240	
Return Receipt Fee (Endorsement Required)	185	
Restricted Delivery Fee (Endorsement Required)	488	

7005 1160 0000 2175 1921

Elliot Badzin, President  
 B. Bros Packaging Inc  
 2855 Eagandale Blvd  
 Saint Paul, MN 55121

PHARE DT-8J

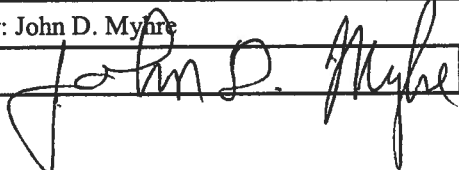
ons

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> <i>Elliot Badzin</i>	
1. Article Addressed to:  Elliot Badzin, President B. Bros Packaging Inc 2855 Eagandale Blvd Saint Paul, MN 55121		B. Received by (Printed Name) <i>Elliot Badzin</i>	C. Date of Delivery 1/17/06
2. Article Number (Transfer from serial number) 7005 1160 0000 2175 1921		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

**Complainant's Exhibit No. 15**  
**Attachment M**

Attachment M.

Telephone log of conversation with Mr. Jeff Thomas, in-house  
counsel for Fox Packaging.

U.S. ENVIRONMENTAL PROTECTION AGENCY	<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)	
<b>RECORD OF COMMUNICATION</b>	(RECORD OF ITEM CHECKED ABOVE)	
TO:   Jeff Thomas Fox Packaging	FROM:  John D Myhre	DATE: January 18, 2006  TIME: 12:05 pm
SUBJECT: Compliance with EPCRA Section 313 for Reporting Year 2003 and 2004		
<p>SUMMARY OF COMMUNICATION:</p> <p>I received a call from Mr. Thomas, who identified himself as the in-house attorney for Fox Packaging. He said that he had talked with Gene Jensen, and that Gene told him that there was a time issue, what with a national sales meeting taking up a week or more of time. He asked to have the date delayed to Feb 10, 2006.</p> <p>I examined the calendar, and said that I had given them a lot of extensions, and that I had heard nothing from Mr. Jensen about difficulties in supplying the information, but I would be willing to extend the date to February 3, 2006. I told him also that I expected to see partial shipments before that date, to show progress.</p> <p>I also said that I expected to hear from them if there were to be further delays. Mr. Thomas said that either he or Mr. Jensen would be calling if there were problems.</p>		
CONCLUSIONS, ACTION TAKEN OR REQUIRED:		
INFORMATION COPIES TO:		
Documented by: John D. Myhre		
Signature:		Date: January 18, 2006

**Complainant's Exhibit No. 16**  
**Attachment P**

Attachment P.

Letter to Gene Jensen of Fox Packaging Dated December 6, 2006.





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

December 6, 2006

REPLY TO THE ATTENTION OF  
DT-8J

**CERTIFIED MAIL**  
**RECEIPT No. 7001 0320 0005 8910 5997**

Gene Jensen  
General Manager  
Fox Packaging Company  
51 Maryland Ave E  
St. Paul MN 55117

Dear Mr. Jensen:

I received your submission, and there are some deficiencies. In the attached chart, you will note there are extended periods when there are no receipts of methanol. An examination of the inventory document you submitted indicates numerous receipts during these blank periods.

Please send the missing purchase invoices, and where applicable, the related MSDS forms.

Please reply within 14 days of receipt of this letter. Send any submissions to:

John D Myhre (DT-8J)  
U.S. EPA-Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If you have any questions concerning this matter, please contact me at before the end of the response period at 312-886-6018.

The undersigned is assisting the U.S. EPA under a Cooperative Agreement with Senior Service America, Inc.

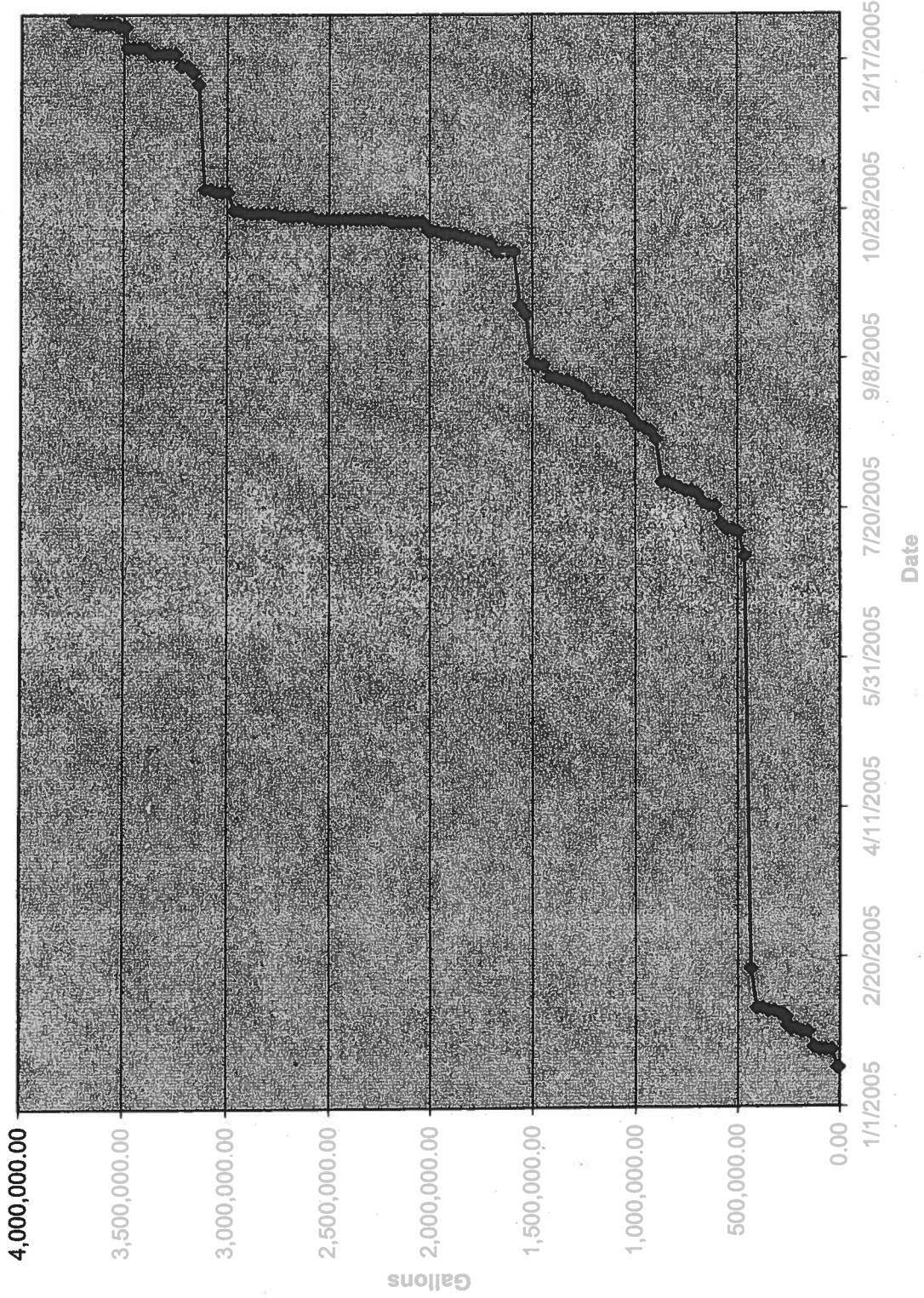
Sincerely,

A handwritten signature in black ink that reads "John D. Myhre".

John D. Myhre  
Multi-Program Inspector  
Waste, Pesticides, & Toxics Enforcement Section

Enclosures

# Methanol Received by Fox Packaging



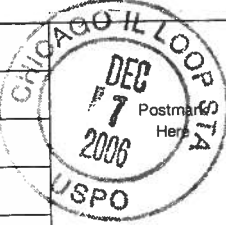
Series1

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7001 0320 0005 8910 5997

John D. Myhre DT-8J

Postage	\$ 39
Certified Fee	240
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 464</b>



Sent To: Gene Jensen, General Manager  
 Street, A or PO Box: Fox Packaging Company  
 City, State: 51 Maryland Ave E, St. Paul MN 55117

PS Form 3800, January 2001 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gene Jensen, General Manager  
 Fox Packaging Company  
 51 Maryland Ave E  
 St. Paul MN 55117

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

12-11-06

C. Signature

X *Cindy Autlett*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy) 7001 0320 0005 8910 5997

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

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**CERTIFICATE OF SERVICE**

I hereby certify that the original and one copy of Complainant's Amended Petition for 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 September 25, 2009, and that copies were sent this day in the following manner to the addressees listed below:

REGIONAL HEARING CLERK  
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Copy by government pouch mail to:

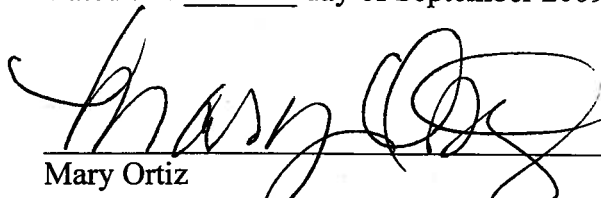
The Honorable Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Copy by the U.S. Postal Service, Certified Mail, Return Receipt Requested:

Attorney for Respondent:

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

Dated this 25<sup>th</sup> day of September 2009.

  
\_\_\_\_\_  
Mary Ortiz  
Administrative Program Assistant  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
Chicago, Illinois