

admission of the allegation.

55. Respondent's answer must also state:

- a. the circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. the facts that Respondent disputes;
- c. the basis for opposing the proposed penalty; and
- d. whether Respondent requests a hearing as discussed in paragraph 50 above.

56. If Respondent does not file a written answer within 30 calendar days after receiving this complaint the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual allegations in the complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order without further proceedings 30 days after the order becomes the final order of the Administrator of U.S. EPA under Section 22.27(c) of the Consolidated Rules.

Settlement Conference

57. Whether or not Respondent requests a hearing, Respondent may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To request an informal settlement conference, Respondent may contact Christine Liszewski at the address or phone number specified in paragraph 48, above.

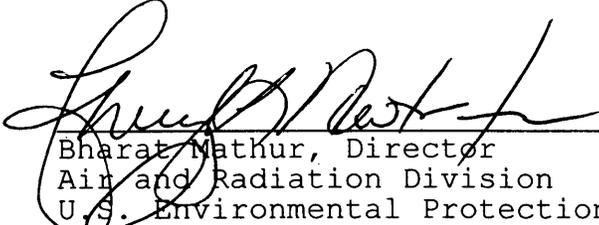
58. Respondent's request for an informal settlement conference does not extend the 30 calendar day period for filing a written answer to this complaint. Respondent may pursue

simultaneously the informal settlement conference and the adjudicatory hearing process. U.S. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. U.S. EPA, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

59. Neither the assessment nor payment of a civil penalty will affect Respondent's continuing obligation to comply with the Act and any other applicable federal, state, or local law.

9/20/00
Date


Bharat Mathur, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CAA-5- 2000-013

In the Matter of National Maintenance and Repair, Inc.
Docket No.

CAA-5- 2000-0 13

'00 SEP 20 P4:14

CERTIFICATE OF SERVICE

I, Betty Williams, certify that I ~~hand~~ ^{PRO} delivered the original and one copy of the Administrative ~~Complaint~~ ^{COMPLAINT}, docket number **CAA-5- 2000-0 13** to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies of the Administrative Complaint, copies of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits" at 64 Fed. Reg. 40138 (July 23, 1999) and copies of the penalty policy described in the Administrative Complaint by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent and Respondent's Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Kimble Lehman, President
National Maintenance and Repair, Inc.
Foot of Hawthorne Street
P.O. Box 38
Hartford, Illinois 62048

James Allen
Squire, Sanders & Dempsey, L.L.P.
6250 Chase Tower
600 Travis Street
Houston, TX 77002

And

David Asselmeier
Acting Section Manager
Compliance and System Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 21st day of September, 2000.

Betty Williams

Betty Williams
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140895515

CAA-5- 2000-013