



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

MAY 21 2002

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED RECEIPT MAIL
RETURN RECEIPT REQUESTED

Ms. Monica Figueroa
General Manager
Cosmed of Illinois
1160 Northpoint Boulevard
Waukegan, IL 60085

**Re: Notice of Intent to File Civil Administrative Complaint
Against Cosmed of Illinois**

Dear Ms. Figueroa:

The United States Environmental Protection Agency (EPA) plans to file an administrative complaint for civil penalties against Cosmed of Illinois (you). We will allege that you violated the Clean Air Act, 42 U.S.C. § 7412, at your Waukegan, Illinois, sterilization facility, by failing to install and operate a continuous monitoring system for the aeration room emissions prior to or in conjunction with performance testing of the aeration room emission controls, failing to performance test the aeration room emission controls, and failing to keep records of the aeration room compliance parameters. Based on information currently available to us, we plan to propose a penalty of \$132,000 in the complaint.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a State agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty.

If you believe that you will be unable to pay a \$132,000 penalty because of financial reasons, please give us certified financial statements, including balance sheets, and your company's income tax returns with all schedules, for the past three years.

You may assert a claim of business confidentiality under 40 C.F.R. part 2, subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. part 2, subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We may use any information you submit in support of an administrative, civil, or criminal action.

Within 10 calendar days after you receive this letter, please send any response to:

Joanna Glowacki
Associate Regional Counsel (C-14J)
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

We intend to file the complaint against you 14 calendar days after you receive this letter, unless you give us information that the complaint is not substantially justified.

Enclosed with this pre-filing notice is a U.S. EPA information sheet titled "Supplemental Information for Small Businesses Subject to a U.S. EPA Enforcement Action," which you may find helpful.

If you have any questions, please telephone Ms. Glowacki at (312) 353-3757.

Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", written over a horizontal line.

Stephen Rothblatt, Acting Director
Air and Radiation Division

Enclosure

cc: Mark D. Kloster, Process Engineer
Cosmed of Illinois