

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V**

IN THE MATTER OF:	)	
	)	
WOODLAND PAVING COMPANY	)	
3566 Millcreek Ave., NE	)	Docket No. CAA-5-99-034
Comstock Park, Michigan 49321	)	
	)	
RESPONDENT	)	
_____	)	

**FINAL ORDER ASSESSING ADMINISTRATIVE PENALTY**

1. On September 20, 1999, Complainant filed an Administrative Complaint against Woodland Paving Company ("Woodland" or "Respondent") for violations of Section 110 of the Clean Air Act ("the Act"), as amended, 42 U.S.C. § 7410.
2. The Complaint proposed the issuance of a Final Order Assessing Administrative Penalties in the amount of \$21,250.00, and indicated that the penalty amount had been determined in accordance with Section 113(e) of the Act, 42 U.S.C. § 7413(e). The Complaint was issued in accordance with Title 40 of the Code of Federal Regulations ("C.F.R.") Part 22, as amended by 64 Fed. Reg. 40138 (July 23, 1999), entitled *"Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Complaints or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,"* ("Consolidated Rules").
3. On November 16, 1999, Respondent responded to the Complaint by sending a check in the amount of \$21,250.00 (check # 527364037) to the EPA lockbox in full payment of the penalty proposed by the Complaint, and by copy of the same letter, notified the Regional Hearing Clerk of the payment. The check was received on November 29, 1999.
4. Pursuant to Section 22.18(a)(1) of the Consolidated Rules, a Respondent who wishes to

resolve an action may pay the proposed penalty in full into the appropriate lockbox within 30 days of receipt of the Complaint.

5. Pursuant to 40 C.F.R. § 22.18(a)(2), Respondent sent a letter to the Regional Hearing Clerk, dated October 22, 1999, which stated Respondent's intention to make full payment under the "Quick Resolution" option of 40 C.F.R. §22.18.
6. Respondent has complied with Section 22.18(a)(1) of the Consolidated Rules. Pursuant to Section 22.18(a)(3) of the Consolidated Rules, the payment by Respondent constitutes a waiver of Respondent's rights to contest the allegations and to appeal this Final Order.

#### **FINDINGS OF FACT**

7. The factual allegations set forth in the Complaint are adopted as findings of fact.

#### **CONCLUSIONS OF LAW**

8. Respondent has violated Section 110 of the Act, 42 U.S.C. § 7410, and Rule 201 of the Michigan Department of Natural Resources, Air Pollution Control Commission General Rules, part of the Federally enforceable State Implementation Plan (SIP) for Michigan.
9. Respondent is liable for a civil penalty assessed pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

NOW, THEREFORE, PURSUANT TO 40 C.F.R. § 22.18(a)(3), it is hereby Ordered that Respondent is assessed an administrative penalty in the amount of \$21,250.00, and, payment having been made, this matter is concluded.

Date: 1/6/00



Francis X. Lyons  
Regional Administrator

Docket No: CAA-5-99-034

CERTIFICATE OF FILING AND MAILING

I, Shanee Rucker, do hereby certify that the Original of the foregoing Final Order (FO), was sent to Woodland Paving Company, was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a second original of the FO was sent Certified Mail, Return Receipt Requested, to:

Gary Stevenson, General Manager  
Woodland Paving Company  
3566 Millcreek Avenue, NE  
Comstock Park, Michigan 49321

I also certify that copy of the FO were sent by first class mail to:

Barbara Rosenbaum, Compliance and  
Enforcement Section Supervisor  
Michigan Department of Environmental Quality  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

on the 11<sup>th</sup> day of JANUARY 1999.

Janetta Dhafter for  
Shanee Rucker, Secretary  
AECAS (MI/WI)

Certified Mail No. Z 199 026 541