



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

DEC 14 2006

REPLY TO THE ATTENTION OF:

A-18J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lesaffre Yeast Corporation
c/o Geoffrey P. O'Connor
433 E. Michigan Street
Milwaukee, Wisconsin 53202

Re: In the Matter of Lesaffre Yeast Corporation
CAA Docket No. **CAA-05-2007-0002**

Dear Mr. O'Connor:

I have enclosed a complaint filed against Lesaffre Yeast Corporation (Lesaffre), under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d). The complaint alleges violations of the Wisconsin State Implementation Plan requirement at NR 424.05 and the Wisconsin nonattainment new source review requirements at NR 408.

As provided in the complaint, if you would like to request a hearing, you must do so in your answer to the complaint. Please note that if you do not file an answer with the Regional Hearing Clerk within 30 days of your receipt of this complaint, a default order may be issued and the proposed civil penalty will become due 30 days later.

In addition, whether or not you request a hearing, you may request an informal settlement conference. If you wish to request a conference, or if you have any questions about this matter, please contact Catherine Garypie, Associate Regional

Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois
60604, at (312) 886-5825.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosures

cc: William Baumann, Chief
Combustion Process Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707

John Melby, Regional Leader
Bureau of Air Management
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212

Michael H. Simpson, Esq.
Reinhart Boerner Van Deuren s.c.
1000 N. Water Street, Suite 2100
Milwaukee, Wisconsin 53202

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EPA fight pollution by reporting possible harmful environmental
activity. To do so, visit EPA's website at
<http://www.epa.gov/compliance/complaints/index.html>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Lesaffre Yeast Corporation
Milwaukee, Wisconsin,

Respondent.

) Docket No. CAA-05-2007-0002
)
)
) Proceeding to Assess a Civil Penalty under
) Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
)
)
)
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Administrative Complaint

1. This is an administrative proceeding to assess a civil penalty under Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d).
2. The Complainant is, by lawful delegation, the Director of the Air and Radiation Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5, Chicago, Illinois.
3. Respondent is Lesaffre Yeast Corporation, a corporation doing business in Wisconsin.

Statutory and Regulatory Background

4. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

The National Ambient Air Quality Standards

5. Section 108(a) of the Act, 42 U.S.C. § 7408(a), requires the administrator of U.S. EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the Act, 42 U.S.C. § 7409, requires U.S. EPA to promulgate national ambient air quality standards ("NAAQS") requisite to protect the public health and welfare. Pursuant to Sections 108 and 109, U.S. EPA has identified and promulgated NAAQS for ozone as such a pollutant. 40 C.F.R. §§ 50.9-50.10.

6. Under Section 107(d) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality is better or worse than the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular pollutant is an "attainment" area. An area that does not meet the NAAQS is a "nonattainment" area. An area that cannot be classified due to insufficient data is "unclassifiable".

7. On March 3, 1978, under the requirements of Section 110 of the Act, 42 U.S.C. § 7410, U.S. EPA designated Milwaukee County, Wisconsin as a primary non-attainment area of the NAAQS for ozone. 43 Fed. Reg. 8962. At times relevant to this Complaint, the Lesaffre Yeast Corporation operated a plant located in Milwaukee County, which is an area that has been designated as nonattainment for ozone.

The Nonattainment New Source Review Requirements

8. Part D of Title I of the Act, 42 U.S.C. §§ 7501-7515m sets forth provisions for New Source Review ("NSR") requirements for areas designated as nonattainment for purposes of meeting NAAQS standards. These provisions are referred to herein as "Nonattainment NSR". The Nonattainment NSR program is intended to reduce emissions of air pollutants in areas that have not attained NAAQS so that the areas make progress towards meeting the NAAQS. Prior to the effective date of the 1990 Clean Air Act Amendments (the "1990 Amendments"), P. Law 101-549, effective November 15, 1990, the Nonattainment NSR provisions were set forth in 42 U.S.C. §§ 7501-08.

9. Under Section 172(c)(5) of the Nonattainment NSR provisions of the Act, 42 U.S.C. § 7502(c)(5), a state is required to adopt Nonattainment NSR State Implementation Plan ("SIP") rules that include provisions that require that all permits for the construction and operation of modified stationary sources within nonattainment areas conform to the requirements of Section 173 of the Act, 42 U.S.C. § 7503. Section 173 of the Act, in turn, sets forth a series of requirements for the issuance of permits for major modifications to major stationary sources within nonattainment areas. 42 U.S.C. § 7503.

10. Section 173 of the Act, 42 U.S.C. § 7503, provides that construction and operating permits may only be issued if: (a) sufficient offsetting emission reductions have been obtained to reduce existing emissions to the point where reasonable further progress towards meeting the ambient air quality standards is maintained; and (b) the pollution controls to be employed will reduce emissions to the lowest achievable emission rate.

11. Additional statutory permit requirements for ozone nonattainment areas are in sections 181-181f, 42 U.S.C. §§ 7511-7511f.

12. Upon U.S. EPA approval, SIP requirements are federally enforceable under Section 113 of the Act, 42 U.S.C. §§ 7413(a),(b); 40 C.F.R. § 52.23.

The Wisconsin Nonattainment NSR Requirements

13. On April 17, 1981, the U.S. EPA approved portions of Chapter 144 of the Wisconsin Statutes, which provide construction and operating permit requirements for the Wisconsin SIP. Chapter 144 implements Part D of the Act, 42 U.S.C. §§ 7501-7509. 46 Fed. Reg. 22374. In response to the 1990 Amendments to the Act, portions of Chapter 144 of the Wisconsin Statutes were again approved by U.S. EPA on January 18, 1995, and became part of the federally enforceable Wisconsin SIP. 60 Fed. Reg. 3538. Also on January 18, 1995, U.S. EPA approved portions of the Wisconsin Administrative Code, including NR 408, as part of the federally enforceable Wisconsin SIP. 60 Fed. Reg. 3538. NR 408 provides additional definitions and requirements for construction permits for major sources in non-attainment areas.

14. Under Wisconsin's approved Nonattainment NSR SIP rules, no person may undertake a modification of a stationary source without first obtaining a Nonattainment NSR construction permit. Wis. Stat. § 144.391(1)(a) (1993-94). Likewise, no person may operate a modified stationary source without first obtaining a Nonattainment NSR operating permit. Wis. Stat. § 144.391(1)(b) (1993-94); NR 408.03.

15. The Wisconsin SIP requires that in order to obtain a Nonattainment NSR permit, the owner or operator of a source undertaking a major modification must, among other things:
(a) comply with the lowest achievable emission rate as defined in Section 171(3) of the Act,

42 U.S.C. § 7501(3)(a); and (b) obtain federally enforceable emission offsets at least as great as the new or modified source's emissions. Wis. Stat. § 144.393(2) (1993-94); NR 408.03-408.06.

16. The Wisconsin SIP contains a number of definitions which are relevant to Nonattainment NSR permitting, including:

a. "contemporaneous" - Under NR 408.02(23)(b), an increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between: (1) the date 5 years before construction of the particular change commences, and (2) the date that the increase from the particular change occurs.

b. "creditable" - Under NR 408.02(23)(c), an increase or decrease in actual emissions is creditable only if the department has not relied on it in issuing a permit for the source under this chapter, which permit is in effect when the increase in actual emissions from the particular change occurs. Under NR 408.02(23)(d), an increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level. Under NR 408.02(23)(e), a decrease in actual emissions is creditable only to the extent that:

(1) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(2) it is federally enforceable at and after the time that actual construction on the particular change begins;

(3) the department has not relied on it in issuing any permit under ch. NR 405, 406, 407 or this chapter or the state has not relied on it in demonstrating attainment or reasonable further progress;

(4) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(5) the unit was actually operated and emitted the air contaminant for which the decrease is being sought. Reductions of permitted emissions for units that were never operated cannot be considered creditable emissions decreases.

c. "major modification" - Under NR 408.02(20), "major modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

"Modification" is also defined at Wis. Stat. § 144.30(20) (1993-94).

d. "Major source" - NR 408.02(21)(a)1.d. states that "major source" includes any stationary source of air pollutants which emits or has the potential to emit 25 tons per year of VOC in any severe non-attainment area for ozone. "Major source" is also defined at Wis. Stat. § 144.30(16) (1993-94).

e. "net emissions increase" - Under NR 408.02(23)(a), "net emission increase" means the amount by which the sum of the following exceeds zero: (1) any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

f. "significant" - Under NR 408.02(32)(a), "significant" means (in reference to a net emissions increase of ozone or the potential of a source to emit ozone) a rate that would equal or exceed 40 tons per year of VOC. Additionally, under 408.02(32)(c), a net increase in emissions of VOC (that would result from any modification for which a complete construction permit application was submitted or required to be submitted after November 15, 1992, and which is located in a serious or severe nonattainment area for ozone) is significant if the increase exceeds 25 tons per year when aggregated with all creditable increases and decreases in emissions of that precursor from the source over any period of 5 consecutive years, which includes the calendar year in which the increase will occur.

Wisconsin SIP Yeast Manufacturing Requirements

17. On June 30, 1995, U.S. EPA approved NR 424.05 as part of the federally enforceable SIP for Wisconsin, effective August 29, 1995. 60 Fed. Reg. 34170 (June 30, 1995).

18. NR 424.05 is applicable to any yeast manufacturing facility located in Milwaukee County which has maximum theoretical emissions of VOCs greater than or equal to 25 tons per year.

19. NR 424.05 provides different average VOC emission limits in the exhaust of each fermentation stage: average VOC concentration limits in the exhaust gas stream from a fermenter during a fermentation batch are 100 parts per million ("ppm") for trade fermenters, 150ppm for first generation fermenters, and 300ppm for stock fermenters. These levels are expressed on a saturated water basis and are based on total VOC expressed as propane.

Waiver

20. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for violations that occurred from January 31, 1997 through March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004 under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

21. The Administrator may assess a penalty greater than \$220,000 or \$270,000 where the Administrator and the Attorney General of the United States jointly determine that a matter involving a larger penalty is appropriate for an administrative penalty action. 42 U.S.C. § 7413(d)(1) and 40 C.F.R. Part 19.

22. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that this matter involving a penalty greater than \$220,000 or \$270,000, is appropriate for an administrative penalty action.

23. Section 113(d)(1) limits the Administrator's authority 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.

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

General Allegations

25. Lesaffre Yeast Corporation operated a yeast manufacturing facility at 433 East Milwaukee Street, Milwaukee, Milwaukee County, Wisconsin (the "Facility"), from February 23, 2001 to December 22, 2005. Prior to February 23, 2001, the facility was operated by Sensient Technologies Corporation ("Sensient"). On December 22, 2005, production ended at the Facility.

26. Lesaffre Yeast Corporation owned the Facility from February 22, 2001, to June 1, 2005. On June 1, 2005, the property was transferred to 433 Michigan LLC.

27. At the Facility, production began in the laboratory, with yeast growth continuing in a series of fermentation vessels. Ultimately the facility produced both cream yeast and dried yeast.

28. The fermentation vessels at the facility consisted of eleven (11) tanks. One tank was the stock fermenter, and the remaining ten (10) tanks could be used as either a first generation fermenter or a trade/commercial fermenter. These tanks were emission units, each with its own exhaust stack, and were identified as follows:

- P18 (Fermenter #1, installed in 1965)
- P19 (Fermenter #2, installed in 1965)
- P20 (Fermenter #3, installed in 1975)
- P21 (Fermenter #4, installed in 1965)
- P22 (Fermenter #5, installed in 1964)
- P24 (Fermenter #6, installed in 1994, modified in 2000)
- P25 (Fermenter #7, installed in 1975)
- P26 (Fermenter #8, installed in 1974)
- P27 (Fermenter #9, installed in 1978)
- P28 (Fermenter #10, installed in 1978)
- P29 (Fermenter #11, installed in 1997, modified in 2000)

Count I

29. Complainant incorporates paragraphs 1 through 28 of this complaint, as if set forth in this paragraph.

30. At all times pertinent to this action, the Facility was a "major source" within the meaning of the Act and the Wisconsin SIP.

31. On August 3, 1994, the Wisconsin Department of Natural Resources ("WDNR") issued permit #93-DJH-304 to construct a new yeast fermenter #6 (by replacing the old fermenter #6) and a new yeast dryer #1 (by replacing the old dryer #1).

32. On March 9, 1995, the WDNR issued permit #94-DJH-247 to construct a new yeast fermenter #11.

33. The activities contemplated by the March 9, 1995, permit constituted a major modification to the Facility.

34. The modifications made to the Facility pursuant to the March 9, 1995 permit resulted in significant net emissions increases, as defined by NR 408.03, for VOC.

35. On July 28, 2000, the WDNR issued a permit, identified by permit numbers #00-JB-016 and 00-JB-016-OP, for installation of a higher capacity blower on fermenter #11, an old blower as a back up on fermenter #6, cream yeast storage tanks, and upgrading of the dryers' capacities.

36. The activities contemplated by the July 28, 2000 permit constituted a major modification to the Facility.

37. The modifications made to the Facility pursuant to the July 28, 2000 permit resulted in significant net emissions increases, as defined by NR 408.03, for VOC.

38. At no time has Lesaffre Yeast Corporation obtained a Nonattainment NSR permit. Wis. Stat. § 144.391(1)(b) (1993-94); NR 408.03.

39. On June 30, 2005, U.S. EPA issued a notice of violation ("NOV") to Lesaffre Yeast for violations of the Wisconsin SIP regulation NR 408.03 and NR 408.04 for the time period starting in or about 1996 and continuing through the date of the NOV.

40. On August 16, 2005, U.S. EPA and Lesaffre Yeast Corporation held a conference to discuss the June 30, 2005, notice of violation.

Count II

41. Complainant incorporates paragraphs 1 through 28 of this Complaint, as if set forth in this paragraph.

42. From June 1999 through December 2003, Lesaffre submitted quarterly VOC excess emissions reports to WDNR. The VOC emissions from the fermenters were measured by continuous emissions monitors. The results of the average VOC emissions readings are summarized as follows:

| Date | Process Type | VOC Emissions Limit (in ppm as propane) | Measured VOC Emissions (in ppm as propane) |
|----------|------------------|---|--|
| 3/1/02 | Trade | 100 | 104 |
| 1/11/02 | Trade | 100 | 158 |
| 3/29/02 | Trade | 100 | 101 |
| 3/1/02 | Trade | 100 | 104 |
| 4/19/02 | Trade | 100 | 114 |
| 5/20/02 | Trade | 100 | 225 |
| 6/23/02 | First Generation | 150 | 163 |
| 4/11/02 | Trade | 100 | 138 |
| 5/19/02 | Trade | 100 | 110 |
| 5/30/02 | Trade | 100 | 185 |
| 8/12/02 | First Generation | 150 | 372 |
| 10/24/02 | Trade | 100 | 163 |
| 10/7/02 | Trade | 100 | 107 |
| 7/25/03 | Trade | 100 | 315 |
| 7/31/03 | Trade | 100 | 193 |
| 10/7/03 | First Generation | 150 | 175 |
| 12/4/03 | First Generation | 150 | 160 |
| 12/19/03 | Trade | 100 | 107 |

Based upon Lesaffre's quarterly VOC emissions exceedence reports to WDNR, Lesaffre has violated VOC emissions limits in the Wisconsin SIP NR 424.05 and Lesaffre's Title V Operation Permit #241031340-P01, Part I Condition (F)(1)(2).

43. On June 24, 2004, U.S. EPA issued a notice of violation to Lesaffre Yeast Corporation for violations of the Wisconsin SIP regulation NR 424.05 for violations occurring between August 29, 1999 and December 19, 2003.

44. On September 21, 2004, U.S. EPA and Lesaffre Yeast Corporation held a conference to discuss the June 24, 2004, notice of violation.

Proposed Civil Penalty

45. The Administrator must consider the factors specified in Section 113(e) of the Act when assessing an administrative penalty under Section 113(d). 42 U.S.C. § 7413(e).

46. Based upon an evaluation of the facts alleged in this complaint and the factors in Section 113(e) of the Act, Complainant proposes that the Administrator assess a civil penalty against Respondent of \$488,080. Complainant evaluated the facts and circumstances of this case with specific reference to U.S. EPA's Clean Air Act Stationary Source Penalty Policy dated October 25, 1991 (penalty policy). Enclosed with this complaint is a copy of the penalty policy.

47. Complainant developed the proposed penalty based on the best information available to Complainant at this time. Complainant may adjust the proposed penalty if the Respondent establishes bona fide issues of ability to pay or other defenses relevant to the penalty's appropriateness.

Rules Governing This Proceeding

48. The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the Consolidated Rules) at 40 C.F.R. Part 22 (2004) govern this proceeding to assess a civil penalty. Enclosed with the complaint served on Respondent is a copy of the Consolidated Rules.

Filing and Service of Documents

49. Respondent must file with the Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
13th Floor
Chicago, Illinois 60604-3511

50. Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Catherine Garypie, Associate Regional Counsel, to receive any answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Ms. Garypie at (312) 886-5825. Ms. Garypie's address is:

Catherine Garypie, Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3511

Penalty Payment

51. Respondent may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check payable to "Treasurer, the United States of America", and by delivering the check to:

U.S. Environmental Protection Agency
P.O. Box 371531
Pittsburgh, PA 15251

Respondent must include the case name and docket number on the check and in the letter transmitting the check. Respondent simultaneously must send copies of the check and transmittal letter to Catherine Garypie, Associate Regional Counsel, and to:

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

Opportunity to Request a Hearing

52. The Administrator must provide an opportunity to request a hearing to any person against whom the Administrator proposes to assess a penalty under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2). Respondent has the right to request a hearing on any material fact alleged in the complaint, or on the appropriateness of the proposed penalty, or both. To request a hearing, Respondent must specifically make the request in its answer, as discussed in paragraphs 53 through 58 below.

Answer

53. Respondent must file a written answer to this complaint if Respondent contests any material fact of the complaint; contends that the proposed penalty is inappropriate; or contends that it is entitled to judgment as a matter of law. To file an answer, Respondent must file the original written answer and one copy with the Regional Hearing Clerk at the address specified in paragraph 49, above, and must serve copies of the written answer on the other parties.

54. If Respondent chooses to file a written answer to the complaint, it must do so within 30 calendar days after receiving the complaint. In counting the 30-day time period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

55. Respondent's written answer must clearly and directly admit, deny, or explain each of the factual allegations in the complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied.

56. Respondent's failure to admit, deny, or explain any material factual allegation in the complaint constitutes an admission of the allegation.

57. 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 52 above.

58. 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

59. 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 Catherine Garypie, Associate Regional Counsel, at the address or phone number specified in paragraph 50, above.

60. 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

61. 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.

12/14/2006

Date



Stephen Rothblatt, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

CAA-05-2007-0002



In the Matter of LeSaffre Yeast Corporation
Docket No. CAA-05-2007-0002 *SRW*

CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original and one copy of the Administrative Complaint, docket number CAA-05-2007-0002 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 and the Revocation/Termination or Suspension of Permits* at 40 C.F.R. Part 22, 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:

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REGIONAL HEARING CLERK
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On the 15th day of December 2006.

Shanee Rucker

Shanee Rucker, Administrative
Professional Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 2423