



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

MAR - 2 2009

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric E. Boyd
Attorney at Law
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577

Re: GFX International, Inc. - Consent Agreement and Final Order

Dear Mr. Boyd:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves GFX International, Inc., CAA Docket No. CAA-05-2009-0010. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on MAR - 2 2009.

Pursuant to paragraph 44 of the CAFO, GFX International, Inc., must pay the \$100,000 civil penalty within 30 days of the date the CAFO was filed, MAR - 2 2009. The check must display the case docket number, CAA-05-2009-0010, and the billing document number, 2750903A011.

Please direct any questions regarding this case to Kathleen Schnieders, Associate Regional Counsel, (312) 353-8912.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Marable".

Brent Marable
Chief
Air Enforcement and Compliance Assurance (IL/IN)

Enclosure

cc: Ray Pilapil, Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency

RECEIVED
MAR - 2 2009

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK
REGION 5 U.S. ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:) Docket No. **CAA-05-2009-0010**
)
GFX International, Inc.) Proceeding to Assess a Civil Penalty under
Grayslake, Illinois) § 113(d) of the Clean Air Act, 42 U.S.C.
) § 7413(d)
Respondent)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced under § 113(d) of the Clean Air Act (CAA or the Act), 42 U.S.C. 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22 (2004).
2. Complainant is the Director of the Air and Radiation Division, U. S. Environmental Protection Agency, Region 5.
3. Respondent is GFX International, Inc. (GFX), a corporation doing business in Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a Consent Agreement and Final Order (CAFO). 40 C.F.R. § 22.13(b) (2007).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. GFX admits the jurisdictional allegations in this CAFO, and neither admits nor denies the factual allegations nor legal conclusions contained in this CAFO.
8. GFX waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

Permits

9. On May 31, 1972, EPA approved 35 Ill. Admin. Code § 201.143 as part of the federally enforceable state implementation plan (SIP) for Illinois. 37 Fed. Reg. 10862.
10. 35 Ill. Admin. Code § 201.143 requires a new emission source to obtain an operating permit from the Agency prior to beginning operation.
11. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
12. On March 7, 1995, EPA gave Illinois' Clean Air Act Permit Program interim approval as a 40 C.F.R. Part 70 permit program. 60 Fed. Reg. 12478. The program was granted full approval effective November 30, 2001. 40 C.F.R. Part 70, Appendix A.
13. Title V of the CAA, 40 C.F.R Part 70 applies to any major stationary source that emits or has the potential to emit 10 tons per year (tpy) or more of any hazardous air pollutant (HAP).

Nonattainment New Source Review (NSR)

14. Section 110(a)(2)(I) of the Act requires that each SIP must meet the applicable requirements of Part D of the Act.
15. Section 173(a)(4) of the Act prohibits the issuance of a construction permit in a nonattainment area if the applicable implementation plan is not being adequately implemented.
16. On April 4, 1979, EPA prohibited construction of major sources within nonattainment areas if, after June 30, 1979, the state SIP did not satisfy the requirements of Part D of the Act. This construction ban continued until the state SIP met Part D requirements. 44 Fed. Reg. 20372, 20373.
17. On December 17, 1992, EPA approved the incorporation of the Illinois nonattainment NSR rules, 35 Illinois Administrative Code Part 203, into the Illinois SIP. 57 Fed. Reg. 59928 (effective February 16, 1993). On September 27, 1995, EPA approved a revision to the Illinois nonattainment NSR rule as part of the SIP. 60 Fed. Reg. 49778 (effective October 27, 1995).
18. The Illinois SIP prohibits the construction of a new major stationary source that is major for a pollutant for which the area is designated as a nonattainment area without first, among other

things, obtaining a permit, offsetting emissions and achieving the Lowest Achievable Emission Rate in accordance with 35 Ill. Admin. Code Part 203.

19. On or about September of 1999, Lake County was in an area designated as severe nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone. 40 C.F.R. § 81.314. 70 FR 55545, 55549.

CAA Sec 112 (g) - Hazardous Air Pollutants

20. CAA Section 112 (g)(2)(B) states, "After the effective date of a permit program under Title V in any State, no person may construct or reconstruct any major source of hazardous air pollutants, unless the Administrator (or the State) determines that the maximum achievable control technology emission limitation under this section for new sources will be met. Such determination shall be made on a case-by-case basis where no applicable emission limitations have been established by the Administrator."
21. 40 CFR § 63.41 defines the effective date of Section 112(g)(2)(B) in a State or local jurisdiction as the effective date specified by the permitting authority at the time the permitting authority adopts a program to implement Section 112(g) with respect to construction or reconstruction or major sources of HAP, or June 29, 1998, whichever is earlier.

Enforcement

22. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever the Administrator finds, among other things, that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.
23. The Administrator may assess a civil penalty of up to \$27,500 per day of violation of the Act 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 and before January 11, 2009, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19 (2004).
24. Section 113(d)(1) of the Act 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.
25. 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 CAFO.

Factual Allegations

26. GFX operates a commercial printing facility at 333 Barron Blvd., Grayslake, Illinois.
27. At the time of inspection, GFX had been operating at its Grayslake facility without any type of air permit since 1999. GFX submitted a permit application to the Illinois Environmental Protection Agency on March 31, 2008.
28. The facility produces a variety of printed materials, but its primary products are point-of-purchase printed graphics for the retail market.
29. The materials are produced by pressing ink onto a paper or plastic substrate through a screen that is stenciled with an image. At the time of inspection, excess ink was removed from the screen by an employee, who wiped down the screen with a shop towel laden with solvent. The towels were then stored in containers and sent off-site to an industrial laundry.
30. Pursuant to a telephoned citizen complaint of odor from GFX, EPA conducted an inspection of the facility on November 6, 2007.
31. At the time of the inspection, GFX used a wash-up solvent (Hydrite Blend 4440) to cleanse printing screens and wipe up excess ink.
32. During the November 6, 2007, inspection, EPA obtained GFX's purchase orders from 2006 and the Material Safety Data Sheets for Hydrite Blend 4440 in order to calculate actual and potential emissions of VOM and HAPs.
33. EPA calculated actual and potential emissions of toluene to be 14.6 tpy and 26.5 tpy, respectively; GFX disputes EPA's calculations.
34. Toluene is a hazardous air pollutant (HAP) as defined by Section 112(b)(1) of the Act.
35. Any source emitting ten tons or more per year of a single HAP is a major source, as defined by Section 112(a)(1) of the Act.
36. On January 25, 2008, EPA issued a Notice of Violation/Finding of Violation (NOV/FOV) to GFX for violating Title V of the Clean Air Act, the requirements for Control Technology Determinations for Major Sources under Section 112 (g) of the CAA, and the Illinois SIP, among other things.
37. On March 5, 2008, EPA met with GFX in a Section 113 Conference to discuss the violations alleged in the NOV/FOV and any actions the company had taken to come into compliance.

38. In the weeks following the 113 Conference, GFX reformulated its wash-up solvent to one that is a HAP-free blend of acetone, isopropyl alcohol, and citrus terpenes. GFX has been using the new blend since June of 2008.

Violations

39. GFX failed to obtain a state operating permit upon startup of their Grayslake facility in September of 1999 in accordance with 35 Ill. Admin. Code § 201.143.
40. Potential emissions from GFX exceeded 10 tons per year of toluene, a regulated HAP. This classifies GFX as a "major source."
41. GFX failed to obtain a permit upon startup of their Grayslake, IL facility in September of 1999 in accordance with 40 C.F.R Part 70.
42. GFX failed to obtain a NSR permit before commencing construction of their operations at the Grayslake facility in violation of 35 IL Admin. Code § 203.206.
43. GFX failed to obtain a determination of maximum available control technology for its HAP emissions before commencing construction of operations at their Grayslake, IL facility, which is a violation of CAA Section 112(g).

Terms of Settlement

Civil Penalty

44. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, GFX's agreement to perform Supplemental Environmental Projects (SEPs), and information that GFX has submitted, EPA has determined that an appropriate civil penalty to settle this action is \$ 100,000.
45. GFX must pay the \$ 100,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America" within 30 days after the effective date of this CAFO to the following address:

US checks sent by regular US Postal Service mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

US checks in US dollars sent by Fed Ex and other non-US-Postal-Service express mail:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

46. A transmittal letter, stating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent must write the case docket number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

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

Kathleen K. Schnieders, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

47. This civil penalty is not deductible for federal tax purposes.
48. If GFX does not pay timely the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
49. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. GFX will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. GFX will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to

Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

Supplemental Environmental Projects

50. GFX agrees to complete the four SEPs described in paragraph 51 which are designed to further protect the environment and public health by reducing emissions of volatile organic compounds from its facility.
51. GFX must commence the following projects within 90 days of the effective date of this CAFO, subject to the conditions imposed by this CAFO:
 - a) Installation of an industrial centrifuge. The centrifuge will be used to extract solvents from shop towels on a daily basis, thereby recovering the solvent much sooner than if the solvent were not extracted until it reached the laundering facility, as occurs now. Operation of this equipment must commence by July 1, 2009.
 - b) Installation of an industrial solvent recovery system. In conjunction with the centrifuge, this system will allow recovered solvent to be reclaimed for reuse, thereby conserving the amount of solvent GFX must purchase. Operation of this equipment must commence by July 1, 2009.
 - c) Installation of a cardboard baler. Cardboard waste generated at GFX cannot be accepted for recycling unless it is baled, and so currently the cardboard is disposed of along with the regular trash. Operation of this equipment must commence by July 1, 2009.
 - d) Steps necessary to apply for membership in the Sustainable Green Printers (SGP) Partnership and conformance with the requirements of its rigorous screening process including environmental health and safety audits, benchmarking and verification of green and sustainable business practices.
52. GFX must maintain the SEPs for four years or until GFX's total expenditures equal \$260,000, whichever occurs first.
53. During the SEP performance period, if at any time GFX determines that it will be unable to spend the sum stipulated in paragraph 52 on one or all of its SEPs, it shall notify EPA in writing and will have the opportunity to propose additional SEPs in order to spend its full allotment. EPA will approve or disapprove the additional SEPs in writing. If GFX is unable to propose additional acceptable SEPs, the provisions of paragraph 59 shall apply.
54. GFX must submit a SEP Completion Report to EPA within 60 days of completion of the SEPs. This Completion Report must contain the following information:
 - a) Detailed description of the SEP(s) as completed;
 - b) A description of any operating problems and the actions taken to correct the problems;
 - c) Itemized costs of goods and services used to complete the SEPs documented by copies of invoices, purchase orders, canceled checks, or other documentation including internal

accounting documents that specifically identify and itemize the individual costs of the goods and services; and,

d) A certification that GFX has completed the SEPs in compliance with this CAFO.

55. Until the SEPs are completed, GFX will submit an annual report detailing the status of the SEPS. The Annual Report shall be due on January 15th of each calendar year beginning in 2010.

56. GFX must submit all SEP notices and reports required by this CAFO by first class mail to:

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

Kathleen Schnieders, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

57. In each report that GFX submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by a responsible corporate official or an authorized designee:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

58. Following receipt of the SEP Completion Report, as described in paragraph 54 above, EPA will notify GFX in writing within 30 days of receipt of the report that:

- a) It has satisfactorily completed the SEPs and the SEP Completion Report;
- b) There are deficiencies in the SEPs as completed or in the SEP Completion Report and EPA will give GFX 30 days to correct the deficiencies; or
- c) It has not satisfactorily completed the SEPs or the SEP Completion Report, and EPA will seek stipulated penalties under paragraph 59, below.

Alternatively, if subparagraph (b) above has been invoked, following the cure period EPA

will timely notify GFX in writing, that:

- d) It has satisfactorily cured deficiencies in the SEPs or the SEP Completion Report; or,
- e) It has failed to cure deficiencies in the SEPs or the SEP Completion Report within the allotted time, and EPA will seek stipulated penalties under paragraph 59, below.

GFX agrees that failure to submit a SEP Completion Report shall be deemed a violation of this CAFO, and GFX shall become subject to stipulated penalties pursuant to paragraph 59.

59. In the event that GFX fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEPs described in paragraph 51 above and/or to the extent that actual expenditures for the SEPs do not equal or exceed the cost of the SEPs described in paragraph 52 above, and has failed to cure any deficiencies as per paragraph 58 above, GFX shall be liable for stipulated penalties to the United States as follows:

- a) If EPA determines that GFX (i) made good faith and timely efforts to complete the SEPs; and (ii) certifies, with supporting documentation, that at least 90 percent of the amount that is required to be spent under paragraph 52 was expended on the SEPs, then GFX shall not be liable for any stipulated penalty associated with the completion of the SEPs as provided in this subparagraph.
- b) If GFX halts or abandons work on the SEPs, GFX shall pay a stipulated penalty of \$260,000.
- c) If GFX completes the SEPs satisfactorily over a period of at least three years but spends less than 90 per cent of the amount that it was required to spend, then GFX shall pay a stipulated penalty of the difference between the amount actually spent and \$234,000.
- d) If GFX fails to commence the SEPs within the specified period or fails to submit timely the Annual Report or SEP Completion Reports required in paragraphs 54 and 55, GFX must pay a stipulated penalty for each failure to meet an applicable milestone, as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$ 250	1 st through 20 th day
\$ 500	21 st through 30 th day
\$ 750	31 st day and beyond.

These penalties shall accrue from the date upon which GFX was required to meet each milestone until it achieves compliance with the milestone, and is in addition to any applicable penalty under this paragraph.

60. EPA's determination of whether GFX completed each SEP as required by the CAFO will bind GFX. If GFX disputes EPA's initial determination regarding completion of a SEP pursuant to paragraph 58, GFX must notify EPA in writing within 10 days of receipt of EPA's determination. Thereafter, EPA's final determination of whether GFX completed the SEP as required by the CAFO will be made by the EPA, Region 5, Air and Radiation Division Director, after considering GFX's position.

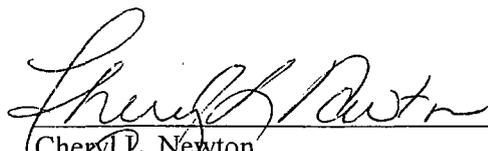
61. GFX must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. GFX will use the method of payment specified in paragraphs 45 and 46, above, and will pay interest and nonpayment penalties on any overdue amounts.
62. If an event occurs which causes or may cause a delay in completing a SEP as required by this CAFO:
- a) GFX must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), GFX's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. GFX must take all reasonable actions to avoid or minimize any delay. If GFX fails to notify EPA according to this paragraph, GFX will not receive an extension of time to complete the SEP.
 - b) If the parties agree that circumstances beyond the control of GFX caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
 - c) If EPA does not agree that circumstances beyond the control of GFX caused or may cause a delay in completing the SEP, EPA will notify GFX in writing of its decision and any delays in completing the SEP will not be excused. If GFX disputes EPA's initial determination regarding delay, GFX must notify EPA in writing within 10 days of receipt of EPA's determination. Thereafter, EPA's final determination of whether circumstances beyond the control of GFX caused or may cause a delay in completing the SEP will be made by the EPA, Region 5, Air and Radiation Division Director, after considering GFX's position.
 - d) GFX has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEPs will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.
63. Any statement to the general public that GFX makes referring to the SEPs must include the following language, "GFX undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against GFX for alleged violations of Clean Air Act requirements regarding Illinois's permitting requirements." Including the logo for the SGP Partnership on the GFX website and the other promotional materials will not violate this paragraph.
64. GFX hereby certifies that, as of the date of this CAFO, it is not required to perform or develop these SEPs by any federal, state, or local law or regulation; nor is GFX required to perform or develop these SEPs by any other agreement, grant, or as injunctive relief in this or any other case. GFX further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for these SEPs.

Final Statement

- 65. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Violations section of this CAFO and the January 25, 2008 NOV//FOV.
- 66. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.
- 67. This CAFO does not affect GFX's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 65 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.
- 68. GFX certifies that it is complying fully with the applicable requirements of the Clean Air Act.
- 69. This CAFO constitutes an "enforcement response" as that term is used in "EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine GFX's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).
- 70. The terms of this CAFO bind GFX, and its successors, and assigns.
- 71. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.
- 72. Each party agrees to bear its own costs and attorneys' fees in this action.
- 73. This CAFO constitutes the entire agreement between the parties.

U.S. Environmental Protection Agency, Complainant

2/25/09
Date



Cheryl L. Newton
Director
Air and Radiation Division
U.S. Environmental Protection Agency
Region 5 (A-18J)

CONSENT AGREEMENT AND FINAL ORDER
GFX International, Inc.
Docket No. CAA-05-2009-0010

GFX International, Inc., Respondent

2-11-09
Date



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CONSENT AGREEMENT AND FINAL ORDER
GFX International, Inc.
Docket No. CAA-05-2009-0010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

2-26-09
Date

Richard C. Kal
Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

In the Matter of GFX International, Inc.
Docket No: **CAA-05-2009-0010**

RECEIVED
MAR - 2 2009

CERTIFICATE OF MAILING

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

I, Betty Williams, certify that I hand delivered the original of the Consent Agreement and Final Order (CAFO), docket number CAA-05-2009-0010 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to GFX International, Inc., Counsel by placing them in the custody of the United States Postal

Service addressed as follows:

Eric E. Boyd
Attorney at Law
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577

I also certify that a copy of the CAFO was sent by first-class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 2nd day of March, 2009.


Betty Williams
Administrative Program Assistant
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 0186 0668