



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 17 AM 9:16

**VIA FEDERAL EXPRESS,
STANDARD OVERNIGHT DELIVERY**

Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460 – 2001

SEP 17 2009

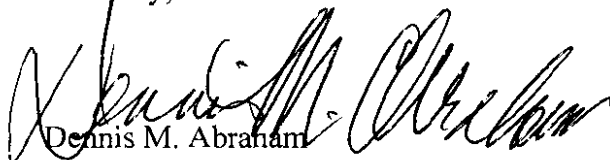
In the Matter of Matthew Bupp, d/b/a LENDERS GROUP MORTGAGE
COMPANY, LENDERS GROUP and L & S RECYCLING, INC.
Docket No. CAA-03-2008-0179

Dear Judge Gunning:

Enclosed please find a true and correct copy of Complainant's First Prehearing Exchange and all attachments thereto, filed today with the Regional Hearing Clerk pursuant to this Court's August 10, 2009 Prehearing Order.

A true and correct copy of the same has been served upon counsel for Respondents Matthew Bupp, d/b/a LENDERS GROUP MORTGAGE, LENDERS GROUP, and L & S Recycling, Inc., in accord with the attached Certificate of Service.

Sincerely,


Dennis M. Abraham
Senior Assistant Regional Counsel

Enclosures

cc: Lydia Guy, Regional Hearing Clerk (3RC00)



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

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IN THE MATTER OF :
 :
MATTHEW BUPP, AND :
d/b/a LENDERS GROUP MORTGAGE :
COMPANY, LENDERS GROUP AND : DOCKET NO. CAA-03-2008-0179
L & S RECYCLING, INC., :
 :
RESPONDENTS :

COMPLAINANT'S INITIAL PREHEARING EXCHANGE

Pursuant to Rule 22.19(a) 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 (“Consolidated Rules of Practice”), 40 C.F.R. § 22.19(a), and this Court’s Prehearing Order of August 10, 2009, Complainant, the Division Director of the Waste and Chemicals Management Division, United States Environmental Protection Agency, Region III (“EPA” or the “Agency”) respectfully submits this Initial Prehearing Exchange in the above-captioned matter. Complainant reserves its right to supplement this Initial Prehearing Exchange in accordance with 40 C.F.R. § 22.19(f) and/or to file a motion requesting permission to amend its Prehearing Exchange in accordance with 40 C.F.R. § 22.16.

I. EXPECTED WITNESS LIST

Complainant may call any and/or all of the following witnesses at a hearing in the above-captioned matter. In addition, should Respondents’ Prehearing Exchange or other discovery reveal the need for further witnesses, Complainant respectfully reserves the right to supplement this list of witnesses and the matters to which each witness identified below may testify, upon

adequate notice to this tribunal and Respondents, and to call such witnesses at the hearing in this matter.

1. Richard D. Ponak
Environmental Scientist
Pesticides/Asbestos Programs and Enforcement Branch
Waste and Chemicals Management Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street (3AP12)
Philadelphia, PA 19103

Mr. Ponak is a duly authorized inspector for EPA, responsible for performing asbestos compliance enforcement inspections under the authority of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. (the “CAA” or the “Act”), and its implementing regulations.

Mr. Ponak is expected to testify as to his training and extensive experience in conducting inspections to determine compliance with the CAA and its implementing regulations related to National Emission Standards for Asbestos (the “asbestos NESHAP”), codified at 40 C.F.R. Part 61, Subpart M, Sections 61.140 – 61.156.

Because of his specialized knowledge in the area of asbestos compliance under the Act and its implementing regulations, and based upon his education, training and extensive enforcement experience, Mr. Ponak is expected to testify as both a fact and expert witness, either as part of Complainant’s case-in-chief, or in rebuttal.

Mr. Ponak is the enforcement inspector who conducted the April 25, 2007 asbestos compliance inspection at the “Facility” referred to in the Complaint. Mr. Ponak can be expected to testify that the Agency received an anonymous citizen’s complaint regarding the demolition, and possible release of asbestos, in connection with a demolition project being conducted at the Facility. Ponak may testify that in response to this information, he conducted a search of EPA’s records to determine whether a “written notice of intention to demolish or renovate” had been

provided to the Agency by the “*owner or operator of a demolition or renovation activity*” (as that term is defined at 40 C.F.R. §61.141, within ten (10) days before the start of such demolition, as required by 40 C.F.R. §61.145(b) (1).

Mr. Ponak may also be expected to testify that upon completion of a records search at EPA, he further investigated whether “notice” related to this same demolition or renovation activity held at the Pennsylvania Department of Environmental Protection (“PADEP”), and that he determined that no notice had, in fact, been provided to either EPA or PADEP.

Mr. Ponak is expected to testify regarding: his personal, first-hand observations concerning the existence and physical condition of suspect asbestos-containing material at the Facility; his authentication of photographs of the Facility taken by him; his recovery of samples of suspect asbestos-containing material: the chain-of-custody, and analytical results of those samples.

Mr. Ponak is expected to testify concerning the substance of a conversation he had at the Facility with an individual who identified himself as “Pat Scalleat” concerning Mr. Scalleat’s supervision of the ongoing demolition work being performed then, as well as an admission by Mr. Scalleat that L&S Recycling workers were not certified or trained in asbestos removal.

Mr. Ponak is expected to testify regarding how the civil penalty was calculated, in accordance with EPA’s civil penalty policy, based upon his knowledge and extensive experience in calculating such penalties. Such testimony would include an explanation of the reasonableness of the proposed penalty in light of the statutory penalty factors under the CAA.

2. Richard Yingling
First Capital Insulation, Inc.
1355 South George Street
York, PA 17403

3. Charles Powers
First Capital Insulation, Inc.
1355 South George Street
York, PA 17403

Complainant reserves the right to call either or both of the above individuals as a fact witnesses who were hired as Respondent Bupp's abatement contractor, "First Capital Insulation, Inc." ("First Capital"). These witnesses may be called to testify with respect to matters which relate to an asbestos abatement conducted by First Capital at or near the Facility; the nature and scope of such abatement; the precise area or location of their abatement; and, the fulfillment of their obligation to submit notices concerning the performance of First Capital's asbestos abatement to the Agency.

Richard Yingling and/or Charles Powers' are further expected to testify that they advised Respondent Bupp that Bupp needed to have his demolition contractor provide a separate notice to EPA regarding the demolition of the Facility, because the scope of First Capital's work was limited to the asbestos abatement project.

Charles Powers is expected to testify that, at some time subsequent to the Agency's filing of the Complaint, Respondent Bupp both telephoned and came to Powers' office, repeatedly demanding that Powers re-file the required notices to include "demolition", or otherwise admit that First Capital filled out the notices incorrectly by failing to check the box related to "demolition". Powers will testify that he refused to do as Bupp requested, and explained to Bupp that at the time of First Capital's abatement, they were not even aware that there were other contractors involved; that they don't assume that demolition will be conducted; and

further, that it is standard practice in the industry that the demolition contractor file their own notice of intent to demolish with the Agency.

Richard Yingling is further expected to testify that, at some time subsequent to the Agency's filing of the Complaint. Respondent Bupp attempted to have Yingling call EPA and state to the Agency that he (Yingling) forgot to check the "demolition" box on the required notification form, but that Yingling refused.

4. Complainant reserves the right to call an financial or economic expert witness to testify (either as part of Complainant's case-in-chief, or in rebuttal) regarding Respondent L & S Recycling, Inc.'s asserted claim and/or request (contained in Paragraph VI of its Answer) that: "... EPA take into consideration its inability to pay said fine". This financial expert would provide an opinion concerning Respondent L&S' ability to pay the proposed civil penalty, following his/her analysis of all financial documents (including, but not limited to, tax returns) and other materials (which have yet to be submitted to Complainant) by Respondent L&S.

5. Complainant reserves the right to call such other additional fact and/or expert witnesses as otherwise may become necessary.

II. LIST OF EXHIBITS

The following Exhibits may be introduced by Complainant at the time of the hearing. In accordance with 40 C.F.R. § 22.19(a), a copy of the exhibits identified below has been filed with the EPA Region III Regional Hearing Clerk and has been provided to Respondents and to Administrative Law Judge Barbara A. Gunning:

Complainant's Exhibit. 1: Copy of April 25, 2007 NESHAP Inspection Report.

Complainant's Exhibit. 2: Copy of April 25, 2007 NESHAP Inspection Report

(handwritten)

Complainant's Exhibit. 3: Copy of April 25, 2007 "Sample Collection Log".

Complainant's Exhibit. 4: Copy of May 1, 2007 email from Matthew Bupp to Richard Ponak.

Complainant's Exhibit. 5: Copy of May 7, 2007 Bulk Sampling Lab Analysis of "W.S. Frey Co." performed by Criterion Laboratories, Inc. Sample Date: April 25, 2007; Analysis Date: May 7, 2007.

Complainant's Exhibit. 6: Copy of Chain of Custody Record for samples taken at time of April 25, 2007 asbestos compliance inspection.

Complainant's Exhibit. 7: Copy of Dun & Bradstreet Report, dated January 7, 2008, for Respondent L & S Recycling, Inc.

Complainant's Exhibit. 8: Copy of Dun & Bradstreet Report, dated January 7, 2008, for Respondent Matthew Bupp d/b/a Lenders Group.

Complainant's Exhibit. 9: Copy of April 25, 2007 Photographs of "W.S. Frey Co." (Nos. 1 through 23).

Complainant's Exhibit. 10: Copy of Photo Identification Log Sheet, dated April 25, 2007.

Complainant's Exhibit 11: Copy of July 6, 2006 "Initial" Asbestos Abatement and Demolition/Renovation Notification Form.

Complainant's Exhibit 12: Copy of July 6, 2006 "Revision" to Initial Asbestos Abatement and Demolition/Renovation Notification Form.

Complainant's Exhibit 13: Copy of February 23, 2007 "Initial" Asbestos Abatement and Demolition/Renovation Notification Form.

Complainant's Exhibit 14: Copy of May 10, 2007 "Initial" Asbestos Abatement and Demolition/Renovation Notification Form.

Complainant's Exhibit 15: Copy of Richard D. Ponak's Resume.

Complainant's Exhibit 16: Copy of EPA's "ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY" as revised: May 11, 1992.

Complainant's Exhibit 17: Copy of EPA's "Clean Air Act Stationary Source Civil Penalty Policy," dated October 25, 1991, as clarified January 17, 1992.

Complainant's Exhibit 18: Copy of EPA's "Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule (Pursuant to the Debt Collection Improvement Act of 1996, Effective October 1, 2004)" and 40 C.F.R. Part 19.

Complainant's Exhibit 19: Copy of April 24, 2008 Administrative Complaint and Notice of Opportunity for Hearing, EPA Docket No. CAA-03-2008-0179.

III. STIPULATIONS AS TO FACTS AND EXHIBITS

Complainant will consult with Respondents regarding stipulations as to facts and exhibits which may be introduced into evidence without objection.

IV. CIVIL PENALTY CALCULATION/JUSTIFICATION

The proposed civil penalty was calculated on the basis of the guidelines set forth in EPA's "ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY" as revised: May 11, 1992 (hereinafter "the Asbestos Penalty Policy"), in EPA's "Clean Air Act Stationary Source Civil Penalty Policy," dated October 25, 1991, as clarified January 17, 1992 (hereinafter "the General Penalty Policy"), and in EPA's "Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule (Pursuant to the Debt Collection Improvement Act of 1996, Effective October 1, 2004)" (hereinafter "the Inflation Penalty Policy") (collectively referred to as "Penalty Policies"). These Penalty Policies, which represent the Agency's considered judgment on the appropriate penalty for various types of violations of the CAA, set forth the mechanism for achieving the goal of deterrence through the

assessment of a penalty that removes the economic benefit of noncompliance and reflects the seriousness or “gravity” of a violation.

In calculating the gravity component of any penalty, the General and Asbestos Penalty Policies take into consideration the factors enumerated in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. The dollar amounts in the Penalty Policies have been subsequently adjusted upward by the Inflation Penalty Policy and 40 C.F.R. Part 19.

The purpose of the Penalty Policies is to assure that civil penalties be assessed in a fair, uniform and consistent manner, that the penalties are appropriate for the violation committed, that economic incentives for violating the CAA are eliminated, and that persons will be deterred from committing CAA violations. The Penalty Policies help EPA apply statutory penalty factors in a consistent and equitable manner so that members of the regulated community are treated similarly for similar violations across the country. The Penalty Policies contemplate that penalties will be calculated in several stages and with several components. First, a gravity component is calculated in accordance with the section of the Asbestos Penalty Policy related to Asbestos NESHAP violations. (Asbestos Penalty Policy, Appendix III, p. 2-4). This figure is then adjusted, as appropriate. (Asbestos Penalty Policy, Appendix III, p. 4-6). Economic benefit is then added as necessary. (Asbestos Penalty Policy, Appendix III, p. 6-7). The penalty then may be further adjusted as provided in the General Penalty Policy as appropriate. (Penalty

Policy, p. 15-22). Again, the amounts are adjusted upward pursuant to 40 C.F.R. Part 19 and the Inflation Policy.

A. **Seriousness of Violations**

Of primary importance in determining the penalty under the Asbestos Penalty Policy is the environmental harm resulting from the violation. (Asbestos Penalty Policy, Appendix III, p. 1-2). Under the statutory factors, this would be considered the "seriousness of the violations". See 42 U.S.C. 7413(e)(1). As noted in the Asbestos Penalty Policy, "[s]ince asbestos is a hazardous air pollutant, the penalty policy generates an appropriately high gravity factor associated with substantive violations (i.e., failure to adhere to work practices or to prevent visible emissions from waste disposal.)" In other words, as the adverse health effects of asbestos are well known and extremely serious, a high penalty is appropriate for any violations which might lead to emissions of asbestos fibers.

1. **Environmental Consequences**

Asbestos minerals are composed of silicon, oxygen, hydrogen, and various metal cations (positively charged metal ions), including sodium, magnesium, iron, and calcium. Asbestos is found in thousands of commercial products, including heat resistant textiles, asbestos-cement products, paper products, floor coverings, thermal insulation, and brake linings. Dry asbestos easily separates to form a dust consisting of fibers varying in size from several inches to microscopic lengths. These fibers are hazardous and may remain in the atmosphere long enough to travel great distances.

2. **Health Effects of Asbestos Exposure**

Two types of adverse health effects are associated with asbestos exposure: asbestosis and cancer. Asbestosis is a nonmalignant, progressive pulmonary impairment caused by the

retention of inhaled asbestos in the lungs, which results in the scarring of lung tissue. The severity of the effect on lung function depends on the total asbestos exposure. Therefore, the risk of asbestosis is expected to be minimal for the non-working population exposed during demolition and renovation activities because both the duration and intensity of exposure is less than that of the workers. For workers involved in the removal, continuous exposure must be considered. These workers may be at significant risk for asbestosis, depending on the nature of additional occupational exposure.

Asbestos is also a known human carcinogen, causing cancer at a number of different sites in the body. The lungs and pleural membrane (the membrane surrounding the thoracic cavity) are most often affected, but asbestos has been linked to cancer of the esophagus, stomach, colon, and kidneys as well. Because no safe minimum level of exposure exists, any exposure increases the risk of cancer. Inhaled asbestos remains in the lungs for life, and each exposure is additive.

The major route of asbestos exposure to workers involved in removal or demolition work or to the general public is the inhalation of asbestos fibers in the air. The level of exposure is related to (a) the concentration of asbestos fibers in the air (expected to be greater at activities closest to removal and activities that concentrate asbestos-containing material), (b) breathing rate of the exposed populations (workers doing manual labor have increased metabolic needs compared to those in sedentary occupations, and therefore, have increased breathing rates), (c) meteorological conditions (affecting dispersion and settlement rates of airborne fibers), (d) protective devices (workers wearing protective devices will have much less exposure than those not so protected), and (e) practices employed by those engaged in asbestos removal activities to prevent asbestos emissions.

The second major route of asbestos exposure is ingestion of asbestos fibers. Ingestion can occur if workers consume any food at the sites of asbestos removal and/or areas where there is a concentration of asbestos fibers in the air.

As there was no evidence of past violations here, none of the penalty calculations here reflect any adjustment for prior violations.

After determining the initial gravity component, adjustments can be made under the Asbestos Penalty Policy to account for other statutory factors such as Respondents' compliance history, the duration of the violations and the size of the violators. [Asbestos Penalty Policy, Appendix III, p. 4-6; 42 U.S.C. § 7413(e)]. Here, there is no evidence that either Respondent had been notified of a prior violation by a local or state agency or EPA. Therefore, no adjustment based on history of violations was appropriate.

C. Size of Violator

The Asbestos Penalty Policy provides that the size of the violator component be calculated in accordance with the General Penalty Policy (Asbestos Penalty Policy, Appendix III, p. 6). The size of violator (size of business) component in this case was calculated using the chart on page 14 of the General Penalty Policy. EPA reviewed Dun and Bradstreet Reports available on January 7, 2008, in an effort to determine an approximate net worth of the Respondent. EPA exercised its discretion in basing its size of violator penalty component solely on the net worth of Respondent L & S Recycling, Inc., the party engaged to perform the demolition activities. However, the Dun and Bradstreet Report for this company provided little information as to the company's net worth. Therefore, in a conservative exercise of its discretion, and based upon the limited available financial information, EPA based the "size of violator" component of the proposed penalty on the lowest category (below \$100,000) set forth

in the General Penalty Policy. The Penalty Policy allows for an upward adjustment of \$2,000, based upon a net worth below \$100,000. EPA is revising the current size of violator portion of the proposed penalty (\$2,000) to reflect a 10% upward adjustment of this component, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19. Therefore, the \$2,000 size of violator component is revised to \$2,200.

D. Economic Benefit

After calculating and adjusting the gravity component, the penalty may be increased for economic benefit. Here, EPA decided not to add economic benefit to the penalty as allowed by the Asbestos Penalty Policy and the CAA as the economic benefit for failure to provide written notice of Respondents' intention to conduct demolition or renovation activity was under \$5,000.

E. Other Factors

Appendix III to the Asbestos Penalty Policy also allows for adjustments to penalties in accordance with the General Penalty Policy. These adjustment factors include the degree of willfulness or negligence, degree of cooperation, and ability to pay [General Penalty Policy, p. 16-21].

1. Degree of willfulness or negligence: This factor may be used only to raise a penalty. EPA has chosen not to raise the penalty on this basis, despite the obvious fact that Respondent L & S Recycling, Inc., as an owner/operator of a demolition or renovation activity, is presumed to know that notice of intent to demolish was required to be filed by Respondent under the applicable regulations. Respondent Bupp's involvement in real estate development supports the inference that he, too, possessed a level of sophistication (coordination of the contracts to abate and demolish the Facility) such that he should have been aware of the requirement to provide

separate notices of intent to abate and demolish the Facility. The fact that neither Respondent complied with this regulation, knowing that they, individually, were required to do so, suggests strongly that EPA *could have* raised the proposed civil penalty, based upon Respondents' ostensible willfulness or negligence.

2. Degree of cooperation: EPA determined that it was not appropriate to adjust the total proposed penalty by this factor. There was no evidence to warrant adjusting the penalty for degree of cooperation (good faith efforts to comply) as there was no evidence of prompt reporting of noncompliance, no extraordinary efforts to correct noncompliance, and no unusual cooperation during the pre-filing investigation.

3. Ability to pay the penalty: Respondent L & S Recycling, Inc. asserts, in Paragraph VI of its Answer, that "EPA take into consideration its inability to pay said fine." As of the time of this filing, Complainant is still awaiting financial documentation from Respondent L & S Recycling, Inc. to support this claim. There is currently no evidence that the proposed penalty would have a significant economic impact on the Respondent L & S Recycling, Inc.'s businesses.¹

4. Respondents' prior history of violation: Respondents' prior history of violation is an adjustment factor which is used only to raise a penalty. "Prior history" includes any act or omission resulting in a state, local, or federal enforcement response (e.g., notice of violation,

¹ The issue of whether a penalty will impact on a business "must be raised as an affirmative defense, with the burden on the respondent to come forward with evidence that a proposed penalty will have such an effect." In the Matter of Detroit Plastic Molding Co., Docket No. TSCA-V-C-41-87 (TSCA Appeal No 87-7, March 1, 1990). In this case, EPA has concluded based on the financial records presently submitted to EPA that Respondent has no argument or evidence that payment of penalties would force the cessation of business operations. Therefore, no adjustment to the penalty is appropriate.

warning letter, administrative order, field citation, complaint, consent decree, consent agreement, or administrative and judicial order) under any environmental statute enforced by the Agency unless subsequently dismissed or withdrawn on the grounds that the party was not liable. The Respondents' prior history was not used in the determination of penalty. There is no evidence of other payments by the violators of penalties previously assessed for these violations.

5. Environmental Damage: There was no evidence of severe environmental damage to warrant an upward adjustment to the proposed penalty.

6. Other factors as justice may require, to warrant adjustment of the penalty in accordance with the remaining statutory factors contained in 42 U.S.C. § 7413(e). After carefully reviewing the Congressionally-mandated adjustment factors, EPA has determined that no further modification to the penalty is appropriate or necessary. Thus, the appropriate penalty here is \$21,542.

V. ABILITY TO PAY

Complainant has requested that Respondent L & S Recycling, Inc. provide information to the Agency which establishes its inability to pay the proposed penalty and has informed Respondent of its need to submit documentation in support of any such claim. As of this time, Respondent has not provided any documentation in support of such claim. If Respondent L & S Recycling, Inc. produces such financial evidence, EPA will analyze such information and supplement this Prehearing Exchange with an identification of these additional financial documents.

VI. PAPERWORK REDUCTION ACT OF 1980 DOES NOT APPLY

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. §§ 3501 et seq., does not apply to this proceeding. The EPA has not made any information requests which would bring EPA

under PRA § 3512, which requires that an information request display a current control number or any penalty for failing to maintain or provide information will be waived. Therefore, no Office of Management and Budget control number is involved in this proceeding.

VII. ESTIMATE OF TIME TO PRESENT DIRECT CASE

Complainant estimates that it will require 1 day to present its case.

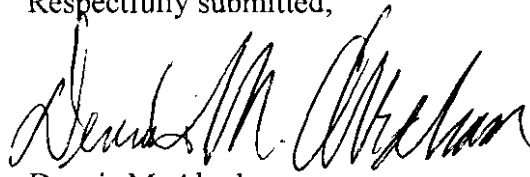
VIII. COMPLAINANT'S AVAILABILITY FOR HEARING

Counsel for Complainant currently is unaware of any specific dates for which any of the above-identified witnesses would be unavailable, but would appreciate advance notice of any proposed hearing dates and the coordination of the same with each of the parties. In this manner, all witnesses may be contacted in advance in order to prevent potential conflicts and the parties can be afforded the opportunity to identify and jointly agree upon hearing dates which will accommodate their witnesses and this Court.

IX. DESIRED LOCATION OF HEARING

In accordance with 40 C.F.R. Sections 22.19(d) and 22.21(d), EPA requests that the hearing be held in Philadelphia, Pennsylvania because the EPA inspector and all of the support facilities that are available to all parties in Philadelphia where EPA's Regional Offices are located. In the alternative, Complainant does not object to conducting the hearing at a suitable location in the county at or near the location where the violations occurred.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis M. Abraham". The signature is fluid and cursive, with the first name being the most prominent.

Dennis M. Abraham
Senior Assistant Regional Counsel
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TEL: (215) 814-5214
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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF :
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MATTHEW BUPP, AND :
d/b/a LENDERS GROUP MORTGAGE :
COMPANY, LENDERS GROUP AND : DOCKET NO. CAA-03-2008-0179
L & S RECYCLING, INC., :
 :
RESPONDENTS :

CERTIFICATE OF SERVICE

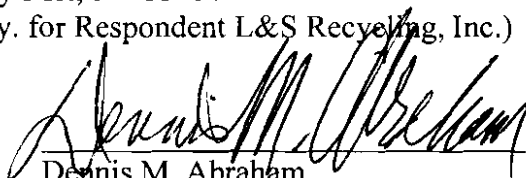
I hereby certify that the original of the foregoing Complainant's First Prehearing Exchange (re: Docket No. CAA-03-2008-0179) was hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk, U.S. EPA, Region III, and that true and correct copies were mailed via Federal Express, Standard Overnight Delivery, to the following persons:

Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460 - 2001

Randall M. Lutz, Esquire
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(Atty. for Respondent Bupp d/b/a Lenders Group)

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(Atty. for Respondent L&S Recycling, Inc.)

Date: 9/17/09


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