BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

In the Matter of:

Tony J. Papadimitriou

95 West Roseville Road : U.S. EPA Docket No.:

Lancaster, PA 17601-3928 : TSCA-03-2008-0035

:

RESPONDENT.

COMPLAINANT'S THIRD SUPPLEMENTAL PREHEARING EXCHANGE

Pursuant to 40 C.F.R. § 22.19(f) of the Consolidated Rules of Practice, Complainant in the above-captioned matter herein sets forth its Supplemental Prehearing Exchange. The following documents are relevant to the Ability to Pay and financial analysis report (CX-20) and the opinion of Harry R. Steinmetz stemming therefrom. These supplemental exhibits were recently discovered by Complainant and offered pursuant to 40 C.F.R. § 22.19(f), subpart (e) to "supplement or correct the exchange when the party learns that the information is...incomplete....or outdated." An affidavit by Harry R. Steinmetz relating to the recent discovery and relevance of the documents is also provided as a supplemental exhibit.

In addition, also pursuant to 40 C.F.R. § 22.19(f), subpart (e), Complainant is including a corrected version of Complainant's Ex. 12. - (October 17, 2008 EPA Proposed Penalty Calculation Worksheet). Complainant discovered an error in calculating the penalty amount for Count 26. The original (October 17, 2008) version incorrectly stated that amount as \$1,290.00, the correct figure is \$640.00 and that is the number reflected the corrected version, below. This error was discovered by Kyle J. Chelius on March 4, 2009. The correction brings the proposed penalty sought by Complainant down to \$102,300.00.

1. SUPPLEMENTAL EXHIBITS

The corrected and additional exhibits listed below may be introduced by Complainant at hearing. In accordance with 40 C.F.R. § 22.19(a), properly labeled copies of each of these supplemental exhibits are included with the original submittal to the Regional Hearing Clerk and true and correct copies are submitted to the Respondent and to Your Honor as part of Complainant's Supplemental Prehearing Exchange. These documents are:

CX-12 (Corrected 3/4/09) EPA Proposed Penalty Calculation Worksheet

In Re: Tony J. Papadimitriou TSCA-03-2008-0035 Supplemental PHX

CX-23 Affidavit by Harry R. Steinmetz dated March 4, 2009. CX-24 Realquest.com Property Detail Report for 736 E. King St., Lancaster, PA 17602, accessed March 4, 2009. CX-25 Realquest.com Property Detail Report for 738 E. King St., Lancaster, PA 17602, accessed March 4, 2009. CX-26 Deed for 736 E. King St., Lancaster, PA 17602 dated December 31, 2008, numbered 5752508 from the Lancaster County Recorder of Deeds website. CX-27 Deed for 738 E. King St., Lancaster, PA 17602 dated February 11, 2009 numbered 5760106 from the Lancaster County Recorder of Deeds website. CX-28 Record of Mortgage for 738 E. King St., Lancaster, PA 17602 in amount of \$81,200.00 assigned by borrower, Tony J. Papadimitriou on February 6, 2009, recorded on February 11, 2009 from Lancaster County Recorder of Deeds Mortgagor/Mortgagee Index document ID #5760107. CX-29 Record of Mortgage for 721 N. Shippen St., Lancaster, PA 17602 in amount of \$157,500.00 by borrower, Tony J. Papadimitriou on February 6, 2009, recorded February 10, 2009 from Lancaster County Recorder of Deeds

Mortgagor/Mortgagee Index document ID #5759901.

Respectfully submitted,

3/4/09 Date

ounsels for Complainant

Jeffrey S. Nast Russell S. Swan

U.S. Environmental Protection Agency, Region III

1650 Arch Street

Philadelphia, PA 19103-2029

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SUPPLEMENTAL EXHIBITS BY COMPLAINANT

At the hearing, Complainant expects to introduce any or all of the following documents as Complainant's Exhibits ("CX") as numbered below:

CX-12	(Corrected 3/4/09) EPA Proposed Penalty Calculation Worksheet
CX-23	Affidavit by Harry R. Steinmetz dated March 4, 2009.
CX-24	Realquest.com Property Detail Report for 736 E. King St., Lancaster, PA 17602, accessed March 4, 2009.
CX-25	Realquest.com Property Detail Report for 738 E. King St., Lancaster, PA 17602, accessed March 4, 2009.
CX-26	Deed for 736 E. King St., Lancaster, PA 17602 dated December 31, 2008, numbered 5752508 from the Lancaster County Recorder of Deeds website.
CX-27	Deed for 738 E. King St., Lancaster, PA 17602 dated February 11, 2009 numbered 5760106 from the Lancaster County Recorder of Deeds website.
CX-28	Record of Mortgage for 738 E. King St., Lancaster, PA 17602 in amount of \$81,200.00 assigned by borrower, Tony J. Papadimitriou on February 6, 2009, recorded on February 11, 2009 from Lancaster County Recorder of Deeds Mortgagor/Mortgagee Index document ID #5760107.
CX-29	Record of Mortgage for 721 N. Shippen St., Lancaster, PA 17602 in amount of \$157,500.00 by borrower, Tony J. Papadimitriou on February 6, 2009, recorded February 10, 2009 from Lancaster County Recorder of Deeds Mortgagor/Mortgagee Index document ID #5759901.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Complainant's Supplemental Prehearing Exchange, EPA Docket No. TSCA-03-2008-0035, and associated enclosures, was filed with the EPA Region III Regional Hearing Clerk, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following by the method indicated in parentheses:

(FedEx, overnight) Honorable Barbara A. Gunning (1900L) Office of Administrative Law Judges U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

(FedEx, overnight) Charles B. Haws, Esq. Barley Snyder LLC 501 Washington Street Reading, PA 19603-0942

Jeffrey S. Nast (3RC30)

Sr/Assistant Regional Counsel

U.S. Environmental Protection Agency, Region III

1650 Arch Street

Philadelphia, PA 19103-2029

(215) 814-2652