

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19103

U.S. EPA-REGION 3-RHC
FILED-14NOV2018PM3:43

In the Matter of: :
Wesco Construction Co., : Docket No. CAA-03-2018-0054
Respondent. :

ORDER TO AMEND EPA'S ADMINISTRATIVE ENFORCEMENT DOCKET

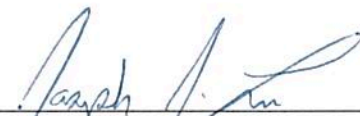
On October 26, 2018 the United States Environmental Protection Agency ("EPA") Office of Administrative Law Judges ("OALJ") issued an Order of Remand in the above-captioned matter.

The Order of Remand addressed whether a letter submitted by the Respondent, Wesco Construction Co., to EPA Region III on March 14, 2018 satisfied the procedural and substantive requirements for an Answer to a Complaint under the Consolidated Rules of Practice, 40 C.F.R. § 22.15. The March 14, 2018 letter was submitted by Respondent to the EPA Region III attorney of record for this case, rather than the Regional Hearing Clerk. On August 14, 2018, EPA's attorney forwarded Respondent's letter to the Regional Hearing Clerk who promptly entered it into EPA's Administrative Enforcement Docket. ("Docket"). The letter was identified in the Docket as Respondent's Answer to the Complaint.

In the aforementioned Order of Remand, the OALJ held that Respondent's letter did not satisfy the requirements for an Answer as set forth at 40 C.F.R. § 22.15. (*Order of Remand* at 2). Furthermore, OALJ held that "[b]ecause a proper Answer has not been submitted, it is inappropriate for this Tribunal to retain jurisdiction of this matter or to continue to serve as Presiding Officer." (*Id.*) As a result, OALJ remanded this case to the Regional Judicial and Presiding Officer for EPA Region III "for disposition consistent with the Rules of Practice." (*Id.*)

In light of the findings set forth in the Order of Remand, the Regional Hearing Clerk, EPA Region III, is **HEREBY ORDERED** to amend EPA's Administrative Enforcement Docket to reflect OALJ's holding that the letter submitted by Respondent to EPA Region III on March 14, 2018 does not qualify as an Answer in the above-caption matter.

SO ORDERED.



Joseph J. Lisa
Regional Judicial and Presiding Officer
US EPA Region III

Dated: Nov. 14, 2018

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on NOV 14 2018, I filed the foregoing Order to Amend EPA's Administrative Enforcement Docket and caused the Order to be served on the following persons in the matter indicated below.

Copy by Inter-Office Mail:

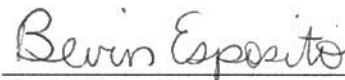
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For Complainant

Copy by Certified Mail/Return Receipt Requested:

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For Respondent

Copy by Pouch Mail:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges (Mailcode 1900R)
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Washington, D.C. 20460-2001



Bevin Esposito
Regional Hearing Clerk
US EPA Region III