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HEARINGS CLERK
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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

METRO METALS CORPORATION

and

AVISTA RECYCLING, INC.

Respondents

Proceeding under Section 3008(a) of the
Resource Conservation and Recovery
Act, 42 U.S.C. § 6928(a)

Docket No. RCRA-10-2011-0040

**DECLARATION OF
SHIRIN VENUS**

I, Shirin Venus, hereby declare and affirm that the following information is true and correct to the best of my knowledge:

1. On February 10, 2011, EPA Region 10's Director of the Office of Compliance and Enforcement, Edward J. Kowalski (Complainant), filed a Complaint and Compliance Order pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA) in In the Matter of Metro Metals Corp. and Avista Recycling, Inc., Docket Number RCRA-10-2011-0040.

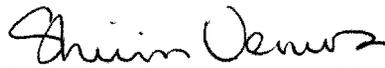
2. I, Shirin Venus, Assistant Regional Counsel, EPA Region 10, am the party designated to receive service on behalf of the Complainant in the above-referenced matter.
3. Complainant served a copy of the Complaint and Compliance Order in the above-referenced matter by means of United Parcel Service (UPS) express delivery with delivery confirmation requested to both Respondent Avista Recycling and Respondent Metro Metals. Service to Metro Metals Corp. was made upon both the company's registered agent, Mr. Nat Levine, at 204 Woodbine Ave. in Northport, New York, and its corporate representative, Ms. Clara Chan, at Metro Metals' principal place of business at 2343 Brimely Road, Suite 823, in Toronto, Ontario, Canada. Proof of service to both parties was filed with the Regional Hearing Clerk for EPA Region 10.
4. 40 C.F.R. § 22.5(b)(1) provides that service of a complaint by the Complainant "shall be made personally, by certified mail with return receipt requested, or by any reliable commercial delivery service that provides written verification of delivery."
5. UPS is a commercial delivery service that does business in both the United States and Canada, and which provides written verification of delivery.
6. UPS Proof of Delivery, Tracking Number 1ZA4431Y0196274442, verifies that service of the Complaint and Compliance Order to Mr. Nat Levine was completed on February 11,

2011. The UPS business record indicates that the mailing was left at the addressee's front door.

7. UPS Proof of Delivery, Tracking Number 1ZA4431Y6699207638, verifies that service of the Complaint and Compliance Order to Ms. Clara Chan was completed on February 11, 2011. The UPS business record indicates that the mailing was signed for by an individual identified as "SHI" and the package was left at the addressee's front desk.
8. The UPS Proof of Delivery referenced in Paragraph 7 indicates that delivery to Ms. Clara Chan took place in a location denoted as "Scarborough, CA." Scarborough is a geographic location in the vicinity of Toronto, Ontario, Canada.
9. On February 23, 2011, subsequent to service of the Complaint and Compliance Order, Ms. Clara Chan contacted me by telephone to discuss the Complainant's alleged violations. I explained to Ms. Chan that, in accordance with the terms of the Complaint and Compliance Order, if Metro Metals Corp. did not file an Answer within 30 days of receipt, that it would automatically become a Final Order. Ms. Chan affirmed that she had received the Complaint and Compliance Order but did not express an intention to file an Answer.
10. Complainant has not been served with an Answer from Respondent Metro Metals Corp. at any time subsequent to the service of the Complaint and Compliance Order. To the

best of my knowledge, Respondent Metro Metals Corp. has not filed an Answer with the Regional Hearing Clerk for EPA Region 10.

11. RCRA § 3008(a) and 40 C.F.R. § 22.37(b), provide that an order issued under the authority of RCRA section 3008(a) shall automatically become a final order unless, no later than 30 days after the order is served, the respondent requests a hearing. More than 30 days have elapsed since the Complaint and Compliance Order was served on Respondent Metro Metals Corp. on February 11, 2011.



Ms. Shirin Venus, Esq.
Assistant Regional Counsel
EPA Region 10

4-6-11

Date

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the Declaration of Shirin Venus in **In the Matter of: Metro Metals Corporation and Avista Recycling, Inc., DOCKET NO.: RCRA-10-2011-0040** was filed with the EPA Region 10 Regional Hearing Clerk on April 6, 2011.

On April 6, 2011, the undersigned certifies that a true and correct copy of the document was hand delivered to:

Shirin Venus, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document, was sent on April 6, 2011, by means of United States First Class Mail to:

Mr. Nat Levine, Registered Agent
Metro Metals Corporation
204 Woodbine Ave.
Northport, NY 11768

Ms. Clara Chan
Metro Metals Corporation
2343 Brimely Rd., Suite 823
Toronto, Ontario M1S 3L6 CANADA

David M. Anderson, Counsel for Avista Recycling
Mahoney Anderson, LLC
PO Box 44504
Eden Prairie, MN 55344

DATED this 10 day of April 2011.


Signature
Print Name: Alexa Fiander
EPA Region 10