



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

In re:

Hagerstown Aircraft Services, Inc.

RCRA (3008) Appeal No. 14-01

Docket No. RCRA-03-2011-0112

Response to Environmental Protection Agency Appeals Board

Per the Environmental Protection Agency Appeals Board Order to produce document missing from the administrative record, dated June 3, 2014, and received by the Regional Hearing Clerk, US EPA Region III, on June 6, 2014. I have submitted a copy of the missing document (Respondent's Response to Order to Show Cause, Docket No. RCRA-03-2011-0112). I have also added the document to the administrative record for this proceeding and provided a new certification that the index is complete.

The Board has requested an explanation as to why this document was not included in the Administrative Record and the Certified Index. Although it appears from the Certificate of Service for the document in issue that the Respondent served the document with the Regional Hearing Clerk, the Regional Judicial Officer and Joyce Howell, EPA's case attorney, in separate packages via Fed Ex overnight delivery on March 20, 2014, logs maintained by the EPA Region III mailroom do not indicate receipt of such a package for the Regional Hearing Clerk. On the other hand, the mailroom logs do show receipt of Fed Ex overnight delivery packages for the Regional Judicial Officer and Ms. Howell on March 21, 2014, as would be expected. It appears that the Fed Ex package for the Regional Hearing Clerk never arrived at the Region III Offices. The Regional Hearing Clerk first received a copy of Respondent's document today, June 9, 2014. This explains why the document was not included in the Administrative Record for this matter or the Certified Index.

Please let me know if you need any further information regarding this matter.

Dated: JUN 12 2014

A handwritten signature in blue ink that reads "Lydia A. Guy".

Lydia A. Guy
Regional Hearing Clerk



CERTIFICATE OF SERVICE

IMO: Hagerstown Aircraft Services, Inc., RCRA -03-2011-0112 copies were sent to the following persons in the manner indicated:

First Class Mail:

Andrew F. Wilkinson, Esq.
Divelbiss & Wilkinson
Attorneys At Law
13424 Pennsylvania Ave,
Suite 302
Hagerstown, MD 21742
(301) 791-9222

EPA Pouch Mail:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

Hand Delivered

Joyce Howell, Esq.
Senior Assistant Regional Counsel
Office of Regional Counsel, 3RC41
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Heather Gray
Acting Regional Judicial Officer, 3RC41
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Mary Coe
Acting Deputy Regional Counsel
Office of Regional Counsel, 3RC00
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Date: JUN 12 2014



Lydia A. Guy
Regional Hearing Clerk