



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

VIA OVERNIGHT MAIL

Mr. Charles Powers, President
First Capital Insulation
1355 South George Street
York, PA 17403

MAR 17 2010

RE: FINAL ORDER - CAA-3-2010-0111

Dear Mr. Powers:

Enclosed, please find the Final Order resolving case number: CAA-3-2010-0111. Since the proposed penalty has been paid in full within thirty (30) days after receiving the Complaint, the matter is now considered closed.

Thank you for your cooperation in resolving this matter. If you have any questions, I can be reached at (215) 814-5387.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Swan".

Russell Swan
Assistant Regional Counsel

Enclosures

cc: Richard Ponak
Enforcement Officer



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

VIA OVERNIGHT MAIL

Ms. Sharon Miller, Superintendent
The School District of the City of York
31 North Pershing Avenue
York, PA 17403

MAR 17 2010

RE: FINAL ORDER - CAA-3-2010-0111

Dear Ms. Miller:

Enclosed, please find the Final Order resolving case number: CAA-3-2010-0111. Since the proposed penalty has been paid in full within thirty (30) days after receiving the Complaint, the matter is now considered closed.

Thank you for your cooperation in resolving this matter. If you have any questions, I can be reached at (215) 814-5387.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Swan", written over a horizontal line.

Russell Swan
Assistant Regional Counsel

Enclosures

cc: Richard Ponak
Enforcement Officer

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

In the Matter of:

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

Docket No. CAA-03-2010-0111

and

The School District of the City of York
31 North Pershing Avenue
York, PA 17403

PROCEEDING UNDER:

Respondents,

Section 113(a)(3) and (d) of the Clean
Air Act, 42 U.S.C. § 7413(a)(3) and (d)

The School District of the City of York
Former Administration Building
327 South Lindberg, Avenue
York, PA 17403,

Facility.

FINAL ORDER ASSESSING ADMINISTRATIVE PENALTY

1. On February 1, 2010, Complainant filed a Complaint and Notice of Opportunity for Hearing ("Complaint") against First Capital Insulation, Inc., and the School District of the City of York (hereinafter referred to as "Respondents"), for violations of Section 112 of the Clean Air Act ("CAA" or the "Act"), as amended, 42 U.S.C. § 7412.
2. The Complaint proposed the issuance of a Final Order Assessing Administrative Penalties in the amount of nine thousand nine hundred fourteen dollars (\$9,914.00) against Respondents, and indicated that this proposed penalty had been determined in accordance with in accordance with Section 113 of the CAA, 42 U.S.C. § 7413; 40

In the Matter of:

Final Order

*First Capital Insulation Inc.,
and The School District of the City of York
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C.F.R. Part 19; U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1992 ("CAA Penalty Policy"), and Appendix III thereto ("Asbestos Penalty Policy"); Modifications to EPA's Penalty Policies to Implement the Civil Monetary Penalty Inflation Rule (pursuant to the Debt Collection Improvement Act of 1996), dated May 9, 1997 ("Inflation Policy"); and the most recent Inflation Policy dated December 29, 2008. The Complaint was issued pursuant to EPA the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), set forth at 40 C.F.R. Part 22.

3. Pursuant to Section 22.18(a)(1) of the Consolidated Rules, a Respondent may resolve a proceeding without the need to file an answer if the Complaint contains a specific proposed penalty and Respondent pays the proposed penalty in full within 30 days after receiving the Complaint, unless the Complaint seeks a compliance or corrective action order or Permit Action.
4. On February 24, 2010, Respondents submitted a check in the amount of \$9,914.00 (Check # 110253799) to the EPA lockbox in full payment of the specific penalty proposed in the Complaint. Respondents' check was received within thirty (30) days of service of the Complaint. The Complaint did not seek a compliance or corrective action order or Permit Action.

In the Matter of:

Final Order

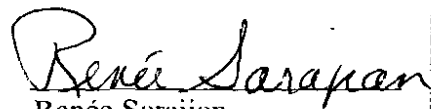
*First Capital Insulation Inc.,
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Docket No: CAA-03-2010-0111*

5. Respondents complied with Section 22.18(a)(1) of the Consolidated Rules. Pursuant to Section 22.18(a)(3) of the Consolidated Rules, the payment by Respondents constitutes a waiver of Respondents' rights to contest the allegations and to appeal this Final Order.

NOW THEREFORE, pursuant to Section 22.18(a)(3) of the Consolidated Rules, it is hereby Ordered that Respondent is assessed an administrative penalty in the amount of \$9,914.00 and, payment having been made, this matter is concluded.

Date:

3/17/10



Renée Sarajian
Regional Judicial Officer

In the Matter of:

Final Order

*First Capital Insulation Inc.,
and The School District of the City of York
Docket No: CAA-03-2010-0111*

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, the original and one copy of this Final Order Assessing Administrative Penalty were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, and that true and correct copies were transmitted, by First-class mail, as indicated, to the addressees listed below:

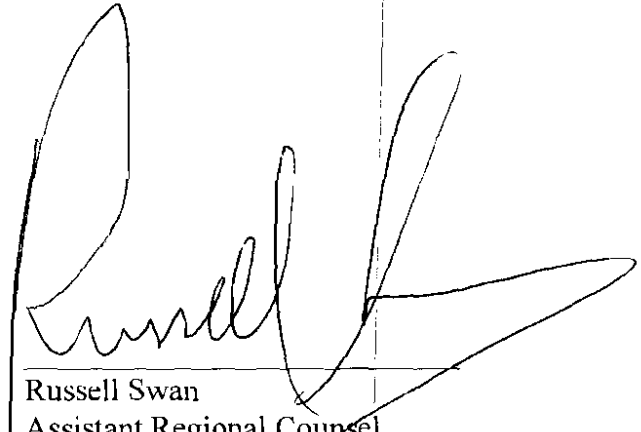
Ms. Sharon Miller, Superintendent
The School District of the City of York
31 North Pershing Avenue
York, PA 17403

and

Mr. Charles Powers, President
First Capital Insulation
1355 South George Street
York, PA 17403

Dated: _____

3/17/2010



Russell Swan
Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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