

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

In the Matter of:

Baxter Investment Group, Inc.  
350 Third Street  
Hanover, PA 17331,

and

Edward Klinger d/b/a  
E.J. Property Cleanup & Salvage  
1991 Old Harrisburg Road  
Gettysburg, PA 17325

Respondents,

Gulden Site  
1475 Centermills Road  
Aspers, PA 17304

Facility.

:  
: Docket No. CAA-03-2010-0254

:  
: **PROCEEDING UNDER:**

: Section 113(a)(3) of the Clean Air Act;  
: 42 U.S.C. § 7413(a)(3)

:  
: **ADMINISTRATIVE COMPLAINT AND  
: NOTICE OF OPPORTUNITY FOR  
: HEARING**

**I. INTRODUCTION**

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III ("EPA" or the "Agency") initiates this administrative action against Baxter Investment Group, Inc., and Edward Klinger d/b/a E.J. Property Cleanup & Salvage, (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, as alleged below. The authority for issuance of this Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") is set forth in Section

113(a)(3) and (d) of the CAA, 42 U.S.C. § 7413(a)(3) and (d), and 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. The authority to issue this Complaint has been duly delegated to the signatory below.

## **II. APPLICABLE STATUTES AND REGULATIONS**

2. Section 112 of the CAA, 42 U.S.C. § 7412, requires the Administrator of EPA to publish a list of air pollutants determined to be hazardous and to promulgate regulations establishing emission standards or, where necessary, design, equipment, work practice, or operational standards for each listed hazardous air pollutant.
3. Section 114 of the CAA, 42 U.S.C. § 7414, authorizes the Administrator of EPA to require any person who owns or operates any emission source or who is otherwise subject to the requirements of the CAA to, among other things, establish and maintain such records, make such reports and provide such information as the Administrator might reasonably require to develop or determine compliance with emission standards.
4. EPA listed asbestos as a hazardous air pollutant under the authority of Section 112 of the CAA, 42 U.S.C. § 7412. Pursuant to Sections 112 and 114 of the CAA, 42 U.S.C. §§ 7412 and 7414, EPA promulgated a National Emission Standard for Asbestos ("the asbestos NESHAP"), codified at 40 C.F.R Part 61, Subpart M, Sections 61.140 - 61.157. The asbestos NESHAP includes regulations governing, inter alia, the emission, handling, and disposal of asbestos by the owner or operator of a demolition or renovation activity at an affected facility. Pursuant to Section 112(q) of the CAA, 42 U.S.C. § 7412(q), the

above referenced standards and provisions remain in full force and effect, notwithstanding the November 15, 1990 Clean Air Act Amendments.

5. Sections 113(a)(3) and (d) of the CAA, 42 U.S.C. § 7413(a)(3) and (d), authorize the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any rule, plan, order, waiver, or permit promulgated, issued, or approved under, inter alia, Section 112 of the CAA, 42 U.S.C. § 7412.

### **III. DEFINITIONS**

6. Pursuant to 40 C.F.R. § 61.141, "asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.
7. Pursuant to 40 C.F.R. § 61.141, "asbestos-containing waste materials" means, in pertinent part, mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of the asbestos NESHAP, including friable asbestos waste material and materials contaminated with asbestos including disposable equipment and clothing.
8. Pursuant to 40 C.F.R. § 61.141, "Category I nonfriable asbestos-containing material ("ACM")" means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. Part 763, section 1, Polarized Light Microscopy.

9. Pursuant to 40 C.F.R. § 61.141, "demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.
10. Pursuant to 40 C.F.R. § 61.141, "facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building.
11. Pursuant to 40 C.F.R. § 61.141, "friable asbestos material" means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. Part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
12. Pursuant to 40 C.F.R. § 61.141, "owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.
13. Pursuant to 40 C.F.R. § 61.141, "remove" means to take out regulated asbestos-containing material ("RACM") or facility components that contain or are covered with RACM from any facility.
14. Pursuant to 40 C.F.R. § 61.141, "regulated asbestos-containing material ("RACM")" means, in pertinent part, friable asbestos material or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

15. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include “an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, (or) department.”

#### **IV. GENERAL ALLEGATIONS**

16. Baxter Investment Group, Inc., (“Baxter”) operates as an investment company, located at 350 Third Street, Hanover, Pennsylvania 17331, and is incorporated under the laws of Pennsylvania.
17. Baxter is a “person” within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).
18. Mr. Edward Klinger d/b/a E.J. Property Cleanup & Salvage (“E.J. Property”), conducts salvaging operations at various properties/facilities, and is located at 1991 Old Harrisburg Road, Gettysburg, Pennsylvania 17325.
19. Mr. Edward Klinger d/b/a E.J. Property Cleanup & Salvage, is a “person” within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).
20. The Gulden site (the “Facility”), consists of a parcel of land with multiple commercial buildings, located at 1475 Centermills Road, Aspers, Pennsylvania 17304, and at all times relevant to this Complaint, is a “facility” as that term is defined by 40 C.F.R. § 61.141.
21. At all times relevant to this Complaint, Baxter owned the Facility.
22. On April 8, 2009, a duly authorized representative of EPA, (the “Inspector”), conducted an inspection of the Facility (the “Initial Inspection”).

23. At the time of the Initial Inspection, the Inspector observed that one of the commercial buildings at the Facility was in the process of being demolished.
24. At the time of the Initial Inspection, the Inspector observed suspect Regulated Asbestos Containing Material ("RACM"), as that term is defined by 40 C.F.R. § 61.141, spread out on the ground at the Facility.
25. During the Initial Inspection the Inspector observed that a second commercial building at the Facility was still standing, but was also in the process of being demolished.
26. The Inspector observed that the commercial building that was still standing contained suspect RACM.
27. At the time of the Initial Inspection, the Inspector took eight (8) samples from various areas around the Facility.
28. At the time of the Initial Inspection, the eight (8) samples taken at the Facility, were dry and exposed to the outside air.
29. The eight (8) samples taken at the Facility during the Initial Inspection were subsequently analyzed by Criterion Laboratories, Inc., ("Criterion"), located at 3370 Progress Drive, Suite J, Bensalem Pennsylvania 19020.
30. Criterion is certified by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program ("NVLAP"), which provides third-party accreditation to testing and calibration laboratories.
31. The eight (8) samples taken at the Facility during the Initial Inspection were analyzed using Polarized Light Microscopy with Dispersion Staining following the EPA "Interim

Method” for determination of asbestos in bulk building materials (EPA-600/M4-82-020), or 40 C.F.R. Part 763, Appendix E to Subpart E).

32. All eight (8) samples taken at the Facility during the Initial Inspection were found to contain more than one (1) percent asbestos.
33. All of the material sampled at the Facility during the Initial Inspection constitutes RACM as that term is defined at 40 C.F.R. § 61.141.
34. The asbestos material referred above, was observed by the Inspector during the Initial Inspection, to be friable, exposed to the outside air and subject to vandalism while remaining open and accessible.
35. On April 20, 2009, Complainant issued an Administrative Compliance Order (“ACO”) to Respondents ordering, among other things, that they cause and ensure the immediate cessation of all activities, including further demolition activity at the Facility.
36. The April 20, 2009 ACO also ordered Respondents to properly clean-up all RACM at the Facility.
37. On May 5 and 19, 2009, the Inspector conducted subsequent inspections at the Facility to ascertain compliance with the ACO.
38. On June 29, 2009, Complainant received an Asbestos Abatement Demolition/Renovation Notification Form (the “Notification”) from First Capital Insulation, Inc.
39. First Capital Insulation was hired by Respondents to conduct removal of all RACM at the Facility pursuant to the April 20, 2009 ACO.
40. Pursuant to the Notification and after April 20, 2009, First Capital removed 250 square feet of friable asbestos containing lightweight concrete; 100 square feet nonfriable floor

tile; 30 linear feet of “canvas jacket;” and 3,176 square feet nonfriable transite panels from the Facility.

41. On September 2, 2009, the Inspector conducted a final inspection at the facility, and observed that all RACM had been removed in accordance with the April 20, 2009 ACO.

## **V. VIOLATIONS**

### **Count I**

#### **FAILURE TO PROVIDE NOTICE**

42. Complainant realleges the allegations contained in paragraphs 1 through 41 above.
43. At the time of the violations alleged in this Complaint found in Counts I through III, Respondents partially “Demolished” the Facility as that term is defined by 40 C.F.R. § 61.141.
44. 40 C.F.R. § 61.145(b) provides, in pertinent part, that each owner or operator of a demolition or renovation activity to which this section applies shall: (1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. (2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent. (3) Postmark or deliver the notice...(i) at least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material).
45. EPA never received written notification of Respondents’ intent to demolish the Facility before the asbestos demolition project was conducted at the Facility.

46. Respondents' failure to comply with the requirements of 40 C.F.R. § 61.145(b), by failing to provide notification to EPA prior to beginning an asbestos demolition at the Facility, constitutes a violation of Section 112 of the CAA, 42 U.S.C. § 7412.

## **Count II**

### **FAILURE TO REMOVE RACM BEFORE DEMOLITION**

47. Complainant realleges the allegations contained in paragraphs 1 through 46 above.

48. At the time of the violations alleged in this Complaint found in Counts I through III, Respondents partially "Demolished" the Facility as that term is defined by 40 C.F.R. § 61.141.

49. The asbestos-containing material referenced in paragraphs 27-29 and 31-34 constitutes "RACM" as that term is defined at 40 C.F.R. § 61.141 and asbestos containing waste material as that term is defined at 40 C.F.R. § 61.141.

50. 40 C.F.R. § 61.145(c)(1) provides, in pertinent part, that each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures: (1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

51. The Inspector observed during the Initial Inspection, RACM mixed with demolition debris and RACM hanging off the partially demolished building during the inspection.

52. Respondents' failure to comply with the requirements of 40 C.F.R. § 61.145(c)(1) constitutes a violation of Section 112 of the CAA, 42 U.S.C. § 7412.

**Count III**

**FAILURE TO HAVE ON-SITE REPRESENTATIVE TRAINED IN THE PROVISIONS  
OF THE ASBESTOS NESHAP**

53. Complainant realleges the allegations contained in paragraphs 1 through 52 above.
54. At the time of the violations alleged in this Complaint found in Counts I through IV, Respondents partially "Demolished" the Facility as that term is defined by 40 C.F.R. § 61.141.
55. 40 C.F.R. § 61.145(c) provides, in pertinent part, that each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures: (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present.
56. During the Initial Inspection, the Inspector asked if a foreman or management-level person or other authorized representative trained in the provisions of the asbestos NESHAP was on-site.
57. Neither Respondent was able to confirm that a foreman or management-level person or other representative trained in the provisions of the asbestos NESHAP was onsite at the Facility during the April 8, 2009 inspection.

58. Respondents' failure to comply with the requirements of 40 C.F.R. § 61.145(c)(8) on April 8, 2009 at the Facility, constitutes a violation of Section 112 of the CAA, 42 U.S.C. § 7412.

**VI. PROPOSED CIVIL PENALTY**

Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorize a penalty of not more than \$37,500 for each violation of the CAA that occurred on or after January 12, 2009. EPA proposes to assess a civil penalty of fifty one thousand five hundred seventy (\$51,570.00) against Respondents. The proposed penalty does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412. The proposed penalty is as follows:

**A. Gravity Component**

Count I:

Failure to provide Administrator with written notice of intention to renovate 40 C.F.R. § 61.145(b)(1)	\$ 15,000.00
--	--------------

Count II:

Failure to remove RACM before demolition (>10 units ≤ 50 units) 40 C.F.R. § 61.145(c)(1)	\$ 10,000.00
--	--------------

Count III:

Failure to have on-site representative trained in the provisions of the asbestos NESHAP (>10 units ≤ 50 units) 40 C.F.R. § 61.145(c)(8)	\$ 10,000.00
---	--------------

SUBTOTAL	\$ 35,000.00
----------	--------------

Inflation adjustment 1.4163 x Subtotal \$ 14,570.00

Size of the Violator \$ 2,000.00

**B. Economic Benefit** \$ 0.00

**TOTAL PROPOSED PENALTY: \$ 51,570.00**

The proposed civil penalty has been determined in accordance with Section 113 of the CAA, 42 U.S.C. § 7413; 40 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 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. Copies of the CAA Penalty Policy, Asbestos Penalty Policy, and the December 29, 2008 Inflation Policy are enclosed with this Complaint. In determining the amount of any penalty to be assessed, Section 113(e) of the CAA, 42 U.S.C. § 7413(e), requires EPA to take into consideration the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. To develop the proposed penalty herein, Complainant has taken into account the particular facts and circumstances of this case with specific reference to EPA's Asbestos Penalty Policy as well as the CAA Penalty Policy, both of which were indexed for inflation in keeping with 40 C.F.R. Part 19.

EPA will consider, among other factors, Respondents' ability to pay to adjust the proposed civil penalty assessed in this Complaint. The proposed penalty reflects a presumption of Respondents' ability to pay the penalty and to continue in business based on the size of the business and the economic impact of the proposed penalty on the business. The burden of raising and demonstrating an inability to pay rests with Respondents. In addition, to the extent that facts or circumstances unknown to Complainant at the time of the issuance of the Complaint become known after issuance of the Complaint, such facts and circumstances may also be considered as a basis for adjusting the proposed civil penalty assessed in the Complaint.

EPA's applicable penalty policy represents an analysis of the statutory penalty factors enumerated above, as well as guidance on their application to particular cases. If the penalty proposed herein is contested through the hearing process described below, Complainant is prepared to support the statutory basis for the elements of the penalty policy applied in this case as well as the amount and nature of the penalty proposed.

The gravity component of the penalty accounts for the substantive nature of the violation. No further adjustment of the penalty appears warranted under the applicable penalty policies at this time. If appropriate, further penalty adjustments may be made during settlement negotiations. EPA reserves the right to seek higher penalties if new evidence supports such assessment.

#### **VII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

Respondents have the right to request a hearing to contest any matter of law or material fact set forth in the Complaint or the appropriateness of the proposed penalty. To request a hearing, Respondents must file a written Answer to this Complaint with the Regional Hearing

Clerk, U.S. EPA Region III (3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029 within thirty (30) days of receipt of this Complaint. The Answer should clearly and directly admit, deny or explain each of the factual allegations contained in this Complaint of which Respondents have any knowledge. If Respondents have no knowledge of a particular factual allegation, the Answer should so state. That statement will be deemed a denial of the allegation. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which Respondents dispute; (3) the basis for opposing any proposed relief; and (4) whether a hearing is requested. All material facts not denied in the Answer will be considered as admitted. A copy of the Answer and all other documents filed with the Regional Hearing Clerk related to this Complaint must be sent to Russell S. Swan (3RC10), Assistant Regional Counsel, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA, 19103-2029.

If either Respondent(s) fails to file a written Answer within thirty (30) days of receipt of this Complaint, such failure shall constitute an admission of all facts alleged in the Complaint as to such Respondent and a waiver of the right to a hearing under Section 113 of the CAA, 42 U.S.C. § 7413. Failure to Answer may result in the filing of a Motion for Default Order imposing the penalties proposed herein without further proceedings.

Any hearing requested will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 554, and the Consolidated Rules set forth at 40 C.F.R. Part 22. A copy of these rules is enclosed. Hearings will be held in a location to be determined at a later date pursuant to 64 Fed. Reg. 40.138 (see 40 C.F.R. § 22.21(d)).

### **VIII. SETTLEMENT CONFERENCE**

EPA encourages settlement of proceedings at any time after issuance of a Complaint if such settlement is consistent with the provisions and objectives of the CAA. Whether or not a hearing is requested, Respondents may confer with Complainant regarding the allegations of the Complaint and the amount of the proposed civil penalty.

In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator or his designee. Settlement conferences shall not affect the requirement to file a timely Answer to the Complaint.

The attorney assigned to this case is Russell S. Swan, Assistant Regional Counsel. If you have any questions or desire to arrange an informal settlement conference, please contact Mr. Swan at (215) 814-5387 before the expiration of the thirty (30) day period following your receipt of this Complaint. If you are represented by legal counsel, you must have your counsel contact Mr. Swan on your behalf. Please be advised that the Consolidated Rules at 40 C.F.R. § 22.8 prohibit any unilateral discussion of the merits of a case with the Administrator, members of the Environmental Appeals Board, Regional Administrator or the Regional Judicial Officer after the issuance of a Complaint.

### **IX. QUICK RESOLUTION**

In accordance with 40 C.F.R. § 22.18(a) of the Consolidated Rules, Respondents may resolve this proceeding at any time by paying the specific penalty proposed in this Complaint or in Complainant's prehearing exchange. If Respondents pay the specific penalty proposed in this

Complaint within 30 days of receiving this Complaint, then, pursuant to 40 C.F.R. § 22.18(a)(1) of the Consolidated Rules, no Answer need be filed.

If either Respondent(s) wishes to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer but needs additional time to pay the penalty, pursuant to 40 C.F.R. § 22.18(a)(2) of the Consolidated Rules, the Respondent(s) may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint stating that Respondent(s) agrees to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a)(1). Such written statement need not contain any response to, or admission of, the allegations in the Complaint. Such statement shall be filed with the Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and a copy shall be provided to Russell S. Swan (3RC10), Assistant Regional Counsel, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Within 60 days of receiving the Complaint, Respondent shall pay the full amount of the proposed penalty. Failure to make such payment within 60 days of receipt of the Complaint may subject the Respondent to default pursuant to 40 C.F.R. § 22.17 of the Consolidated Rules.

Upon receipt of payment in full, in accordance with 40 C.F.R. § 22.18(a)(3) of the Consolidated Rules, the Regional Judicial Officer or Regional Administrator shall issue a final order. Payment by Respondent(s) shall constitute a waiver of Respondent's right to contest the allegations and to appeal the final order.

Payment of the penalty shall be made by cashier's check, certified check, electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments also shall reference the above case caption and docket number.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P. O. Box 979077  
St. Louis, MO 63197-9000.

Contact: Craig Steffen 513-487-2091  
Eric Volck 515-487-2105

Overnight delivery of a certified or cashiers check, made payable to the United States Treasury, shall be sent to:

U.S. Bank  
Government Lockbox 979077  
Us EPA Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101.

All payment made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver  
ABA 051036706  
Account No. 310006  
Environmental Protection Agency  
CTX Format  
Transaction Code 22 - checking

Physical location of U.S. Treasury Facility:  
5700 Rivertech Court  
Riverdale, MD 20737

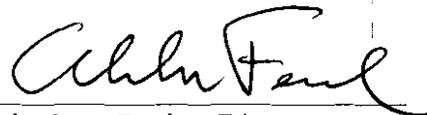
Contact: John Schmid 202-8747026  
or REX, 10866-234-5681

In addition, there is now an on line, internet payment option, available through the United States Department of Treasury. This payment option can be accessed from [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field. Open the form and complete required fields.

All payments made by check also shall reference the above case caption and docket number, CAA-03-2010-0254. At the same time that any payment is made, copies of any corresponding check, or written notification confirming any electronic wire transfer, shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to Russell S. Swan (3RC10), Assistant Regional Counsel, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

4/6/10

Date



Abraham Ferdas, Director  
Land and Chemicals Division

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

In the Matter of:

:  
: Docket No. CAA-03-2010-0254

Baxter Investment Group, Inc.  
350 Third Street  
Hanover, PA 17331,

:  
:  
:  
:

and

:

: **PROCEEDING UNDER:**

Edward Klinger d/b/a  
E.J. Property Cleanup & Salvage  
1991 Old Harrisburg Road  
Gettysburg, PA 17325

:

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

:

:

:

Respondents,

: **ADMINISTRATIVE COMPLAINT AND  
: NOTICE OF OPPORTUNITY FOR  
: HEARING**

Gulden Site  
1475 Centermills Road  
Aspers, PA 17304

:

:

:

Facility.

:

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on the date provided below, the original and one true and correct copy of the foregoing Administrative Complaint and Notice of Opportunity for Hearing were hand-delivered to and filed with the Regional Hearing Clerk (3RC00), U.S. EPA - Region III, 1650 Arch Street, Philadelphia, PA, and that a true and correct copy was served via overnight mail to:

Mr. Edward Klinger  
d/b/a E.J. Property Cleanup & Salvage  
1991 Old Harrisburg Road  
Gettysburg, PA 17325

and

Mr. Christopher Trone, President  
Baxter Investment Group, Inc.  
350 Third Street  
Hanover, PA 17331

Date:

4/7/10



Russell S. Swan  
Assistant Regional Counsel  
U.S. EPA - Region III