

In the matter of:

Respondent,

**Facility.**

**U.S. EPA Docket No.  
CAA-03-2018-0054**

U.S. EPA-REGION 3-RHC  
FILED-144062018AM10:52

1. On January 26, 2018, the Acting Director of the Land and Chemicals Division, Region III, of the U.S. Environmental Protection Agency (“Complainant”) issued an Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the “Act” or “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* (“Rules of Practice”), 40 C.F.R. Part 22, to the Wesco Construction Co. (“Respondent”).
2. The Complaint alleged that the Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, by failing to comply with the National Emission Standards for Hazardous Air Pollutants for asbestos (“Asbestos NESHAP”), 40 C.F.R. Part 61, Subpart M - *National Emission Standard for Asbestos*, during a renovation conducted at 1400 Union Meeting Road, Blue Bell, PA 19422.

3. The Complainant served a copy of the filed Complaint on the Respondent on February 17, 2018, via the United States Postal Service. According to the return receipt for delivery of the Complaint, the Respondent apparently received the Complaint on February 17, 2018. On March 14, 2018, an officer of the Respondent sent a letter to counsel for the Complainant responding to the Complaint. (“Response,” Exhibit A to this Submission.)
4. The Response disputes various allegations and other provisions of the Complaint. However, the Response did not satisfy all of the *Rules of Practice*’s requirements for an Answer. Section 15 of the *Rules of Practice*, 40 C.F.R. § 22.15. In the Response, the Respondent did not specifically request a hearing and the Respondent did not file the Response with the Regional Hearing Clerk for Region III.<sup>1</sup>
5. Up to the date of filing of this Submission, during all the Complainant’s interactions with the Respondent, the Respondent has not been represented by counsel. This may have resulted in the Respondent’s failure to fully comply with the *Rules of Practice*’s requirements for an Answer. Because the Respondent is acting *pro se* and as a courtesy to the Respondent, the Complainant is treating the Response as an effective Answer under the *Rules of Practice* and submitting it to the Regional Hearing Clerk. The Response clearly contests allegations in the Complaint. The Respondent sent the Response to the Complainant within the thirty days allowed by Section 15(a) of the *Rules of Practice* for filing an Answer, 40 C.F.R. § 22.15(a).
6. Therefore, the Complainant is submitting the Respondent’s Response as

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<sup>1</sup> On May 15, 2018, counsel for the Complainant sent a letter to the signatory of the Response pointing out the Response’s deficiencies. The Respondent has not replied to this letter or filed a submission with the Regional Hearing Clerk since receiving the letter.

an Answer under Section 15 of the *Rules of Practice*, 40 C.F.R. § 22.15.

Respectfully submitted,

A handwritten signature in blue ink that reads "Philip Yeany". The signature is written in a cursive style with a large initial "P" and a stylized "Y".

Philip Yeany  
Senior Assistant  
Regional Counsel

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, I hand delivered to the Regional Hearing Clerk, EPA Region III, the original Submission of Respondent's Answer by the Complainant and a copy of the same. In addition, I caused a true and correct copy of the Submission of Respondent's Answer by the Complainant to be served as follows:

United Parcel  
Service:

Donald Dolittle  
President  
Wesco Construction Co.  
902 Saginaw Road  
Oxford, PA 19363

6/14/18

Date

Philip Yeany

Philip Yeany  
Senior Assistant  
Regional Counsel

**APPENDIX A**  
**Respondent's Response to the Complaint**

March 14, 2018

U.S. EPA-REGION 3-RHC  
FILED-14AUG2018am11:55

Donald Doolittle  
Wesco Construction Co  
902 Saginaw Road  
Oxford, PA 19363

Mr. Philip Yeany  
Senior Assistant  
Regional Counsel  
United States Environment Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: 1400 Union Meeting Road  
Blue Bell, PA 19422

Re: Complaint and Notice of Opportunity for Hearing  
EPA Docket No CAA-03-2018-0054

This letter is in response of the Complaint, Compliance Order, and Notice of Opportunity for Hearing filed February 1, 2018.

All work performed on the 1400 Union Meeting Road, Blue Bell job was at the direction and supervision of BPG. Wesco made numerous request to BPG from the time the job was bid, to contract and after, for the environment survey or phase one report, for numerous reasons. We needed to be aware of what we were working with and this information would have been on the 10 Day Notice if BPG had provided it.

In response to the Complaints – please see our response:

Count I - Item 74 – 78 Renovation by BPGS

Wesco was not involved in the “renovation” of the building located at 1400 Union Meeting Road, by definition.

Certification training mentions a 10 day report and are told an administrative individual will complete the form and a Certified Asbestos Contractor may need to sign the report. The details and definitions on the reports are not address during training.

As information became available Wesco sent in revised reports.



Count II – Items 79 – 83

All RACM was adequately wetted at the time of the stripping operation and bagging.

Count III – Items 84 – 88

All RACM was adequately wetted during collection and placed in containment vessel as per training at Criterion Labs. This material was left on sight for disposal by Owner.

Note: All abated material left on sight was adequately bagged and placed in a containment vessel and left to the Owners discretion.

At some point the bags were ripped opened by the Owners survey contractor from Vertex and the bags were left opened and exposed to the air. Materials were torn out of the bags and some material was thrown back in the vessel leaving RACM residue exposed.

Count V – Civil Penalty

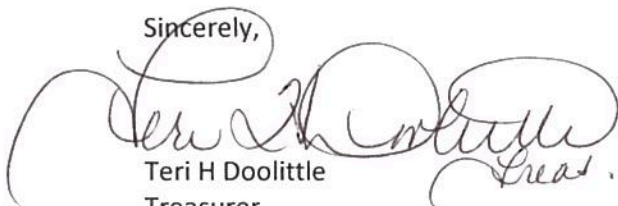
Rick Ponak from the EPA came on site and inspected the material and vessels. Rick asked our daughter to build a containment area and place the vessels in the containment area. He also asked that the material be re bagged and wetted. Rick Ponak stated there would be no further action taken if we followed his instructions.

Heather built the containment area, moved the vessels into the containment area, wetted and re bagged the material.

Rick Ponak returned to the job a few days later and re inspected and approved the rewetting and bagging of the material.

Please review our responses to the Complaint.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teri H Doolittle", with a large, stylized flourish extending to the left.

Teri H Doolittle  
Treasurer  
Wesco Construction Co  
302 420-6175

Wesco  
Box 99  
W6, PA 19390

MAR 19 2018

Mr Philip Yeany  
United States EPA  
Region III  
1450 Arch Street  
Philadelphia, PA 19103-2029



U.S. POSTAGE  
PAID  
WEST GROVE, PA  
MAR 15, 18  
AMOUNT  
**\$5.45**  
R2305M145122-01

1510382004 0001

