

United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2019

March 14, 2016

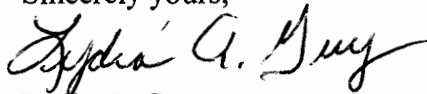
Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Subject: Maryland Cleaning (Target Housing)  
Docket No. TSCA-03-2016-0044

Dear Judge Biro:

Pursuant to 40 C.F.R. 22.21(a) of the Consolidated Rules of Practice, I am today transmitting copies of Complaint and Notice of Opportunity for Hearing in the above captioned matter along with Respondent's Answer and Request for Hearing. Please assign an Administrative Law Judge to serve as Presiding Officer.

Sincerely yours,



Lydia A. Guy  
Regional Hearing Clerk

Counsel for Respondent:  
Douglas W. Biser  
Mudd, Harrison & Burch, LLP  
401 Washington Avenue, Ste 900  
Towson, Maryland 21204  
Telephone No. (410) 828-1335

Counsel for Complaint:  
Louis F. Ramalho (3RC50)  
Sr. Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103  
Telephone No. (215) 814-2689

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

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**IN RE:**

Maryland Cleaning  
and Abatement Services, Corp.  
6811 York Road  
Baltimore, Maryland 21212

**Respondent**

4805 Reswick Road  
Baltimore, Maryland 21210

**Target Housing**

\* DOCKET NO. TSCA-03-2016-0044  
\* ADMINISTRATIVE COMPLAINT  
\* AND NOTICE OF OPPORTUNITY  
\* FOR HEARING  
\*  
\* Proceeding under Section 16(a) of  
\* the Toxic Substance Control Act,  
\* 15 U.S.C. §2615 (a)

\*\*\*\*\*

**ANSWER TO ADMINISTRATIVE COMPLAINT, REQUEST FOR  
HEARING AND REQUEST FOR SETTLEMENT CONFERENCE**

Maryland Cleaning and Abatement Services, Corporation, Respondent, by its attorney, Douglas W. Biser, in answer to the Administrative Complaint herein states as follows:

1. The Respondent can neither admit nor deny the content of paragraph 1 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 1 contains any factual allegations they are denied.
2. The Respondent admits that it has been notified of the Complaint but further denies the factual allegations that the Respondent violated any federal regulations.
3. The Respondent can neither admit nor deny the content of paragraph 3 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 3 contains any factual allegations they are denied.

4. The Respondent can neither admit nor deny the content of paragraph 4 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 4 contains any factual allegations they are denied.

5. The Respondent can neither admit nor deny the content of paragraph 5 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 5 contains any factual allegations they are denied.

6. The Respondent can neither admit nor deny the content of paragraph 6 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 6 contains any factual allegations they are denied.

7. The Respondent can neither admit nor deny the content of paragraph 7 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 7 contains any factual allegations they are denied.

8. The Respondent can neither admit nor deny the content of paragraph 8 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 8 contains any factual allegations they are denied.

9. The Respondent can neither admit nor deny the content of paragraph 9 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 9 contains any factual allegations they are denied.

10. The Respondent can neither admit nor deny the content of paragraph 10 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 10 contains any factual allegations they are denied.

11. The Respondent can neither admit nor deny the content of paragraph 11 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 11 contains any factual allegations they are denied.

12. The Respondent can neither admit nor deny the content of paragraph 12 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 12 contains any factual allegations they are denied.

13. The Respondent can neither admit nor deny the content of paragraph 13 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 13 contains any factual allegations they are denied.

14. Admitted.

15. The Respondent can neither admit nor deny the content of paragraph 15 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 15 contains any factual allegations they are denied.

16. The Respondent can neither admit nor deny the content of paragraph 16 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 16 contains any factual allegations they are denied.

17. It is admitted that the Respondent performed various work at 4805 Reswick Road, Baltimore, MD 21210. The Respondent denies the characterization of such work.

18. The Respondent can neither admit nor deny the contents of paragraph 18 in that it sets forth a legal conclusion and not a factual allegation.

19. The Respondent can neither admit nor deny the contents of paragraph 19 in that it sets forth a legal conclusion and not a factual allegation.

20. The Respondent can neither admit nor deny the contents of paragraph 19 in that it sets forth a legal conclusion and not a factual allegation.

21. The Respondent can neither admit nor deny the contents of paragraph 21 in that it sets forth a legal conclusion and not a factual allegation.

22. Denied.

23. The Respondent can neither admit nor deny the factual allegations in paragraph 23 but to the extent such inspection took place it did not accurately represent the condition of the property when the Respondent completed its work.

24. Paragraph 24 does not contain a factual allegation. To the extent that any factual allegations are incorporated they are denied.

25. The Respondent can neither admit nor deny the content of paragraph 25 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 25 contains any factual allegations they are denied.

26. Denied. In further answer the Respondent did perform work at the subject location.

27. Admitted.

28. Denied.

29. Denied.

30. Paragraph 30 does not contain a factual allegation. To the extent any factual allegation is incorporated they are denied.

31. The Respondent can neither admit nor deny the content of paragraph 31 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 31 contains any factual allegations they are denied.

32. Denied.

33. Denied.

34. Denied.

35. Paragraph 35 does not contain any factual allegations. To the extent that any factual allegations are incorporated they are denied.

36. The Respondent can neither admit nor deny the content of paragraph 36 in that there are no factual allegations but only allegations concerning statutory authority. To the extent paragraph 36 contains any factual allegations they are denied.

37. Denied. Further any such visual inspection did not accurately represent the condition of the property when the Respondent last performed its work.

38. Denied.

39. Denied.

#### **AFFIRMATIVE DEFENSES**

In further answering the Administrative Complaint, the Respondent states:

1. That it performed all of its work at the subject property in good workmanlike manner in accordance with all necessary requirements;

2. The alleged inspection of the premises took place days after the completion of the work and such inspection did not accurately reflect the condition of the property at the time the Respondent completed its work;

3. The claim is barred by laches;
4. The Respondent states the proposed penalty is inappropriate;
5. The claim is barred by spoliation of evidence;
6. The claim is barred by the statute of limitations;
7. The claim is barred by the doctrine of selective enforcement;
8. The claim is barred by equitable estoppel;
9. The claim is barred as the statute and regulations cited are unconstitutional and deprive the Respondent of its rights to due process;
9. The claim is barred by equitable estoppel.

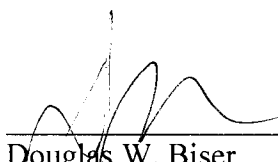
**WHEREFORE**, having fully responded and answered the Complaint the Respondent request that the Complaint be dismissed.

**REQUEST FOR HEARING**

The Respondent requests a hearing. The hearing should be held in Baltimore, Maryland.

**SETTLEMENT CONFERENCE**

The Respondent requests a settlement conference.

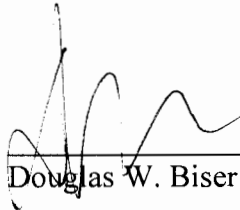
  
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Douglas W. Biser  
Mudd, Harrison & Burch, LLP  
401 Washington Avenue, Ste 900  
Towson, Maryland 21204  
dwb@mhblaw.com  
(410) 828-1335

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY**, that on this 4<sup>th</sup> day of March, 2016 a copy of the Respondent's Answer was mailed, first class, postage prepaid, to:

Louis F. Ramalho (3RC50)  
Sr. Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

United States Environmental  
Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029



Douglas W. Biser