



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

Copy of the Complaint.

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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Vong Donsanouphith
Asbestos Cleaning Services, Inc.
2346 South 7th Street
Philadelphia, PA 19148

RE: Administrative Penalty Complaint, Docket No. CAA-3-2009-0142DS

Dear Mr. Donsanouphith:

Enclosed is a Complaint and Notice of Opportunity for Hearing ("Complaint") concerning violations by Asbestos Cleaning Services Inc., ("ACS") of Section 112 of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7412. The Complaint is based on violations of the asbestos National Emission Standard for Hazardous Air Pollutants ("asbestos NESHAP"), regulations pertaining to the emission, handling, and disposal of asbestos by owners or operators of a demolition or renovation activity at an affected facility, codified at 40 C.F.R. Part 61, Subpart M. The violations relate to the failure to deposit asbestos containing waste material as soon as practical at an approved asbestos waste disposal site. The Complaint should be read and analyzed carefully to determine the alternatives available to you in responding to the alleged violation and proposed penalty.

Unless you elect to resolve the proceeding by paying the penalty proposed in the Complaint, an Answer to this Complaint must be filed within thirty (30) days of its receipt. The Answer must specifically respond to each of the allegations in the Complaint. Failure to respond by specific Answer within 30 days of your receipt of this document will constitute an admission of the allegations made in the Complaint. Failure to answer shall result in the filing of a Motion for a Default Order and the possible issuance of a Default Order imposing the penalty proposed in the Complaint and Notice without further proceedings.

You may choose to request a hearing to contest any matter set forth in the Complaint. Such request must be included in your Answer to this Complaint. Whether or not a hearing is requested, you may request an informal settlement conference to discuss resolution of this case. A request for a settlement conference may be included in your Answer.

In addition, your companies may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain administrative or judicial proceedings taken against your companies under Federal, State or local environmental laws. Please see the enclosed "Notice of Securities and Exchange Commission Registrants' Duty to Disclose

Environmental Legal Proceedings” for more information about this requirement and to aid you in determining whether your company is subject to it.

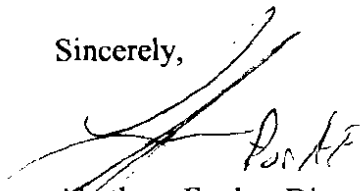
Lastly, EPA has determined that ACS may be “small businesses” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Please see the enclosed “Information for Small Businesses” sheet, which provides information on compliance assistance and on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities. Any decision to participate in such program or to seek compliance assistance does not constitute a request for a settlement conference, relieve you of your obligation to file a timely answer to the Complaint, or create for you any new rights or defenses under law. Nor will such an action affect EPA’s enforcement of the Complaint. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process, as set forth in the Consolidated Rules of Practice (enclosed). The SBREFA Ombudsman does not participate in the resolution of EPA’s enforcement action.

You may request a settlement conference by contacting the attorney assigned to this case:

Russell S. Swan (3RC10)
Assistant Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Swan can be reached by telephone at (215) 814-5387. If you are represented by legal counsel, your counsel should contact Mr. Swan.

Sincerely,



Abraham Ferdas, Director
Land and Chemicals Division

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: :
: DOCKET NO. CAA-03-2009-0142DS
Asbestos Cleaning Services Inc. :
2346 S. 7th Street :
Philadelphia, PA 19148, :
: Respondent, : **ADMINISTRATIVE COMPLAINT AND**
: **NOTICE OF OPPORTUNITY**
: **FOR HEARING**
Waste Trailer :
3601 West 9th Street :
Trainer, PA 04654 :
: Facility. :
:

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EPA

I. INTRODUCTION

1. Complainant, the Division Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III ("EPA") initiates this administrative action against Asbestos Cleaning Services, Inc., (hereinafter referred to as "Respondent"), for violations of Section 112 of the Clean Air Act ("CAA"), 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. EPA listed asbestos as a hazardous air pollutant under the authority of Section 112 of the CAA, 42 U.S.C. § 7412. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, 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.
4. Section 113(a)(3) and (d) of the CAA, 42 U.S.C. § 7413(a)(3) and (d), authorizes 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

5. Pursuant to 40 C.F.R. § 61.141, “asbestos” means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.
6. 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.
7. Pursuant to 40 C.F.R. § 61.141, “friable asbestos material” means, in pertinent part, any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
8. Pursuant to 40 C.F.R. § 61.141, “Category II nonfriable asbestos-containing material (“ACM”)” means, in pertinent part, any material that contains more than 1 percent asbestos as determined using the methods specified in 40 C.F.R. Part 763, Polarized Light Microscopy, that, when dry, cannot be crumpled, pulverized, or reduced to powder by hand pressure.
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, “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 a demolition or renovation operation, or both.
12. 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.
13. Pursuant to 40 C.F.R. § 61.141, “remove” means to take out RACM or facility components that contain or are covered with RACM from any facility.
14. Pursuant to 40 C.F.R. § 61.141, “renovation” means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component.
15. Pursuant to 40 C.F.R. § 61.141, “strip” means to take off RACM from any part of a facility or facility components.
16. Pursuant to 40 C.F.R. § 61.141, “waste generator” means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

17. Pursuant to 40 C.F.R. § 61.141, “waste shipment record” means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste materials.
18. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include “an individual, corporation, partnership, (or) association.”

IV. GENERAL ALLEGATIONS

19. Asbestos Cleaning Services, Inc., (hereinafter “Respondent), is an environmental remediation company located at 2346 South 7th Street, Philadelphia, Pennsylvania 19148, and is a corporation organized under the laws of the Commonwealth of Pennsylvania.
20. Respondent is a “person” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the CAA, 42 U.S.C. § 7413(d).
21. At all times relevant to this Complaint, the waste trailer located at 3601 West 9th Street, Trainer, Pennsylvania 04653, was owned by Respondent.
22. At all times relevant to this Complaint, a waste trailer located at 3601 West 9th Street, Trainer, Pennsylvania 04653 was a “facility” as that term is defined by 40 C.F.R. § 61.141, (hereinafter, the “Facility”).
23. On June 27, 2007 Richard Ponak, (the “Inspector”), EPA’s duly authorized representative, conducted an asbestos NESHAP inspection (the “inspection”) at the Facility, and obtained various information on previous demolition and renovation activities conducted by Respondent at other locations.
24. At all times relevant to this Complaint, Respondent conducted demolition and/or renovation activities at a “commercial building” located at 3600-3612

Germantown Avenue, Philadelphia, Pennsylvania 19140, (“Commercial Building”).

25. During the June 27, 2007 inspection at the Facility, the Inspector observed a waste label for a “commercial building” affixed to one of the waste disposal bags.
26. Subsequent to the June 27, 2007 inspection, the Inspector requested additional information from Respondent concerning the renovation project conducted at the “commercial building.”
27. In response to his request, the Inspector was given, among other things, a waste shipment record for the “commercial building,” and an Asbestos Abatement and Demolition/Renovation Notification Form from Respondent regarding the “commercial building” submitted on December 29, 2006 (the “December 29 Notification”).
28. According to the waste shipment record for the “commercial building,” the waste consisted of 21 bags of friable asbestos.
29. According to the December 29 Notification, the renovation project at the “commercial building” called for the removal of 2,700 square feet of friable asbestos pipe insulation.
30. According to the December 29 Notification, all the asbestos waste would be adequately wet, properly labeled and disposed of at an approved EPA landfill.
31. At all times relevant to this Complaint, the Respondent was the “owner or operator” of a “demolition” or “renovation activity” as those terms are defined at 40 C.F.R. § 61.141.
32. During the June 27, 2007 inspection at the Facility, the Inspector observed a waste label for a “Dollar Store” located at 5700 Germantown Avenue,

Philadelphia, Pennsylvania 19120, (“Dollar Store”), affixed to one of the waste disposal bags.

33. Respondent was the owner/operator of that site.
34. Subsequent to the June 27, 2007 inspection, the Inspector requested additional information from Respondent concerning the renovation project conducted at the “Dollar Store.”
35. In response to his request, the Inspector was given, among other things, a waste shipment record for the “Dollar Store,” and an Asbestos Abatement and Demolition/Renovation Notification Form from Respondent regarding the “Dollar Store” dated May 1, 2007 (the “May 1 Notification”).
36. According to the waste shipment record for the “Dollar Store” the waste consisted of 67 bags of mixed friable asbestos.
37. According to the May 1 Notification, the renovation project at the “Dollar Store” called for the removal of 550 square feet of friable duct insulation, and 158 linear feet of friable pipe insulation.
38. During the June 27, 2007 inspection, the Inspector observed that the Facility contained numerous asbestos waste disposal bags.
39. During the June 27, 2007 inspection, the Inspector removed all of the asbestos waste disposal bags, from the Facility.
40. During the inspection, the Inspector took several photographs of the waste disposal bags.
41. During the June 27, 2007 inspection, the Inspector observed that the Facility also contained waste shipment labels affixed to the waste disposal bags, demonstrating that waste came from:

- a. A “commercial building;” and
 - b. A “Dollar Store.”
42. During the June 27, 2007 inspection, Mr. Ponak spoke with Virgil Conway concerning the asbestos waste stored at the Facility.
43. At all times relevant to this Complaint, Mr. Conway was employed by Respondent.
44. During the June 27, 2007 inspection, Mr. Conway stated that Respondent had been storing the asbestos waste at the Facility for over a year.
45. At all times relevant to this Complaint, Respondent was a “waste generator” as that term is defined at 40 C.F.R. § 61.141.
46. The asbestos-containing material referenced herein 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.

V. VIOLATIONS

Count I

FAILURE TO PROPERLY DISPOSE ASBESTOS-CONTAINING WASTE

(“Commercial Building”)

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 and II, Respondent conducted several “renovations” as that term is defined by 40 C.F.R. § 61.141.
49. 40 C.F.R. § 61.150(b) provides, in pertinent part, that all asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) a waste disposal site operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

50. At all times relevant to this Complaint, the parcel of land where the Facility was located and the Facility itself, 3601 West 9th Street, Trainer, Pennsylvania, 04653, were not waste disposal sites operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

51. At all time relevant to this Complaint, the Facility was not a waste disposal site operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

52. During the June 27, 2007 inspection, the Inspector talked to Respondent's employee Virgil Conway.

53. Mr. Conway stated that the friable asbestos-containing waste observed at the Facility during the Inspection, that had been removed and/or stripped as those terms are defined by 40 C.F.R. § 61.141, from the commercial building, had been stored at the Facility for over a year.

54. Respondent's failure to comply with the requirements of 40 C.F.R. § 61.150(b), concerning asbestos-containing waste from the "commercial building" constitutes a violation of Section 112 of the CAA, 42 U.S.C. § 7412.

Count II

FAILURE TO PROPERLY DISPOSE OF ASBESTOS-CONTAINING WASTE

("Dollar Store")

55. Complainant realleges the allegations contained in paragraphs 1 through 54 above.
56. At the time of the violations alleged in this Complaint found in Counts I and II, Respondent conducted several "renovations" as that term is defined by 40 C.F.R. § 61.141.
57. 40 C.F.R. § 61.150(b) provides, in pertinent part, that all asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at: (1) a waste disposal site operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.
58. At all times relevant to this Complaint, the parcel of land where the Facility was located, 3601 West 9th Street, Trainer, Pennsylvania, 04653, was not a waste disposal site operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.
59. At all time relevant to this Complaint, the Facility was not a waste disposal site operated in accordance with the provisions of § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

60. During the inspection, the Inspector talked to Respondent's employee Virgil Conway.
61. Mr. Conway stated that the waste observed at the Facility during the Inspection, Mr. Conway stated that the friable asbestos-containing waste observed at the Facility during the Inspection, that had been removed and/or stripped as those terms are defined by 40 C.F.R. § 61.141, from the Dollar Store, had been stored at the Facility for over a year.
62. Respondent's failure to comply with the requirements of 40 C.F.R. § 61.150(b), concerning asbestos-containing waste from the "Dollar Store" 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. § 19.4, authorize a penalty of not more than \$32,500 for each CAA violations. EPA proposes to assess a civil penalty of twenty one thousand nine hundred and twenty two dollars (\$21,922.00) against Respondent. 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 properly dispose asbestos-containing waste
("Commercial Building")
40 C.F.R. § 61.150(b)

\$10,000

Count II:

Failure to properly dispose asbestos-containing waste
("Dollar Store")

| | |
|--------------------------------|-----------------|
| 40 C.F.R. § 61.150(b) | \$5,000 |
| Size of the Violator | \$2,000 |
| Inflation adjustment | \$4,922 |
| TOTAL PROPOSED PENALTY: | \$21,922 |

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 ("Inflation Policy"). Copies of the CAA Penalty Policy, Asbestos Penalty Policy, and the September 21, 2004 Inflation Policy are enclosed with this Complaint. The proposed penalty is not a demand as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.

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 their businesses and the economic impact of the proposed penalty on their businesses. 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.

VI. 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 any Respondent 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 that 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)).

VII. 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.

VIII. 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 Respondents wish to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer but need additional time to pay the penalty, pursuant to 40 C.F.R. § 22.18(a)(2) of the Consolidated Rules, Respondents may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint stating that Respondents agree 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, Respondents 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 Respondents 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 Respondents shall constitute a waiver of Respondents' rights to contest the allegations and to appeal the final order.

Payment of the penalty shall be made by sending a certified or cashier's check made payable to the "Treasurer of the United States of America," in care of:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Copies of the check shall be mailed at the same time payment is made to: 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.

By Private Commercial Overnight Delivery:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1000 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Payment by EFT to:

Wire Transfers

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 wire transfer message should read:
"D.68010727 Environmental Protection Agency")

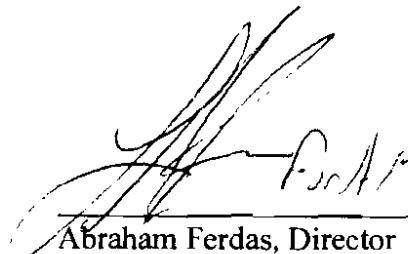
On Line Payments:

WWW.PAY.GOV

Enter sfo 1.1 in the search field.

Date

4/30/05


Abraham Ferdas, Director
Land and Chemicals Division

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

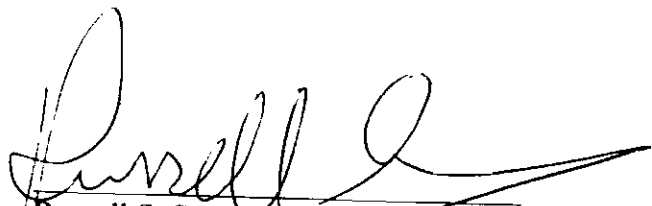
In the matter of: :
 : DOCKET NO. CAA-03-2009-0142DS
Asbestos Cleaning Services Inc. :
2346 S. 7th Street :
Philadelphia, PA 19148, :
 :
Respondent, : **ADMINISTRATIVE COMPLAINT AND**
 : **NOTICE OF OPPORTUNITY**
 : **FOR HEARING**
Waste Trailer :
3601 West 9th Street :
Trainer, PA 04654 :
 :
 :
 :
 :
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. Vong Donsanouphith
Asbestos Cleaning Services, Inc.
2346 South 7th Street
Philadelphia, PA 19148

Date: 4/30/09



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