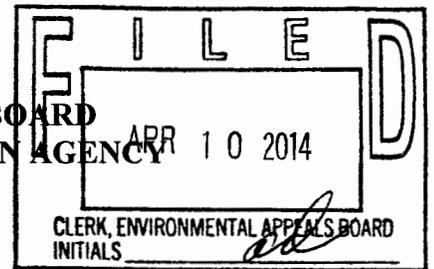


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
))
Ross Transport Co., Inc. &) RCRA (9006) Appeal No. 14-01
Arnold Steinman))
))
Docket No. RCRA-03-2010-0268))
_____))

FINAL ORDER

By order dated February 14, 2014, the Environmental Appeals Board elected sua sponte review of the Initial Decision and Default Order (“Default Order”) in the above-captioned matter because of questions about whether the administrative complaint and Default Order had been served on Ross Transport Co., Inc., and Arnold Steinman. The Board set a briefing schedule for the U.S. Environmental Protection Agency, Region 3 (“Region”), to file a brief responding to the Board’s order on or before March 14, 2014, and for Ross Transport and Mr. Steinman to file their response briefs, if any, on or before April 4, 2014.

The Region filed its brief on March 12, 2014. Ross Transport and Mr. Steinman did not file briefs; service to Ross Transport and to Mr. Steinman of the Board’s Order Electing to Exercise Sua Sponte Review and Establishing Briefing Schedule was returned as undeliverable. Upon consideration of the Region’s brief, the Board is satisfied with the Region’s explanation of the service of the administrative complaint and Default Order on Ross Transport and Mr. Steinman. Specifically, there is proof of service of the Administrative Complaint, Default

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Order, and the Region's Motion for a Default Order. Region's Brief, Exs. 1, 2, 3 & 8.

Accordingly, the Board is disinclined to disturb the Regional Judicial Officer's penalty assessment.

Therefore, pursuant to 40 C.F.R. § 22.30(f), the Board adopts the Default Order as the Agency's final order. Ross Transport and Mr. Steinman shall pay the \$23,821 civil penalty by a method described in the Default Order on pages 19-22, within thirty (30) days of service of this Final Order, unless otherwise agreed to by the Region. Ross Transport and Mr. Steinman must serve copies of the check or other instrument of payment on the Regional Hearing Clerk and on the Region. Failure to pay the penalty within the prescribed time may result in assessment of interest on the penalty. *See* 31 U.S.C. § 3717; 40 C.F.R. § 22.31(c).

So ordered.¹

Dated: *April 10, 2014*

ENVIRONMENTAL APPEALS BOARD

Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Randolph L. Hill, Catherine R. McCabe, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Final Order** in *In re Ross Transport Co., Inc. & Arnold Steinman*, RCRA (9006) Appeal No. 14-01, were sent to the following persons in the manner indicated:

By First Class Certified U.S. Mail, Return Receipt Requested:

Mr. Arnold Steinman
c/o Ross Transport Co., Inc.
4220 Almond Street
Philadelphia, PA 19137

Ross Transport Co., Inc.
4220 Almond Street
Philadelphia, PA 19137

Mr. Arnold Steinman
c/o Ross Transport Co., Inc.
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Philadelphia, PA 19116

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By EPA Pouch Mail:

Joyce Howell (3RC30)
Office of Regional Counsel
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Renée Sarajian (3RC00)
Regional Judicial Officer/Presiding Officer
U.S. EPA Region 3
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Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19130

Dated: APR 10 2014



Annette Duncan