



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

SEP 18 2016

UPS
CONFIRMATION OF RECEIPT REQUESTED

Mr. Henry Sanchez, President
Maryland Cleaning and Abatement Corporation
6811 York Road
Baltimore, MD 21212

Re: Complaint and Notice of Opportunity for Hearing under the Toxic Substances Control Act
EPA Docket No. TSCA-03-2016-0044

RECEIVED
SEP 19 11:14:18
EPA REGION III

Dear Mr. Sanchez:

Enclosed please find a copy of the Complaint and Notice of Opportunity for Hearing filed today with the Regional Hearing Clerk concerning alleged violations by Maryland Cleaning and Abatement Corporation of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2601 *et seq.* The Complaint is based on alleged violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.*, Section 409 of TSCA, 15 U.S.C. § 2689, and implementing regulations codified at 40 C.F.R. Part 745, Subpart E, which require individuals and firms to be trained and to conduct renovation and repair activities in a safe and proper manner, minimizing lead exposure to the public, occupants of target housing, and the environment. The Complaint and Notice of Opportunity for Hearing should be read and analyzed carefully to determine the alternatives available in responding to the alleged violations.

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 to this Complaint within thirty (30) days of receipt of this document will constitute an admission of the allegations made in the Complaint. Failure to answer may also result in the filing of a Motion for a Default Order and the possible issuance of a Default Order imposing a penalty proposed by the U.S. Environmental Protection Agency ("EPA") 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 the Answer to this Complaint. Whether or not a hearing is requested, you may request an informal settlement conference to discuss resolution of this case. The attorney assigned to this case is Louis F. Ramalho, Senior Assistant Regional Counsel.

You or your counsel may contact Mr. Ramalho at:

Louis F. Ramalho (3RC50)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street



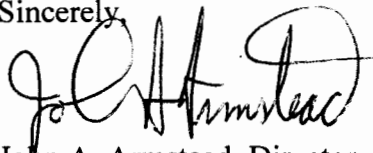
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Customer Service Hotline: 1-800-438-2474

Philadelphia, Pennsylvania 19103-2029
Ramalho.Louis@epa.gov
(215) 814-2681

Please see the enclosed "Information for Small Businesses" sheet, which provides information on compliance assistance and on contacting the Small Business Regulatory Enforcement and Fairness Act ("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 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 in 40 C.F.R. Part 22. The SBREFA Ombudsman does not participate in the resolution of EPA's enforcement action.

Additionally, certain companies may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or Local environmental laws. Please see the attached "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 you may be subject to the same.

Sincerely



John A. Armstead, Director
Land and Chemicals Division

Enclosures

cc: Craig Yussen, EPA (w/o enclosures)
Louis F. Ramalho, EPA (w/o enclosures)



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Customer Service Hotline: 1-800-438-2474*



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 551-3115.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

IN RE:

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

Respondent,

4805 Reswick Road
Baltimore, MD 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 Substances Control Act,
15 U.S.C. § 2615(a)

RECEIVED
ENVIRONMENTAL PROTECTION AGENCY
REGION III
Baltimore, MD

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ADMINISTRATIVE COMPLAINT
AND NOTICE OF OPPORTUNITY FOR HEARING

I. INTRODUCTION

1. This Administrative Complaint and Notice of Opportunity for a Hearing ("Complaint") is issued pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 16(a) of the Toxic Substances Control Act, as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (collectively, "TSCA"), 15 U.S.C. § 2615(a), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, a copy of which is enclosed with this Complaint. The Administrator's authority was delegated to, among others, the Regional Administrator of EPA, Region III, who re delegated such authority to the Director of the Land and Chemicals Division ("Complainant").

2. Complainant hereby notifies Maryland Cleaning and Abatement Services Corp. (“Respondent”), that EPA has reason to believe that Respondent has violated the federal regulations set forth at 40 C.F.R. Part 745, Subpart E, known as the Lead Renovation, Repair, and Painting Rule (“RRP Rule”).

3. Pursuant to Section 409 of TSCA, 15 U.S.C. § 2689, it is unlawful for any person to fail or refuse to comply with a provision of Subchapter IV, Sections 401 through 412 of TSCA, 15 U.S.C. §§ 2681 through 2692, or with any rule issued thereunder, including the RRP Rule. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), any person who violates a provision of Section 409 of TSCA, 15 U.S.C. § 2689, shall be liable for a civil penalty.

In support of this Complaint, Complainant makes the following allegations, findings of fact and conclusions of law:

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

4. EPA and EPA’s Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. §§ 22.1(a)(5), 22.4 and 745.87.

5. Pursuant to 40 C.F.R. § 745.82(a), the requirements of the RRP Rule apply to all renovations performed for compensation in target housing, except as described in 40 C.F.R. § 745.82(a)(1)-(3) and (b).

6. Pursuant to 40 C.F.R. § 745.83, the term “person” means any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

7. Pursuant to 40 C.F.R. § 745.83, the term “firm” means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

8. Pursuant to 40 C.F.R. § 745.83, the term “renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 C.F.R. § 745.223. The term “renovation” includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather stripping), and interim controls that disturb painted surfaces. The term renovation does not include minor repair and maintenance activities.

9. Pursuant to 40 C.F.R. § 745.83, the term “minor repair and maintenance activities” means activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by 40 C.F.R. § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surfaces.

10. Pursuant to 40 C.F.R. § 745.83, the term “painted surface” means a component surface covered in whole or in part with paint or other surface coatings.

11. Pursuant to 40 C.F.R § 745.83, the term “renovator” means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.
12. Pursuant to Section 401(17) of TSCA, 15 U.S.C. § 2681(17), the term “target housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.
13. Pursuant to Section 401(14) of TSCA, 15 U.S.C. § 2681(14), and 40 C.F.R. § 745.103, the term “residential dwelling” means, *inter alia*, a single-family dwelling, including attached structures such as porches and stoops.
14. At all times relevant to the violations alleged herein, Respondent was a corporation incorporated in the State of Maryland with a principle place of business located at 6811 York Road, Baltimore, Maryland, 21212.
15. At all times relevant to the violations alleged herein, Respondent was a “person” within the meaning of 40 C.F.R. § 745.83.
16. At all times relevant to the violations alleged herein, Respondent was a “firm” within the meaning of 40 C.F.R. § 745.83.
17. On or about November 12, 2013, Respondent performed a renovation for compensation at the building located at 4805 Reswick Road, Baltimore, Maryland, 21210 (“4805 Reswick Road renovation”).

18. At all times relevant to the violations alleged herein, the building located at 4805 Reswick Road, Baltimore, Maryland, 21210, was “target housing” within the meaning of Section 401(17) of TSCA, 15 U.S.C. § 2681(17).

19. At all times relevant to the violations alleged herein, the building located at 4805 Reswick Road, Baltimore, Maryland, 21210, was a detached single family dwelling unit and a “residential dwelling” within the meaning of Section 401(14) of TSCA, 15 U.S.C. § 2681(14).

20. The 4805 Reswick Road renovation was a “renovation” within the meaning of 40 C.F.R. § 745.83.

21. The 4805 Reswick Road renovation was a “renovation performed for compensation at target housing” within the meaning of 40 C.F.R. § 745.82.

22. None of the exceptions described in 40 C.F.R. § 745.82(a)(1)-(3) or (b) apply to the 4805 Reswick Road renovation.

23. On January 7, 2014, a duly authorized representative of EPA conducted an inspection to determine Respondent’s compliance with the RRP Rule in connection with the 4805 Reswick Road renovation.

**Count I
(Failure to Obtain Initial Firm Certification)**

24. The allegations contained in the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

25. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), firms are required to obtain initial certification from EPA under § 745.89 prior to performing renovations at target housing.

26. On or about November 12, 2013, Respondent performed a renovation at 4805 Reswick Road, Baltimore, Maryland, 21210.

27. On or about January 16, 2014, Respondent applied for and received its initial lead-safe firm certification from EPA.

28. Respondent failed to obtain its initial firm certification from EPA under 40 C.F.R. § 745.89 prior to performing the 4805 Reswick Road renovation on or about November 12, 2013.

29. Respondent's acts or omissions described in paragraphs 25-28 above constitute a violation of 40 C.F.R. § 745.81(a)(2)(ii) and Section 409 of TSCA, 15 U.S.C. § 2689.

Count II
(Failure to Retain Records)

30. The allegations contained in the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

31. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain, and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E, including, where applicable, records described in 40 C.F.R. § 745.86(b)(1)-(6), for a period of three years following completion of the renovation.

32. Respondent failed to retain any documentation of compliance with the requirements of 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

33. Respondent failed to retain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E, for a period of three years following completion of the 4805 Reswick Road renovation as required by 40 C.F.R. § 745.86(a).

34. Respondent's acts or omissions described in paragraphs 30-32 above constitute a violation of 40 C.F.R. § 745.86(a) and Section 409 of TSCA, 15 U.S.C. § 2689.

Count III
(Failure to Remove or Cover All Objects from Work Area)

35. The allegations contained in the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

36. Pursuant to 40 C.F.R. § 745.85(a)(2)(i)(A), firms performing renovations must remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

37. During a visual inspection of the 4805 Reswick Road renovation by the City of Baltimore Housing Authority on or about December 11, 2014, lead dust was observed covering the furniture and other tenant objects inside the target housing, which furniture and objects had not been removed from the work area or covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

38. Respondent failed to remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed during the 4805 Reswick Road renovation.

39. Respondent's acts or omissions described in paragraph 38 above constitute a violation of 40 C.F.R. § 745.85(a)(2)(i)(A) and Section 409 of TSCA, 15 U.S.C. § 2689.

III. PROPOSED CIVIL PENALTY

Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 15 or 409 of TSCA, 15 U.S.C. § 2614 or 2689, shall be liable to the United States for a civil penalty. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the assessment of a civil penalty of up to \$25,000 per day per violation of the RRP Rule. Pursuant

to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, violations that occur on or after January 13, 2009, are subject to penalties up to \$37,500 per day per violation.

For purposes of determining the amount of any civil penalty to be assessed, Section 16 of TSCA, 15 U.S.C. § 2615, requires EPA to take into account the *nature, circumstances, extent, and gravity of the violation or violations alleged* and, with respect to the violator, *ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require* (“statutory factors”). In developing the proposed penalty for the violations alleged herein, Complainant took into account the particular facts and circumstances of this case with specific reference to these “statutory factors” and EPA’s August 2010 *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation and Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* (“ERP”), revised April 2013, a copy of which is enclosed with this Complaint. The ERP provides a rational, consistent, and equitable calculation methodology for applying the “statutory factors” to particular cases.

Consistent with the above, EPA proposes to assess a civil penalty of \$11,100 against Respondent for the four violations alleged herein as follows:

<u>Count I: Regulatory Requirement: 40 C.F.R. § 745.81(a)(2)(ii)</u>		
<i>Circumstance Level: 3a</i>	(ERP, Appendix A, page A-3)	
<i>Extent Level: Minor</i>	(ERP, Appendix B, page B-2)	
<i>Proposed Penalty</i>	(ERP, Appendix B, page B-2)	\$4,500
 <u>Count II: Regulatory Requirement: 40 C.F.R. § 745.86(a)</u>		
<i>Circumstance Level: 6a</i>	(ERP, Appendix A, page A-3)	
<i>Extent Level: Minor</i>	(ERP, Appendix B, page B-2)	
<i>Proposed Penalty</i>	(ERP, Appendix B, page B-2)	\$ 600

Count III: Regulatory Requirement: 40 C.F.R. § 745.85(a)(2)(i)(A)

<i>Circumstance Level: 2a</i>	(ERP, Appendix A, page A-1)	
<i>Extent Level: Minor</i>	(ERP, Appendix B, page B-2)	
<i>Proposed Penalty</i>	(ERP, Appendix B, page B-2)	\$6,000

TOTAL PROPOSED PENALTY **\$11,100**

EPA's proposed penalty is not a demand as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412. EPA will consider, among other factors, Respondent's ability to pay to adjust the proposed civil penalty assessed in this Complaint. The proposed penalty reflects a presumption of Respondent's ability to pay the penalty and to continue in business based on the size of business and the economic impact of the proposed penalty on the business. The burden of raising and demonstrating an inability to pay rests with Respondent. 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.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Respondent has the right to request a hearing to contest any matter of law or material fact set forth in this Complaint or the appropriateness of the proposed penalty. To request a hearing, Respondent must file a written Answer to the Complaint, within thirty (30) days of receipt of this Complaint, with:

Lydia A. Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which the Respondent has any knowledge. Where Respondent has no knowledge of the facts contained in an allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement of whether a hearing is requested. All material facts not denied in the Answer will be considered admitted.

If 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 against Respondent in this Complaint and a waiver of Respondent's right to a hearing on such factual allegations. Failure to file a written Answer may result in the filing of a Motion for a Default Order and the possible issuance of a Default Order imposing the penalties proposed herein without further proceedings.

Any hearing requested by Respondent will be held at a location to be determined at a later date pursuant to the Consolidated Rules of Practice at 40 C.F.R. § 22.21(d). The hearing will be conducted in accordance with the provisions of the Consolidated Rules of Practice.

A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to the following attorney representing Complainant in this case:

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

V. SETTLEMENT CONFERENCE

Complainant encourages settlement of this proceeding at any time after issuance of the Complaint if such settlement is consistent with the provisions and objectives of TSCA. Whether or not a hearing is requested, Respondent may request a settlement conference with the Complainant to discuss the allegations of the Complaint, and the amount of the proposed civil penalty. **HOWEVER, A REQUEST FOR A SETTLEMENT CONFERENCE DOES NOT RELIEVE RESPONDENT OF ITS RESPONSIBILITY TO FILE A TIMELY ANSWER TO THE COMPLAINT.**

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. The filing of such a Consent Agreement shall constitute a waiver of Respondent's right to contest the allegations of the Complaint and to appeal the Final Order accompanying the Consent Agreement.

If Respondent wishes to arrange a settlement conference, Respondent or its legal counsel should contact Mr. Ramalho at (215) 814-2681 prior to the expiration of the thirty (30) day period following the receipt of this Complaint. Once again, any request for a settlement conference does not relieve Respondent of its responsibility to file an Answer within thirty (30) days following Respondent's receipt of this Complaint.

VI. QUICK RESOLUTION

In accordance with 40 C.F.R. § 22.18(a) of the Consolidated Rules of Practice, Respondent may resolve this proceeding at any time by paying the specific penalty proposed in this Complaint. If Respondent pays the specific penalty proposed in this Complaint within

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

If Respondent 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 Rule 22.18(a)(2) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(a)(2), Respondent may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint stating that Respondent 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 Louis F. Ramalho (3RC50), Senior Assistant Regional Counsel, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Within sixty (60) days of receiving the Complaint, Respondent shall pay the full amount of the proposed penalty. Failure to make such payment within sixty (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 of Practice.

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

Payment of the penalty shall be made sending a certified or cashier's check made payable to the "United States Treasury," as follows:

a. by Mailing (*via first class U.S. Postal Service Mail*) a certified or cashier's check, made payable to the "United States Treasury" to the following address:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO, 63197-9000.
Contact: Craig Steffen 513-487-2091
Molly Williams 513-487-2076

b. Via Overnight Delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

c. All payments 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

d. By electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York
ABA 021030004
Account No. 68010727
SWIFT Address FRNYUS33

33 Liberty Street
NY, NY 10045

(Field tag 4200 of Fedwire message should read "D 68010727
Environmental Protection Agency")

e. By automatic clearinghouse ("ACH") to the following account:

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

Contact: John Schmid
202-874-7026

- f. Online payments can be made at WWW.PAY.GOV by entering “sfo 1.1” in the search field, and opening the form and completing the required fields.
- g. Additional payment guidance is available at:
<http://www2.epa.gov/financial/makepayment>

Each payment shall also reference the above case caption and docket number (TSCA-03-2016-0044). At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment to the following addressees:

Lydia A. Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

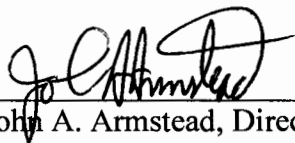
Louis F. Ramalho (3RC50)
Senior Asst. Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

VII. SEPARATION OF FUNCTIONS AND *EX PARTE* COMMUNICATIONS

The following Agency offices, and the staffs thereof, are designated as the trial staff to represent the Agency as a party in this case: the Region III Office of Regional Counsel; the Region III Land and Chemicals Division; the Office of the EPA Assistant Administrator for Pesticides and Toxic Substances; and the EPA Assistant Administrator for Enforcement and Compliance Assurance. Commencing from the date of the issuance of this Complaint until issuance of a final Agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, the Presiding Officer, the Regional Administrator, nor the Regional Judicial Officer may have an *ex parte* (unilateral) communication with the trial staff on the merits of any issue involved in this proceeding. Please be advised that the Consolidated Rules of Practice prohibit any *ex parte* discussion of the merits of a case between either party to

this proceeding and the Administrator, members of the Environmental Appeals Board, the Presiding Officer, the Judicial Officer, the Regional Administrator, Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the Complaint is issued.

2.16.16
Date




John A. Armstead, Director
Land and Chemicals Division

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, a true and correct copy of the attached Administrative Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-03-2016-0044, was mailed overnight via UPS, confirmation of receipt requested to:

Mr. Henry Sanchez, President
Maryland Cleaning and Abatement Corporation
6811 York Road
Baltimore, MD 21212

Date 2/18/2016



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

RECEIVED
2016 FEB 18 PM 4:19
RECEIVED TARRANT CLEAN
EPA REGION III PHIL. A. PA