

ALTCHEM

ALTCHEM ENVIRONMENTAL SERVICES, INC.
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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

2009 OCT 22 AM 11:01

REGIONAL HEARING
CLERK

October 15, 2009

Mr. John F. Dolinar
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway - 16th Floor
New York, New York 10007-1866

Re: AES Project 8072.OCC
Owens Corning - Berlin, New Jersey
CAA 02-2009-1229

Mr. Dolinar:

Please find attached Altchem Environmental Services, Inc. (AES) response to the complaint on the above referenced project.

In addition, AES has contacted your office to request a conference on this matter prior to any hearing date. Please contact me to schedule such hearing or have the responsible parties for such scheduling contact me directly.

This correspondence and all prior or subsequent communications are made with the express reservation of all rights and defenses Altchem Environmental Services, Inc. has or may have at law and/or equity.

Respectfully,



Barry C. Portnoy
President

Owens Corning Response to EPA Complaint 101309
cc: Karen Maples - Regional Hearing Clerk
US EPA, Region 2 - 290 Broadway, 16th Floor - New York, NY 1007-1866
Owens Corning
Mr. Patrick Larney, AES
Accounting
Legal
b/BCP

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Altchem Environmental Services, Inc.

&

Owens Corning, Inc.

Response to Complaint
CAA-02-2009-1229

Respondents

In a proceeding under the Clean Air Act,
42 U.S.C. 7401 et seq., Section 113

RESPONSE TO COMPLAINT

The following is in response to the above identified complaint as issued by the US EPA, Region 2, for alleged violations contained within such Complaint.

1. Denied.
2. Respondent would aver that this is a matter of law.
3. Respondent would aver that this is a matter of law.
4. Respondent would aver that this is a matter of law.
5. Respondent would aver that this is a matter of law.
6. Respondent would aver that this is a matter of law.
7. Respondent would aver that this is a matter of law.
8. Respondent would aver that this is a matter of law.
9. Denied. 40 C.F.R. 61.145(c)(1) provides for specific instances where such verified and/or suspected RACMs are conditionally approved for varying removal techniques.

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10. Agreed in part and Denied in part. Agreed that 40 C.F.R. 61.145(c)(6)(I) requires the RACM materials are to be wetted during removal activities and/or post removal activities of the specific areas of removal.

It is denied that all RACM materials in a facility are to be wetted when not under removal activity.

11. Respondent would aver that this is a matter of law.
12. Accepted for Response.
13. Agreed in Part, Denied in Part. It is Agreed that Owens Corning, Inc. is the owner of a Facility at the subject address.

It is denied that the Facility is currently a manufacturing facility.

14. Accepted.
15. Agreed in Part, Denied in Part. It is agreed that an inspection took place at the subject facility. It is believed that the dates presented are the dates in which the inspection(s) took place.

Respondent cannot aver to the positive or negative that the inspector from the NJDHSS is trained. Respondent has no known knowledge of such.

16. Denied. Respondent avers that during the time of inspection, the Facility was In Process of the removal of ACM's and suspected ACM's pursuant to the November 24, 2008 10 Day Notification filed and all subsequent amendments to such notification. It is further denied that a Renovation was the activity taking place. It is averred that the activity was a Demolition pursuant to 40 C.F.R. 61.141.

17. Response to item 16 is reiterated as written in full.

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18. Denied. Respondent has no knowledge of this item and cannot provide verification of such as no samples or sampling data was shared with Respondent.
19. Denied. Responses 1 through 18 are incorporated herein.
20. Denied. Responses 1 through 18 are incorporated herein.
21. Denied. Responses 1 through 18 are incorporated herein.

END OF RESPONSES