

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

IN RE:)	
)	
Madonna Enterprises, Inc.)	RESPONDENT'S ANSWER TO
610 3 rd St.)	ADMINISTRATIVE COMPLAINT
Port Carbon, PA 17965,)	FOR HEARING
)	
and)	
)	
Whitehall Township)	Docket No. CAA-03-2014-0092
3219 MacArthur Rd.)	
Whitehall, PA 18052,)	
)	
Respondents,)	
)	
896 3 rd St.)	
Whitehall, PA 18052)	
)	
Facility.)	

RESPONDENT, WHITEHALL TOWNSHIP'S, SUPPLEMENTAL
PREHEARING EXCHANGE

I. Respondent, Whitehall Township's, Supplemental Prehearing Exchange

Pursuant to 40 C.R.F. § 22.19(a) of the Consolidated Rules of Practice, and in accordance with the Order dated March 10, 2015, Respondent, Whitehall Township, submits the following Supplemental rehearing Exchange:

A. Witness

4. David I Shields, President
Keystone Code Consulting and Enforcement

PO Box 391
Bethlehem, PA 18016-0391
Fact/ witness on permitting for the demolition

Mr. Shields is the President of Keystone Code Consulting. Mr. Shields is not being offered as a retained Expert to review this matter and provide his opinion. Rather, Mr. Shields is a fact witness as to the services provided on behalf of Keystone Code Consulting and Enforcement to testify to the process of issuing the permit in question.

Keystone Code and Consulting had been engaged by Whitehall Township to review, on behalf of Whitehall Township, all plans for building permits and demolition permits. It is/was the responsibility of Keystone Code Consulting and Enforcement to review the documentation provided by Madonna and ensure all necessary prerequisites were met for issuance of a building and/or demolition permit. The review of the permit for the work subject to the fine was reviewed by Keystone Code Consulting and Enforcement.

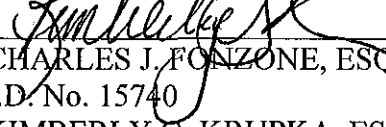
Keystone Code Consulting and Enforcement is a certified third party agency which is legally permitted to perform Residential and Commercial Inspections, as well as Commercial Plan Examinations. It is able to contract to perform additional code work for opt-in municipalities as well as residential code work in opt-out municipalities. Among other counties, Keystone Code Consulting and Enforcement is permitted to perform such services in Lehigh County.

Keystone Code Consulting and Enforcement is licensed to perform residential, commercial, and electrical inspections. See attached documentation from the Pennsylvania Department of State.

Respectfully submitted,

GROSS MCGINLEY, LLP

Date: 3/20/15

By: 
CHARLES J. FONZONE, ESQUIRE
I.D. No. 15740
KIMBERLY G. KRUPKA, ESQUIRE
I.D. No. 83071
33 South Seventh Street
P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450 – telephone
(610) 820-6006 – facsimile

CERTIFICATE OF SERVICE

I hereby certify that, on the date below, the attached Respondent's Supplemental Prehearing Exchange was served upon the persons listed in the manner indicated.

Original and one copy via Federal Express

Sybil Anderson, Headquarters Hearing Clerk


One copy via Federal Express

M. Lisa Buschmann, Administrative Law Judge

Copy by Federal Express

Jennifer J. Nearhood
Assistant Regional Counsel
U.S. EPA, Region III (3RC50)
1650 Arch Street
Philadelphia, PA 19103

GROSS MCGINLEY, LLP

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CHARLES J. FONZONE, ESQUIRE
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Date: March 20, 2015

EXHIBIT "A"

Certified Third Party Agency Listing

Agency Name: Keystone Code Consulting & Enforcement
 Address: 1307 W. Lehigh Steet
 Bethlehem PA 18018

Contact Person: David Shields
 Telephone No.: 610-866-9663
 E-mail Address: dave@keycodes.net

Code administration and enforcement work it can legally perform (only those preceded by **X**):

RESIDENTIAL	
<input checked="" type="checkbox"/>	Building Code Official
INSP	
<input checked="" type="checkbox"/>	Building
<input checked="" type="checkbox"/>	Electrical
<input checked="" type="checkbox"/>	Energy Conservation
<input checked="" type="checkbox"/>	Mechanical
<input checked="" type="checkbox"/>	Plumbing

COMMERCIAL		
<input checked="" type="checkbox"/>	Building Code Official	
INSP		
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Accessibility
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Building
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Electrical
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Energy Conservation
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mechanical
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Plumbing

Agency is **able** to contract to perform additional code work for opt-in municipalities.

Agency is **able** to perform residential code work in opt-out municipalities.

Agency is able to perform code work in each county with X preceding its name.

<input type="checkbox"/>	Adams	<input type="checkbox"/>	Clinton	<input type="checkbox"/>	Lacawanna	<input checked="" type="checkbox"/>	Pike
<input type="checkbox"/>	Allegheny	<input type="checkbox"/>	Columbia	<input type="checkbox"/>	Lancaster	<input checked="" type="checkbox"/>	Potter
<input type="checkbox"/>	Armstrong	<input type="checkbox"/>	Crawford	<input type="checkbox"/>	Lawrence	<input checked="" type="checkbox"/>	Schuylkill
<input type="checkbox"/>	Beaver	<input type="checkbox"/>	Cumberland	<input type="checkbox"/>	Lebanon	<input type="checkbox"/>	Snyder
<input type="checkbox"/>	Bedford	<input type="checkbox"/>	Dauphin	<input checked="" type="checkbox"/>	Lehigh	<input type="checkbox"/>	Somerset
<input checked="" type="checkbox"/>	Berks	<input type="checkbox"/>	Delaware	<input checked="" type="checkbox"/>	Luzerne	<input type="checkbox"/>	Sullivan
<input type="checkbox"/>	Blair	<input type="checkbox"/>	Elk	<input type="checkbox"/>	Lycoming	<input type="checkbox"/>	Susquehanna
<input type="checkbox"/>	Bradford	<input type="checkbox"/>	Erie	<input type="checkbox"/>	McKean	<input type="checkbox"/>	Tioga
<input checked="" type="checkbox"/>	Bucks	<input type="checkbox"/>	Fayette	<input type="checkbox"/>	Mercer	<input type="checkbox"/>	Union
<input type="checkbox"/>	Butler	<input type="checkbox"/>	Forest	<input type="checkbox"/>	Mifflin	<input type="checkbox"/>	Venango
<input type="checkbox"/>	Cambria	<input type="checkbox"/>	Franklin	<input checked="" type="checkbox"/>	Monroe	<input type="checkbox"/>	Warren
<input type="checkbox"/>	Cameron	<input type="checkbox"/>	Fulton	<input checked="" type="checkbox"/>	Montgomery	<input type="checkbox"/>	Washington
<input checked="" type="checkbox"/>	Carbon	<input type="checkbox"/>	Greene	<input type="checkbox"/>	Montour	<input type="checkbox"/>	Wayne
<input type="checkbox"/>	Centre	<input type="checkbox"/>	Huntingdon	<input checked="" type="checkbox"/>	Northampton	<input type="checkbox"/>	Westmoreland
<input checked="" type="checkbox"/>	Chester	<input type="checkbox"/>	Indiana	<input type="checkbox"/>	Northumberland	<input type="checkbox"/>	Wyoming
<input type="checkbox"/>	Clarion	<input type="checkbox"/>	Jefferson	<input type="checkbox"/>	Perry	<input type="checkbox"/>	York
<input type="checkbox"/>	Clearfield	<input type="checkbox"/>	Juniata	<input type="checkbox"/>	Philadelphia		