



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
MATTHEW BUYP, AND )  
d/b/a LENDERS GROUP MORTGAGE ) DOCKET NO. CAA-03-2008-0179  
COMPANY, LENDER GROUP AND )  
L&S RECYCLING INC., )  
 )  
RESPONDENTS )

PREHEARING ORDER

As you previously have been notified, I have been designated by the July 30, 2009 Order of the Chief Administrative Law Judge to preside in the above captioned matter. This proceeding arises under the authority of Section 113(a)(3) and (d) of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413(a)(3) and (d), and is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Rules of Practice"), 40 C.F.R. §§ 22.1-32. The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules of Practice.

United States Environmental Protection Agency ("EPA") policy, found in the Rules of Practice at Section 22.18(b), 40 C.F.R. § 22.18(b), encourages settlement of a proceeding without the necessity of a formal hearing. The benefits of a negotiated settlement may far outweigh the uncertainty, time, and expense associated with a litigated proceeding.

Although Complainant and Respondents have participated in the Alternative Dispute Resolution process, they have not reached a settlement. As such, the parties shall strictly comply with the requirements of this order and prepare for a hearing. The parties are advised that extensions of time will not be granted absent a showing of good cause. The pursuit of settlement negotiations or an averment that a settlement in principle has been reached will not constitute good cause for failure to comply

with the prehearing requirements or to meet the schedule set forth in this Prehearing Order. Of course, the parties are encouraged to initiate or continue to engage in settlement discussions during and after preparation of their prehearing exchange.

The following requirements of this Order concerning prehearing exchange information are authorized by Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a). As such, it is directed that the following prehearing exchange takes place:

1. Each party shall submit:
  - (a) the names of any expert or other witnesses it intends to call at the hearing, together with a brief narrative summary of each witness' expected testimony, or a statement that no witnesses will be called; and
  - (b) copies of all documents and exhibits which each party intends to introduce into evidence at the hearing. The exhibits should include a curriculum vitae or resume for each proposed expert witness. If photographs are submitted, the photographs must be actual unretouched photographs. The documents and exhibits shall be identified as "Complainant's" or "Respondent Bupp's" or "Respondent L & S'" exhibit, as appropriate, and numbered with Arabic numerals (e.g., "Complainant's Exhibit 1"); and
  - (c) a statement expressing its view as to the place for the hearing and the estimated amount of time needed to present its direct case.

See Sections 22.19(a), (b), (d) of the Rules of Practice, 40 C.F.R. §§ 22.19(a), (b), (d); see also Section 22.21(d) of the Rules of Practice, 40 C.F.R. § 22.21(d).

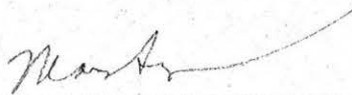
2. Complainant shall submit a statement explaining in detail how the proposed penalty was determined, including a description of how the specific provisions of any Agency penalty or enforcement policies and/or guidelines were applied in calculating the penalty.
3. Respondents shall submit a statement explaining why the proposed penalty should be reduced or eliminated. If



**In the Matter of Matthew Bupp, and d/b/a Lenders Group Mortgage Company, Lender Group  
and L&S Recycling Inc., Respondent.**  
Docket No. CAA-03-2008-0179

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Prehearing Order**, dated August 10, 2009, was sent this day in the following manner to the addressees listed below.



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Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Lydia Guy  
Regional Hearing Clerk  
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Copy by Pouch Mail to:

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Copy by Regular Mail to:

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**Dated: August 10, 2009**  
**Washington, D.C.**