

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
MATTHEW BUPP, an individual, d/b/a)
Lenders Group Mortgage Company,)
Lenders Group,)
)
and) DKT. No. CAA-03-2008-0179
)
L & S RECYCLING, INC.,)
)
Respondents.)

ORDER REMANDING CASE TO REGIONAL JUDICIAL OFFICER

This action was instituted on April 24, 2008 against two named Respondents: Matthew Bupp, an individual d/b/a Lenders Group Mortgage Company, Lenders Group, and L & S Recycling, Inc., a Pennsylvania corporation. The Complainant alleges in one Count a violation of Section 112 of the Clean Air Act, 42 U.S.C. § 7412 and the regulations promulgated thereunder at 40 C.F.R. P61.141(b)(1) resulting from the Respondents' failure to provide EPA with timely advance written notice of their intention to conduct an asbestos demolition or renovation project. The Complaint proposes the assessment of a single civil penalty against the Respondents "jointly and severally" in the amount of \$21,342. On May 28, 2008, Respondent Matthew Bupp, through counsel, filed an Answer to the Complaint. Prior to receipt of an Answer from Respondent L & S Recycling, Inc. or Order from the Regional Judicial Officer (RJO) or other pleading resolving the issue as to the liability of L & S Recycling, Inc. on the Complaint, the Regional Hearing Clerk erroneously forwarded the case to the Office of Administrative Law Judges.¹ Thereafter, the parties were offered and accepted an opportunity to participate in this Tribunal's Alternative Dispute Resolution (ADR) process. During the ADR process, the premature transmission of the case came to the attention of the Neutral Judge who then terminated the ADR process and the case was subsequently reassigned to the undersigned for disposition.

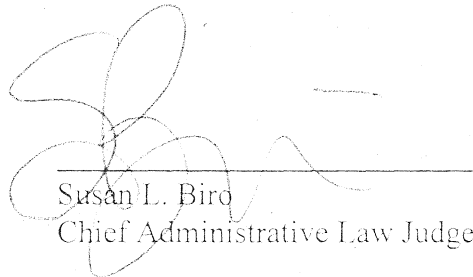
In that all of the Respondents named in this action have not yet filed an Answer and/or the liability of the non-answering Respondent, L & S Recycling, Inc., has not been finally

¹ Pursuant to Rule 22.4(b) (40 C.F.R. § 22.4(b)), the RJO is authorized to act as the "Presiding Officer" "until the respondent files an answer in proceedings."

determined by, for example, the entry of an Order of default, dismissal, or withdrawal by the RJO, or otherwise, it is inappropriate for this matter to proceed at this point towards hearing before an Administrative Law Judge.

THEREFORE, it is hereby,

ORDERED, that this matter is remanded to the Regional Judicial Officer for Region III for prompt appropriate action.



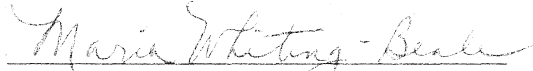
Susan L. Biro
Chief Administrative Law Judge

Dated: August 4, 2008
Washington, D.C.

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Remanding Case To Regional Judicial Officer**, dated August 4, 2008, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Béale
Staff Assistant

Dated: August 4, 2008

Original And One Copy By Pouch Mail And Facsimile To:

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

Copy By Pouch Mail And Facsimile To:

Renee Sarajian
Regional Judicial Officer (3RC00)
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Copy By Regular Mail And Facsimile To:

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