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OCT 16 2018

Donald Dolittle
President
Wesco Construction Co.
902 Saginaw Road
Oxford, PA 19363

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2ND NOTICE 9-28
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ 2018 OCT 16 PM 1:55

In the Matter of:)
Wesco Construction Co.,) Docket No. CAA-03-2018-0054
Respondent.)

ORDER FOR RESPONDENT TO FILE ANSWER

The Complaint in this matter was filed with the Regional Hearing Clerk, Region III, U.S. Environmental Protection Agency, on February 1, 2018. The Agency served a copy of the filed Complaint on Respondent on February 17, 2018. On March 14, 2018, a representative of Respondent sent a letter in response to the Complaint directly to counsel for the Agency. See Submission of Respondent's Answer by the Complainant (Aug. 14, 2018) ("Submission"). Counsel for the Agency, treating the letter as an Answer, filed the letter with the Regional Hearing Clerk on August 14, 2018, and the next day the Regional Hearing Clerk forwarded this matter to the Office of Administrative Law Judges. I was designated to preside over this proceeding on August 17, 2018.

Respondent's letter disputes various allegations in the Complaint, but as the Agency observes in its Submission, Respondent's letter does not sufficiently comply with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 ("Rules of Practice" or "Rules").¹ With respect to filing an Answer to the Complaint, the Rules of Practice provide as follows:

- (a) General. Where respondent: Contests any material fact upon which the complaint is based; contends that the proposed penalty, compliance or corrective action order . . . is inappropriate; or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the complaint with the Regional Hearing Clerk and shall serve copies of the answer on all other parties. Any such answer to the complaint must be filed with the Regional Hearing Clerk within 30 days after service of the

¹ The parties are advised to familiarize themselves with the applicable statute(s) and the Rules of Practice. An informal Practice Manual, Citizen's Guide to proceedings before the Office of Administrative Law Judges ("OALJ"), and significant decisions issued by the Administrative Law Judges are accessible on the OALJ's website at www.epa.gov/oalj.