

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

**IN RE:** )  
 )  
Whitehall Township )  
3219 MacArthur Rd. )  
Whitehall, PA 18052, ) **DOCKET NO: CAA-03-2014-0092**  
 )  
**Respondent.** )  
 )  
896 3<sup>rd</sup> St. )  
Whitehall, PA 18052, )  
 )  
**Facility.** )  
 )

**MOTION FOR WITNESS SUBPOENA**

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency ("EPA"), Region III, hereby requests that the Presiding Officer, pursuant to her authority under 40 C.F.R. § 22.21(b), issue a witness subpoena requiring the attendance of:

Mr. James A. Weltz  
Criterion Laboratories, Inc.  
3370 Progress Drive, Suite J  
Bensalem, PA 19020

at the hearing in this matter, which is scheduled for November 17-19, 2015, beginning at 9:30 a.m. at the Northampton County Court, 669 Washington Street, Easton, Pennsylvania 18042. Mr. Weltz was identified and listed as a witness in Complainant's Initial Prehearing Exchange. In support of this request for the issuance of a witness subpoena, Complainant states as follows:

1. The hearing in this case is expected to focus on whether Whitehall Township ("Respondent") violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, and the requirements of the National Emission Standard for Asbestos, codified at 40 C.F.R. Part 61, Subpart M, as well as the appropriateness and amount of civil penalties to be assessed against the Respondent.
2. At all times relevant to the violations alleged in this matter, James A. Weltz was employed at Criterion Laboratories, Inc. ("Criterion"). Mr. Weltz was the laboratory director at the time samples collected by EPA Inspector Ponak, from the August 27, 2013 inspection of the demolished 896 3<sup>rd</sup> Street, Whitehall, PA facility, were analyzed by Criterion. Mr. Weltz

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possesses information that is relevant and material to the issue of Respondent's liability for the violations alleged in the Complaint, and to the gravity of those alleged violations.

3. 40 C.F.R. § 22.21(b) provides that the Presiding Officer may require the attendance of witnesses or the production of documentary evidence by subpoena, if authorized by the Act.

4. Clean Air Act Section 307(a) authorizes the issuance of subpoenas for the attendance and testimony of witnesses in administrative enforcement proceedings.

**WHEREFORE:** Complainant respectfully requests that the Presiding Officer issue a subpoena for the attendance and testimony at the hearing scheduled in this matter of James A. Weltz for which EPA will pay appropriate fees and mileage.

10/23/15  
Date

  
\_\_\_\_\_  
Donzetta W. Thomas (215) 814-2474  
Jennifer M. Abramson (215) 814-2066  
Co-Counsel for Complainant  
U.S. EPA Region III (3RC50)  
1650 Arch Street  
Philadelphia, PA 19103  
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DOCKET NO: CAA-03-2014-0092

**Respondent.**

896 3<sup>rd</sup> St.  
 Whitehall, PA 18052,

**Facility.**

**SUBPOENA AD TESTIFICANDUM**

To: Mr. James A. Weltz  
 Criterion Laboratories, Inc.  
 3370 Progress Drive, Suite J  
 Bensalem, PA 19020

Pursuant to the authority of Section 22.21(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R., Part 22, the United States Environmental Protection Agency ("EPA") is issuing this subpoena for the purpose of obtaining your testimony at the hearing scheduled in this matter.

**YOU ARE HEREBY COMMANDED TO APPEAR IN PERSON** at the following place and time:

**TIME AND DATE:** November 17 and 18, 2015 at 9:30 a.m.

**PLACE:** Northampton County Court  
 669 Washington Street  
 Easton, Pennsylvania 18042

At the above place and time, EPA may take testimony of James A. Weltz concerning Criterion Laboratories, Inc.'s analysis of samples collected by EPA Inspector Rich Ponak on August 27, 2013 at the demolished 896 3<sup>rd</sup> Street, Whitehall, PA facility, and as to relevant facts

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*Customer Service Hotline: 1-800-438-2474*



and circumstances related thereto. The testimony of James A. Weltz will be taken under oath, upon oral examination before a court reporter or other officer authorized by law to take sworn statements.

YOU ARE COMMANDED FURTHER TO TESTIFY THEN AND THERE UNDER OATH, GIVE ORAL AND TRUTHFUL RESPONSES to all lawful inquiries and questions put to you on behalf of the EPA, and TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge conducting the proceeding.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO A CIVIL ENFORCEMENT ACTION.

Issued in Washington, D.C. this \_\_\_\_ day \_\_\_\_\_, 2015.

---

M. Lisa Buschmann  
Administrative Law Judge

Any questions concerning this subpoena should be directed to:

Donzetta W. Thomas (215) 814-2474  
Jennifer M. Abramson (215) 814-2066  
Co-Counsel for Complainant  
U.S. EPA Region III (3RC50)  
1650 Arch Street  
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CERTIFICATE OF SERVICE

I hereby certify that, on the date below, the attached COMPLAINANT'S MOTION FOR WITNESS SUBPOENA, with attached and proposed SUBPOENA AD TESTIFICANDUM, was served upon the persons listed in the manner indicated.

**Original and one copy via the OALJ E-Filing System:**

Sybil Anderson, Headquarters Hearing Clerk

**Copy via the OALJ E-Filing System:**

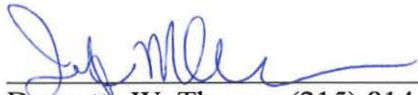
The Honorable M. Lisa Buschmann, Administrative Law Judge

**Copy by UPS Next Day Air:**

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33 South Seventh Street  
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OCT 23 2015

Date



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Jennifer M. Abramson (215) 814-2066  
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