

YOUNG, SOMMER ... LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
MICHAEL J. MOORE
J. MICHAEL NAUGHTON
KENNETH S. RITZENBERG
DEAN S. SOMMER
DOUGLAS H. WARD
KEVIN M. YOUNG

JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
ROBERT A. PANASCI
ALLYSON M. PHILLIPS
KRISTIN LAVIOLETTE PRATT

YOUNG, SOMMER, WARD, RITZENBERG, BAKER & MOORE, LLC

COUNSELORS AT LAW

ALL WRITTEN CORRESPONDENCE TO
EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
PHONE: 518-438-9907 * FAX: 518-438-9914

SARATOGA OFFICE:
468 BROADWAY, SARATOGA SPRINGS, NY 12866
PHONE: 518-580-0163

WWW.YOUNGSOMMER.COM

OF COUNSEL
SUE H.R. ADLER
MICHAEL E. CUSACK
SONYA K. DEL PERAL
ELIZABETH M. MORSS
KRISTIN CARTER ROWE
LAWRENCE R. SCHILLINGER

PARALEGALS
GREGORY D. FAULKNER
ALLYSSA A. TILLSON
AMY S. YOUNG

WRITER'S TELEPHONE EXTENSION: 225
KYOUNG@YOUNGSOMMER.COM

November 25, 2009

CERTIFIED MAIL
RETURN/RECEIPT REQUESTED

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

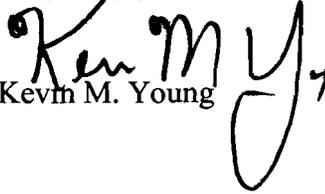
RE: In the Matter of Leroux Oil Co.
Docket No. CWA-02-2009-3810

Dear Sir/Madam:

Enclosed for filing are an original and one copy of a Notice of Motion to File an Amended Answer in the above-referenced matter, together with a Certification of Service.

If you have any questions, please do not hesitate to call or e-mail.

Very truly yours,


Kevin M. Young

Enclosure (original and one copy)

cc: Eduardo Gonzalez
Helen Ferrara

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 NOV 27 PM 3:47
REGIONAL HEARING
CLERK

YOUNG, SOMMER ... LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
MICHAEL J. MOORE
J. MICHAEL NAUGHTON
KENNETH S. RITZENBERG
DEAN S. SOMMER
DOUGLAS H. WARD
KEVIN M. YOUNG

YOUNG, SOMMER, WARD, RITZENBERG, BAKER & MOORE, LLC

COUNSELORS AT LAW

ALL WRITTEN CORRESPONDENCE TO
EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
PHONE: 518-438-9907 • FAX: 518-438-9914

JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
ROBERT A. PANASCI
ALLYSON M. PHILLIPS
KRISTIN LAVIOLETTE PRATT

SARATOGA OFFICE:
468 BROADWAY, SARATOGA SPRINGS, NY 12866
PHONE: 518-580-0163

WWW.YOUNGSOMMER.COM

OF COUNSEL
SUE H.R. ADLER
MICHAEL E. CUSACK
SONYA K. DEL PERAL
ELIZABETH M. MORSS
KRISTIN CARTER ROWE
LAWRENCE R. SCHILLINGER

PARALEGALS
GREGORY D. FAULKNER
ALLYSSA A. TILLSON
AMY S. YOUNG

WRITER'S TELEPHONE EXTENSION: 225
KYOUNG@YOUNGSOMMER.COM

November 25, 2009

CERTIFIED MAIL
RETURN/RECEIPT REQUESTED

Eduardo J. Gonzalez, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
290 Broadway, Room 1626
New York, NY 10007-1866

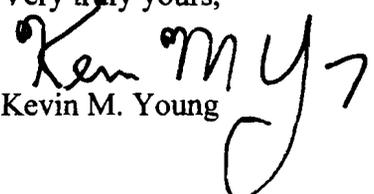
RE: Leroux Oil Co.
Docket No. CWA-02-2009-3810

Dear Mr. Gonzalez and Ms. Ferrara:

Enclosed is a Motion to File an Amended Answer in the above-referenced matter. At the request of Ms. Ferrara, we are submitting this motion seeking formal permission to file the Amended Answer, dated November 5, 2009, previously submitted to EPA in place of that filed by Joseph A. Giorgi, Esq. My firm was substituted as counsel for the Respondent after the first answer was filed.

Many thanks for your attention to this matter.

Very truly yours,


Kevin M. Young

Enclosure

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 NOV 27 PM 3:47
REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

| | |
|--|------------------------------------|
| _____) | |
| IN THE MATTER OF:) | |
| Leroux Oil Co.) | Proceeding to Assess Class I Civil |
| 2546 Chateaugay Street) | Penalty Under Section 311(b)(6) of |
| Fort Covington, New York 12937) | the Clean Water Act |
| Respondent) | Docket No. CWA-02-2009-3810 |
| Proceeding Pursuant to §311(b)(6) of the) | |
| Clean Water Act, 33 U.S.C. §1321(b)(6),) | |
| for SPCC Violations) | |
| _____) | |

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 NOV 27 PM 3:47
REGIONAL HEARING
CLERK

MOTION TO FILE
AMENDED ANSWER

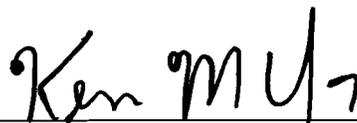
Respondent Leroux Oil Co. (Respondent) submits this Motion to File an Amended Answer to the Administrative Complaint, served October 6, 2009 (the Complaint), by the United States Environmental Protection Agency (EPA).

1. Respondent's attorney Joseph A. Giorgi, Esq. filed an answer to the Administrative Complaint in this matter, by letter dated October 21, 2009, without first alerting Respondent to his actions.
2. In the interim, Respondent retained Kevin Young of the law firm of Young Sommer, LLC to prepare an answer in this matter. The Young Sommer law firm has extensive expertise in the area of environmental law.
3. Mr. Giorgi and Mr. Young signed a Notice of Change of Attorney in this matter.
4. Respondent consulted with attorneys at Young Sommer concerning the violations alleged in the Administrative Complaint. An Amended Answer with Exhibits, dated November 5, 2009, was prepared and submitted to Eduardo Gonzalez, EPA Assistant Regional Counsel, with an original and one copy transmitted to the Regional Hearing Clerk for filing. The Amended Answer was accompanied by the signed Notice of Change of Attorney.

RESPONDENT HEREBY REQUESTS that the Regional Judicial Officer grant its Motion to file the Amended Answer, dated November 5, 2009, previously submitted in this action. Per the email transmitted by Helen Ferrara, EPA Regional Judicial Officer, dated

November 19, 2009 (a copy of which is attached as Exhibit A), Respondent is not resubmitting with this motion the documents already filed in this action.

Dated: November 25, 2009



Kevin M. Young
Attorney for Leroux Oil Company
Young Sommer LLC
5 Palisades Drive
Albany, NY 12205
(518) 438-9907

TO: Eduardo J. Gonzalez, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

cc: Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
(Original and one copy)

Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
290 Broadway, Room 1626
New York, NY 10007-1866

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:)

Leroux Oil Co.)
2546 Chateaugay Street)
Fort Covington, New York 12937)

Respondent)

Proceeding Pursuant to §311(b)(6) of the)
Clean Water Act, 33 U.S.C. §1321(b)(6),)
for SPCC Violations)

Proceeding to Assess Class I Civil)
Penalty Under Section 311(b)(6) of)
the Clean Water Act)

Docket No. CWA-02-2009-3810)

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 NOV 27 PM 3:47
REGIONAL HEARING
CLERK

CERTIFICATION OF SERVICE

I certify on the date noted below, I caused to be sent, by certified mail, return receipt requested, a copy of the foregoing **Motion to File an Amended Answer** in the above-referenced action, to the following person at the address listed below:

Eduardo J. Gonzalez, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Date: November 25, 2009

Name: Jodi D. Barnes

Title: Legal Assistant

Address: Young Sommerdt
Executive Woods
5 Palisades Drive
Albany, NY 12203