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August 23, 2012

Sent By Express Mail
Ms. Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

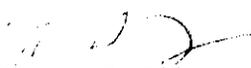
Re: Docket No.: SDWA-02-2012-8901
In the Matter of: TNP Trucking, Inc.

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2012 AUG 21 P 3:18
REGIONAL HEARING
CLERK

Dear Ms. Maples:

Our firm is counsel to TNP Trucking, Inc. Enclosed herewith is their Answer to the Complaint dated July 18, 2012.

Very truly yours,


Richard B. Ziskin

Enc.

cc:
Diane Gomes, Esq.
Ass't Regional Counsel
Walter & General Law Branch
Office of Regional Counsel
U.S.EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007

TNP Trucking, Inc.
1289-16 14th Avenue
College Point, NY 11356

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 AUG 21 P 3:18
REGIONAL HEARING
CLERK

-----X
IN THE MATTER OF:

TNP Trucking, Inc.
129-16 14th Avenue
College Point, NY 11356,

ANSWER TO COMPLAINT

Respondent.
-----X

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

TNP Trucking, Inc., (“TNP”) by its Attorneys, The Ziskin Law Firm, LLP, as and for its Answer and Affirmative Defenses to the Amended Complaint, respectfully states the following:

STATUTORY & REGULATORY AUTHORITIES

1. With regard to paragraphs numbered “1” of the Complaint, TNP denies each and every allegation and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
2. With regard to paragraphs numbered “2” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
3. With regard to paragraphs numbered “3” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
4. With regard to paragraphs numbered “4” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert

that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.

5. With regard to paragraphs numbered “5” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
6. With regard to paragraphs numbered “6” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
7. With regard to paragraphs numbered “7” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
8. With regard to paragraphs numbered “8” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
9. With regard to paragraphs numbered “9” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
10. With regard to paragraphs numbered “10” of the Complaint, TNP denies knowledge and

information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.

JURISDCITIONAL FININGS

1. TNP admits each and every allegation set forth in paragraph numbered "1" of the Complaint.
2. TNP admits each and every allegation set forth in paragraph numbered "2" of the Complaint.
3. With regard to paragraph number "3" of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.
4. With regard to paragraph number "3" of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein and assert that such allegations contain legal conclusions which are for consideration of the Agency Regional Hearing Officer.

FINDINGS OF VIOLATION

1. With regard to paragraph number "1" of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.
2. TNP admits each and every allegation set forth in paragraph numbered "2" of the Complaint.
3. With regard to paragraph number "3" of the Complaint, TNP denies knowledge and

information sufficient to form a belief as to each and every allegation therein.

4. With regard to paragraph number “4” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.
5. With regard to paragraph number “5” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.
6. With regard to paragraph number “6” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.
7. With regard to paragraph number “7” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.
8. TNP admits each and every allegation set forth in paragraph numbered “8” of the Complaint.
9. With regard to paragraph number “9” of the Complaint, TNP denies knowledge and information sufficient to form a belief as to each and every allegation therein.

PROPOSED ADMINISTRATIVE ORDER

1. TNP denies each and every allegation set forth in paragraph number “1” of the Complaint.
2. TNP denies each and every allegation set forth in paragraph number “2” of the Complaint.
3. TNP denies each and every allegation set forth in paragraph number “3” of the Complaint.
4. TNP denies each and every allegation set forth in paragraph number “4” of the Complaint.

THE RESPONDENT'S FIRST

SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

1. The Plaintiffs have failed to state a cause of action for which relief may be granted.

THE RESPONDENT'S SECOND

SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

2. That the United States Environmental Protection Agency lacks subject matter jurisdiction of this matter with respect to these TNP in accordance with the provisions of the Safe Drinking Water Act.

THE RESPONDENT'S THIRD

SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

3. TNP requests a Hearing on the proposed civil penalty assessment and actions proposed to achieve compliance with the Act.

THE RESPONDENT'S FOURTH

SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

4. The allegations set forth within the Complaint are barred by the applicable statute of limitations.

WHEREFORE, it is respectfully requested that the Complaint be dismissed in its entirety, together with such other and further relief as this Agency Regional Hearing Officer may deem just and proper, including, but not necessarily limited to, an award of attorneys' fees in accordance with the applicable provisions of the Act.

Dated: Commack, New York
August 20, 2012

THE ZISKIN LAW FIRM, LLP

By:



Richard B. Ziskin, Esq.
Attorneys for TNP Trucking, Inc.
Office and P. O. Address
6268 Jericho Turnpike, Suite 12A
Commack, NY 11725
(631) 462-1417

CERTIFICATE OF SERVICE

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

I, Richard B. Ziskin, an attorney admitted to practice in the courts of the State of New York and in the federal district courts of the Southern and Eastern Districts of the State of New York, do hereby certify, under the penalties of perjury, that true and correct copies of Respondent TNP Trucking, Inc.'s Answer is served by mailing same in a sealed envelope, with postage pre-paid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addresses as indicated below:

Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Diane Gomes, Esq.
Ass't Regional Counsel
Walter & General Law Branch
Office of Regional Counsel
U.S.EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007

TNP Trucking, Inc.
1289-16 14th Avenue
College Point, NY 11356

Dated: Commack, New York
August 23, 2012


Richard B. Ziskin, Esq.