

Washington Bar No. 25217
Oregon Bar No. 87-137

**KARL W. FERRIER
ATTORNEY AT LAW
PO BOX 1159
OCEAN PARK, WASHINGTON 98640
(360)665-4550 FAX (360)665-3750**

Friday, November 19 1999

Mary Shillcutt
Regional Hearing Clerk
US Environmental Protection Agency
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, WA 98101

RE: In the Matter of: Jack Golden, Docket No. CWA A-10-99-0188

Dear Mary Shillcutt:

Enclosed find Respondent's answer in this matter. Please file it in the regular course of your office. Thank you for your attention to this matter.

Sincerely,


Karl W. Ferrier

Enclosure

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HEARINGS CLERK
EPA--REGION 10

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

IN THE MATTER OF:

ANSWER OF JACK GOLDEN

JACK GOLDEN,

Docket No. CWA A-10-99-0188

Oysterville, WA.

Respondent.

COMES NOW, Respondent Jack Golden, by and through his attorney Karl W. Ferrier,
and answers the ADMINISTRATIVE COMPLAINT FOR PENALTIES, as follows:

I. PARAGRAPHS OF COMPLAINT ADMITTED

1. Respondent admits the allegations contained in paragraphs 4 and 5 of the
Administrative Complaint for Penalties.

II. PARAGRAPHS OF COMPLAINT DENIED

2. Respondent denies the allegations contained in paragraphs 7, 8, 15, 17, and 21 of the
Administrative Complaint for Penalties.

III. PARAGRAPHS OF COMPLAINT ADMITTED IN PART AND DENIED IN PART

3.1 Respondent admits that part of paragraph 9 that alleges aerial photographs were taken
before and after the time the activities in paragraph 8, but denies the remaining part.

3.2 Respondent admits that portion of paragraph 16 that alleges that a discharge of
pollutants was not authorized by any permit issued pursuant to Section 402 or 404 of the Act, 33

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1 U.S.C. Sections 1312 or 1314, but denies each and every other part of paragraph 16.

2
3 **IV. PARAGRAPHS OF COMPLAINT DENIED FOR LACK OF KNOWLEDGE
OR INFORMATION**

4 4. Respondent does not have sufficient knowledge or information to form a belief as to
5 the truth of the allegations of each and every paragraph not answered in paragraphs I. through III.
6 above.

7
8 **V. AFFIRMATIVE DEFENSES**

9 5.1 Special Agreement -- Respondent and the Environmental Protection Agency, by and
10 through their agents, Denise Link and Deborah Hilsman have entered into an agreement to
11 restore the impacted area.

12 5.2 All of the mechanized landclearing and logging of the wetlands in the mixed
13 wetlands/uplands portion of the west side of the site and the excavation and redeposition of
14 vegetation and topsoil along the east side of the site was not caused by Respondent, nor under his
15 direction, but rather was the sole act of Logger and Contractor Ron Wohl of 6266 Ocean Beach
16 Highway, Longview, WA, or his employees, working for his own interest to acquire up to 80%
17 of the value of the logs and to create developable land along the east side of the site for his own
18 benefit.

19
20 **VI. REQUEST FOR HEARING**

21 6.1 Pursuant to Section 309(g) of the Act, 33 U.S.C. Sections 1319(g), requests a hearing
22 contesting every material fact contained in the Complaint and contesting the appropriatness of
23 the proposed penalty requested.

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28 **Karl W. Ferrier**
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4 **VI. REQUEST FOR INFORMAL CONFERENCE**

5 7.1 In addition to the hearing requested above, Respondent requests an informal
6 conference.

7
8 Dated this 16th day of November, 1999.

9 Karl W. Ferrier
10 Karl W. Ferrier, WSBA #25217
11 Attorney for Respondent

12 **Verification**

13 State of Washington)
14)ss.
15 County of Pacific)

16 Jack Golden, being first duly sworn, on oath, deposes and says:

17 I am the Respondent herein; I have read the herein and foregoing Answer of Jack Golden,
18 know the contents thereof, and believe the same to be true to the best of my knowledge.

19 Jack Golden
20 Jack Golden, Respondent

21 **SUBSCRIBED AND SWORN** to before me this 19th day of November, 1999.

22 Margo R. Putnam
23 Notary Public in and for the State of Washington
24 Residing at: OCEAN PARK, WA
25 My Commission expires: 10/25/03

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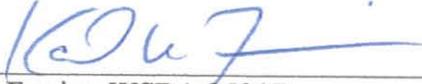
CERTIFICATE OF SERVICE

I hereby certify that the original of the Answer of Jack Golden, was mailed by certified mail return receipt to the Regional Hearing Clerk, at the address below and copies were mailed to the following listed persons on the date below:

Mary Shillcutt, Regional Hearing Clerk
U.S. Environmental Protection Agency
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, Washington 98101

Deborah Hilsman
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, ORC-158
Seattle, Washington 98101

Dated this 19th day of November, 1999.


Karl W. Ferrier, WSBA 25217
Attorney for Respondent