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October 7, 2009

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

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2009 OCT 13 AM 9:48
REGIONAL HEARING
CLERK

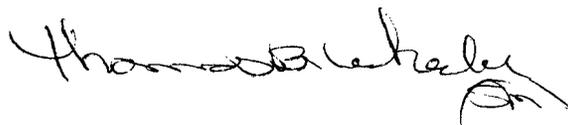
RE: In the Matter of: Dale Stevens d/b/a Steven's Auto Repair
Docket No. SDWA-02-2009-8904

Dear Sir or Madam:

In regard to the above captioned matter, enclosed herewith please find original and one copy of our Answer.

Thank you.

Very truly yours,



THOMAS B. WHEELER

TBW/sm

Encs.

cc w/enclosure: Nina Dale, Esq.

Assistant Regional Counsel
Water & General Law Branch
U. S. EPA, Region 2
290 Broadway - 16th Floor
New York, New York 10007-1866

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF

DOCKET NO. SDWA-02-2009-8904

Dale Stevens d/b/a Steven's Auto Repair

1380 Old Market Road

Norwood, NY 13668

ANSWER

Respondent

Proceedings Under Section 1423 (c)

of the Safe Drinking Water Act

42 USC Section 300h-2 (c)

U.S. ENVIRONMENTAL
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ANSWER

The Respondent, as and for his Answer to the Complaint and Notice of Violation (hereinafter referred to as the "Complaint"), by and through his attorney, Thomas B. Wheeler, Esq., respectfully shows and alleges the following:

1. Denies knowledge or information sufficient to form a belief as to those allegations contained in paragraph of the Complaint marked and designated 1.
- 2.. With respect to paragraph of the Complaint marked and designated 2, Respondent alleges that there is no basis for the Regional Administrator to find violations of the Safe Drinking Water Act (hereinafter referred to as the "Act") nor to assess a civil penalty nor to require certain actions to be taken by the Respondent.

3. Denies knowledge or information sufficient to form a belief as to those allegations contained in paragraphs of the Complaint marked and designated 3, 4, 5, 6,7, 8, 9, and 10 and accordingly denies the same.
4. With respect to paragraph of the Complaint marked and designated 11 admits that this Respondent is a person although his status is not dependent on any statute, including that cited by the Complainant.
5. Denies each and every allegation of the Complaint marked and designated 13, 14, and 16.

A. Claim of Unauthorized Injection

6. With respect to paragraph of the Complaint marked and designated 17 repeats and realleges responses to the re-alleged paragraph contained within paragraphs of this answer above.
7. Denies knowledge or information sufficient to form a belief as to those allegations contained in paragraph of the Complaint marked and designated 18 and 19, except admits that a person whose authority is unknown to the Respondent visited the premises on or about the date indicated.
8. Denies each and every allegation of the Complaint contained in paragraphs thereof marked and designated 21, 22, and 23.

B. Claim with respect to Movement of Fluid etc.

9. With respect to paragraph of the Complaint marked and designated 24 repeats and realleges responses to the re-alleged paragraph contained within paragraphs of this answer above.
10. With respect to paragraphs 25, 26, 27, 28 and 29, the same are reallegations of paragraphs 18, 19, 20, 21, and 22 and the Respondent repeats and realleges his responses to the same heretofore set forth 7 and 8 above as if fully set forth at length herein.

11. Denies each and every allegation of the Complaint contained in paragraphs of the Complaint marked and designated 30, 31, 32, and 33.

With Respect to the Proposed Administrative Order

12. That the Penalty proposed is unreasonable, unjust, and inappropriate and is not in accordance with applicable law. That the proposed “remediation” is unnecessary and unreasonable.

With Respect to A Hearing

13. Respondent requests a hearing to explore all issues addressed in this proceeding. Respondent requests that the hearing be located within a reasonable distance of the business location in North Stockholm, New York and asserts that a hearing in a place as distant as the location of the regional headquarters is unreasonable and so burdensome as to violate due process.

Additional Assertion of Facts

14. The alleged “injection wells” were sealed until Respondent was directed to unseal them by the “inspector”.

15. These were not “motor vehicle waste disposal wells”.

16. An environmental assessment was performed on the site in 2003 and found that the “injection wells” had never been used for motor vehicle waste. Respondent asserts that they have not been so used since.

17. Respondent asserts that no contaminants have been “injected” and that there is no contamination of ground water.

Wherefore Respondent moves that the Complaint be dismissed and that he be granted such other and further relief as may be just and appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas B. Wheeler". The signature is written in a cursive style with a large, prominent initial "T".

Thomas B. Wheeler

Attorney for the Respondent Dale Stevens

63 Market Street

PO Box 506

Potsdam, NY 13676