

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. CWA-07-2008-0030
POVERTY KNOB FARM, INC.)	
)	
IDA COUNTY, IOWA)	ANSWER AND REQUEST
)	FOR HEARING
Respondent.)	

COMES NOW the Respondent, Poverty Knob Farm, Inc., by and through its attorney, Eldon L. McAfee, and for its Answer to the EPA's Complaint, Notice of Proposed Penalty and Notice of Opportunity for Hearing, states:

1. Respondent admits paragraph 1.
2. Respondent denies paragraph 2.
3. Respondent admits paragraph 3.
4. Respondent admits paragraph 4.
5. Respondent admits paragraph 5.
6. Respondent admits paragraph 6.
7. Respondent admits paragraph 7.
8. Respondent admits paragraph 8.
9. Respondent admits paragraph 9.
10. Respondent admits paragraph 10.
11. Respondent admits paragraph 11.

12. Respondent admits paragraph 12.
13. Respondent admits paragraph 13.
14. Respondent admits paragraph 14.
15. Respondent admits paragraph 15.
16. Respondent admits paragraph 16.
17. Respondent admits paragraph 17.
18. Respondent admits paragraph 18.
19. Respondent admits paragraph 19.
20. Respondent admits paragraph 20.
21. Respondent admits paragraph 21.
22. Respondent admits paragraph 22.
23. Respondent denies the allegations in paragraph 23 that the north and south feeding pens are part of the same animal feeding operation and affirmatively states that the Facility qualifies as a “newly defined” CAFO pursuant to 40 C.F.R. section 122.23(g)(2). All other allegations are admitted.
24. Respondent denies paragraph 24.
25. Respondent admits paragraph 25.
26. Respondent denies paragraph 26.
27. Respondent denies paragraph 27.
28. Respondent admits paragraph 28.
29. Respondent denies paragraph 29.
30. Respondent denies paragraph 30.

31. Respondent's answers to paragraphs 17 through 30 above are hereby incorporated in answer to the allegations in paragraph 31.

32. Respondent denies paragraph 32.

33. Respondent denies paragraph 33.

34. Respondent's answers to paragraphs 17 through 30 above are hereby incorporated in answer to the allegations in paragraph 34.

35. Respondent denies paragraph 35.

36. Respondent denies paragraph 36.

37. Respondent denies paragraph 37.

38. Respondent admits paragraph 38.

39. Respondent denies paragraph 39.

40. Respondent denies paragraph 40.

41. Respondent denies paragraph 41.

42. Respondent admits paragraph 42.

43. Respondent denies paragraph 43 for lack of information sufficient to form a belief.

44. Respondent admits paragraph 44.

45. Respondent admits paragraph 45.

46. Respondent admits paragraph 46.

47. Respondent admits paragraph 47.

48. Respondent admits paragraph 48.

49. Respondent admits paragraph 49.

50. Respondent admits paragraph 50.

- 51. Respondent admits paragraph 51.
- 52. Respondent admits paragraph 52.
- 53. Respondent admits paragraph 53.

REQUEST FOR A HEARING

Pursuant to 40 C.F.R. section 22.15(c), Respondent requests a hearing on the issues raised in the Complaint and in this Answer.

Dated this 21st day of April, 2008.

BEVING, SWANSON & FORREST, P.C.



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CERTIFICATE OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause herein at their respective addresses disclosed on the pleadings of record on the <u>21st</u> day of <u>April</u> , 20 <u>08</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Federal Express <input type="checkbox"/> Other: _____
Signature:	<u>Nancy Franklin</u>

Copy to:

William A. Spratlin, Director
J. Daniel Breedlove, Asst. Regional Counsel
U.S. EPA
Region VII
901 North 5th Street
Kansas City, KS 66101

Kenneth Hessenius
Field Office Supervisor
Field Office #3
Iowa Department of Natural Resources
1900 North Grand Avenue
Spencer, IA 51301

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