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**EDWARD M. BRENNAN**

Attorney-at-Law

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July 29, 2010

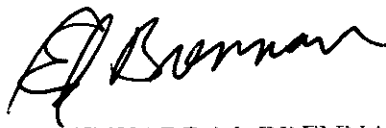
Regional Hearing Clerk (3RC00)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**RE: Greater Pottsville Area Sewer Authority  
EPA Docket No. CWA-03-2010-0279**

Dear Sir or Madam:

Enclosed please find Respondent's Answer to Administrative Penalty Complaint and Notice of Opportunity to Request Hearing which I am filing on behalf of the Greater Pottsville Area Sewer Authority concerning the above matter.

Sincerely,



EDWARD M. BRENNAN

EMB/bap  
Enclosure

cc: Mr. Philip Yeany (w/enclosure)  
Greater Pottsville Area Sewer Authority (w/enclosure)  
Attn: Timothy R. Yingling, Exec. Director

**EDWARD M. BRENNAN, ESQUIRE**

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(570) 628-2461

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	: Proceeding to Assess Class I
	: Administrative Penalty Under
Greater Pottsville Area	: Section 309(g) of the Clean
Sewer Authority	: Water Act
401 North Centre Street	:
Pottsville, PA 17901-7163	: EPA Docket No. CWA-03-2010-0279
	:
Respondent.	:

**RESPONDENT'S ANSWER TO ADMINISTRATIVE PENALTY COMPLAINT  
AND NOTICE OF OPPORTUNITY TO REQUEST HEARING**

Respondent, Greater Pottsville Area Sewer Authority, by and through its attorney, Edward M. Brennan, Esquire, responds to the United States Department of Environmental Protection Agency's Administrative Penalty Complaint and Notice of Opportunity to Request Hearing, as follows:

**I. STATUTORY AUTHORITY**

1-8. Admitted.

**II. FINDINGS OF FACT**

9. Admitted.

10. Admitted with further explanation. By way of further answer, the permit issued to Respondent was effective January 1, 2009.

11-12. Admitted.

### **III. FINDINGS OF VIOLATION**

#### **Count I – Failure to Submit Reevaluation of Local Limits**

13-17. Admitted.

18. Admitted. By way of further explanation and answer, Respondent had been in contact with Steve Copeland, Compliance Branch of the EPA, to explain unexpected delays due to Authority manpower reductions. The response from the EPA Compliance Branch was, "Fine. Just keep us informed." This unexpected delay was due to difficulties in receiving a request for proposals from engineers to do the local limits evaluation and sampling plan. This regular contact with EPA led Respondent to believe it had a reasonable extension of time with which to comply. By way of further answer, failure to strictly comply with the said deadline did not cause any pollutants into the waters of the Commonwealth of Pennsylvania.

19. Admitted.

#### **Count II – Failure to Submit Sampling Plan**

20-22. Admitted.

23. It is specifically denied that failure to submit the sampling plan is a violation. By way of further explanation and answer, Respondent had been in contact with Steve Copeland, Compliance Branch of the EPA, to explain unexpected delays due to Authority manpower reductions. The response from the EPA Compliance Branch was, "Fine. Just keep us informed." This unexpected delay was due to difficulties in receiving a request for proposals from engineers to do the local limits evaluation and sampling plan. This regular contact with the EPA led Respondent to believe it had a reasonable extension of time with which to comply. By way of further answer, failure to strictly comply with the said deadline did not cause any pollutants into the waters of the Commonwealth of Pennsylvania.

24-25. Admitted.

26. It is specifically denied that Respondent did not reply to EPA's inquiry. By way of further answer, Respondent's Executive Director did have several phone conferences with Steve Copeland, Compliance Branch of the EPA, to explain unexpected delays due to Authority manpower reductions. The response from the EPA Compliance Branch was, "Fine. Just keep us informed." This unexpected delay was due to difficulties in receiving a request for proposals from engineers to do the local limits evaluation and sampling plan. This regular contact with the EPA led Respondent to believe it had a reasonable extension of time with which to comply. By way of further answer, failure to strictly comply with the said deadline did not cause any pollutants into the waters of the Commonwealth of Pennsylvania.

#### **IV. PROPOSED CIVIL PENALTY**

27-30. It is admitted that paragraphs 27-30 inclusive recite certain laws accurately. However, Respondent disagrees and does not consent to any sort of proposed civil penalty. Because of the ongoing contact with the EPA Compliance Office, Respondent reasonably believed that it had a reasonable extension to comply with these rules and regulations. By way of further answer, failure to provide this information on the exact date as required did not cause any pollutants into the waters of the Commonwealth of Pennsylvania. This would be a de minimis violation at best.

#### **V. ANSWER TO COMPLAINT AND OPPORTUNITY TO REQUEST HEARING**

31-36. Paragraphs 31-36 simply recite the law and procedural instructions for Respondent. No answer would be required given the general nature of these instructions.

37. Respondent does hereby request a hearing on the proposed civil penalty.

38-41. Paragraphs 38-41 simply recite the law and procedural instructions for Respondent. No answer would be required given the general nature of these instructions.

**VI. SETTLEMENT CONFERENCE**

42. Admitted.

43. Respondent hereby requests a settlement conference to discuss allegations of the Complaint and the amount of the proposed civil penalty.

44-48. Paragraphs 44-48 simply recite the law and procedural instructions for Respondent. No answer would be required given the general nature of these instructions.

**VII. QUICK RESOLUTION**

49-59. It is admitted that statements of the law and correct addresses are listed in the foregoing paragraphs. However, Respondent is not consenting to a quick resolution and has requested a hearing and/or settlement conference.

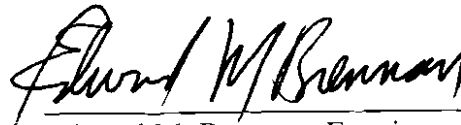
**VII. PUBLIC PARTICIPATION**

60-62. Paragraphs 60-62 simply recite the law and procedural instructions for Respondent. No answer would be required given the general nature of these instructions.

Respectfully submitted,

Date:

7/29/10



Edward M. Brennan, Esquire  
Attorney I.D. No. 38770  
Attorney for Respondent, Greater Pottsville  
Area Sewer Authority

**EDWARD M. BRENNAN, ESQUIRE**

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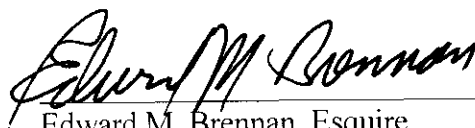
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401 North Centre Street : Water Act  
Pottsville, PA 17901-7163 : EPA Docket No. CWA-03-2010-0279  
Respondent. :

**CERTIFICATE OF SERVICE**

AND NOW, this 29<sup>th</sup> day of July, 2010, I, Edward M. Brennan,  
Esquire, do hereby certify that I served a true and correct copy of the foregoing Respondent's  
Answer to Administrative Penalty Complaint and Notice of Opportunity to Request Hearing, by  
depositing the same in the United States Mail, postage prepaid, in the Post Office at Pottsville,  
Pennsylvania, addressed to the following:

Regional Hearing Clerk (3RC00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Mr. Philip Yeany  
Senior Assistant Regional Counsel (3RC20)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

A handwritten signature in cursive script, reading "Edward M. Brennan". The signature is written in black ink and is positioned above a horizontal line.

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Edward M. Brennan, Esquire  
Attorney I.D. No. 38770  
Attorney for Respondent, Greater Pottsville Area  
Sewer Authority