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KELLEHER • TROMBLEY

U.S. ENVIRONMENTAL
PROTECTION AGENCY REGION 2
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June 6, 2011

VIA FEDERAL EXPRESS

Karen Maples, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

RE: *Chase, et al, Respondents*
Docket No. RCRA-02-2011-7503

Dear Ms. Maples:

I enclose herewith the original and one copy of the Answer in the above matter. Also enclosed is the Affidavit of Service of one copy of the Answer upon the Complainant.

If anything further is required, please do not hesitate to contact me.

Very truly yours,

STAFFORD, PILLER, MURNANE,
PLIMPTON, KELLEHER & TROMBLEY, PLLC



By: Thomas W. Plimpton, Esq.

TWP/taf
Enclosures

CC: Dore LaPosta, Director, Division of Enforcement and Compliance
Assistance, US Env. Prot. Agency, Region 2
Lee Spielmann, Esq.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

-----:
:
In the Matter of: Andrew B. Chase, a/k/a :
Andy Chase, Chase Services, Inc., Chase :
Convenience Stores, Inc., and Chase :
Commercial Land Development, Inc., :
:
 Respondents. :
:
Proceeding Under Section 9006 of the :
Solid Waste Disposal Act, as amended. :
-----:

**AFFIDAVIT OF SERVICE
VIA FEDERAL EXPRESS**

Docket No. RCRA-02-2011-7503

STATE OF NEW YORK)
) ss:
COUNTY OF CLINTON)

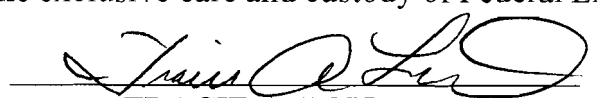
Tracie A. Fountain, being duly sworn, deposes and says:

1. She is over 18 years of age, and is not a party to this action.
2. That on June 6, 2011, your deponent served a copy of the Answer regarding

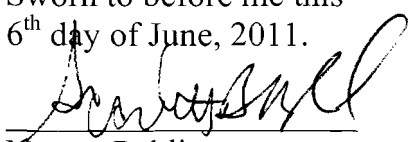
the above matter by Federal Express upon:

DORE LaPOSTA, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

the address designated by said attorney, by depositing same in a prepaid properly addressed
wrapper, in an official depository under the exclusive care and custody of Federal Express.


TRACIE A. FOUNTAIN

Sworn to before me this
6th day of June, 2011.


Notary Public

SCARLETT B. McBRIDE
Notary Public, State of New York
No. 01BR5041505
Qualified in Clinton County 2013
Commission Expires April 24, 2015.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

-----: :
In the Matter of: Andrew B. Chase, a/k/a : :
Andy Chase, Chase Services, Inc., Chase : : ANSWER
Convenience Stores, Inc., and Chase : :
Commercial Land Development, Inc., : :
Respondents. : : Docket No. RCRA-02-2011-7503
Proceeding Under Section 9006 of the : :
Solid Waste Disposal Act, as amended. : :
-----:

The Respondents, ANDREW B. CHASE a/k/a ANDY CHASE, CHASE SERVICES, INC., CHASE CONVENIENCE STORES, INC., and CHASE COMMERCIAL LAND DEVELOPMENT, by their attorneys, STAFFORD, PILLER, MURNANE, PLIMPTON, KELLEHER & TROMBLEY, PLLC (Thomas W. Plimpton, Esq. of Counsel), answering the Complaint of the U.S. Environmental Protection Agency, herein alleges as follows:

1. Respondents are without knowledge for information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1-25 of the Complaint.
2. Respondents admit the allegations contained in paragraphs 26-31 of the Complaint.
3. Respondents deny the allegations in paragraphs 32-34 of the Complaint.
4. Respondents admit the allegations contained in paragraph 35 of the Complaint.
5. Respondents deny the allegations in paragraphs 36 and 37 of the Complaint.
6. Respondents admit the allegations in paragraphs 38 and 39 of the Complaint.

7. Respondents admit the allegations contained in 40(a) of the Complaint and deny the allegations in 40(a) of the Complaint.
8. Respondents deny the allegations contained in paragraph 41 of the Complaint.
9. Respondents admit the allegations contained in paragraph 42 of the Complaint.
10. Respondents deny the allegations contained in paragraphs 43 and 44 of the Complaint.
11. Respondents admit the allegations contained in paragraphs 45 and 46 of the Complaint.
12. Respondents admit the allegations contained in paragraphs 47(a) and deny the allegations contained in paragraph 47(b).
13. Respondents deny the allegations in paragraph 48 of the Complaint.
14. Respondents admit the allegations contained in paragraphs 49 and 50 of the Complaint.
15. Respondents admit the allegations contained in paragraphs 51(a) and deny the allegations contained in paragraph 51(b).
16. Respondents deny the allegations in paragraph 52 of the Complaint.
17. Respondents admit the allegations contained in paragraph 53 of the Complaint.
18. Respondents deny the allegations contained in paragraph 54 of the Complaint.
19. Respondents admit the allegations set forth in paragraphs 55 and 56 of the Complaint.
20. Respondents are without information and knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 57 of the Complaint.

21. Respondents admit the allegations contained in paragraph 58 of the Complaint.
22. Respondents are without information or knowledge sufficient to determine the truth of the allegations contained in paragraphs 59 of the Complaint.
23. Respondents admit the allegations contained in paragraph 60 of the Complaint.
24. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 61 and 62 of the Complaint.
25. Respondents deny the allegations contained in paragraph 63 of the Complaint.
26. Respondents admit the allegations contained in paragraphs 64, 65, 66, 67, 68, 69 of the Complaint.
27. Respondents deny the allegations contained in paragraphs 70 of the Complaint.
28. In answer to paragraph 71 of the Complaint, Respondents set forth each and every answer to paragraphs 1-70 of the Complaint as set forth above.
29. Respondents are without information or knowledge sufficient to form a belief as the truth of the allegations contained in paragraphs 72 and 73 of the Complaint.
30. Respondents admit the allegations contained in paragraphs 74, 75, and 76 of the Complaint.
31. Respondents deny the allegations contained in paragraphs 77, 78, and 79 of the Complaint.
32. In response to paragraph 80 of the Complaint, Respondent set forth each and every answer to paragraphs 1-70 and paragraph 72, 74, 75 and 76 as set forth above.
33. Respondents admit the allegations contained in paragraphs 81, 82, and 83 of the Complaint.

34. Respondents deny the allegations contained in paragraphs 84, 85, 86 and 87 of the Complaint.
35. In response to paragraph 88 of the Complaint, Respondents repeat and re-allege each and every response in paragraphs 1-70 as set forth above.
36. Respondents are without information and knowledge sufficient to form a belief as the truth of allegations contained in paragraphs 89, 90 and 91 of the Complaint.
37. Respondents admit the allegations contained in paragraphs 92 of the Complaint.
38. Respondents deny the allegations contained in paragraphs 93, 94, 95, 96 and 97 of the Complaint.
39. In response to paragraph 98 of the Complaint, Respondents set forth each and every of its answers to paragraphs 1-70 as set forth above.
40. Respondents are without information or knowledge sufficient to form a belief as to the truth in the allegations contained in paragraph 99 of the Complaint.
41. Respondents deny the allegations contained in paragraph 100 of the Complaint.
42. Respondents admit the allegations contained in paragraph 101 of the Complaint.
43. Respondents deny the allegations contained in paragraph 102 of the Complaint.
44. Respondents admit the allegations contained in paragraph 103 of the Complaint.
45. Respondents deny the allegations contained in paragraphs 104, 105 and 106 of the Complaint.
46. In response to paragraph 107 of the Complaint, Respondents repeat and re-allege each and every answer to paragraphs 1-70 and 100-103 as set forth above.

47. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 108, 109 and 110 of the Complaint.
48. Respondents admit the allegations contained in paragraph 111 of the Complaint.
49. Respondents deny the allegations contained in paragraphs 112, 113, 114, 115, 116 and 117 of the Complaint.
50. Response to paragraph 118 of the Complaint, Respondents repeat and re-allege each and every answer to paragraphs 1-70 as fully set forth above.
51. Respondents are without information or knowledge sufficient to form a belief as the truth of the allegations contained in paragraph 119 of the Complaint.
52. Respondents admit the allegations in paragraph 120 of the Complaint.
53. Respondents deny the allegations contained in paragraphs 121, 122, 123, 124 and 125 of the Complaint.
54. In response to paragraph 126 of the Complaint, Respondents repeat each and every answer to paragraphs 1-70 and 111-113 as fully set forth above.
55. Respondents are without information or knowledge sufficient to form a belief as the truth of the allegations contained in paragraphs 127, 128, 129, 130 and 131 of the Complaint.
56. Respondents deny the allegations contained in paragraphs 132, 133, 134, 135 and 136 of the Complaint.
57. In response to paragraph 137 of the Complaint, Respondents repeat and re-allege each and every one of its answers to paragraphs 1-70 as fully set forth above.

58. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraphs 138, 139 and 140 of the Complaint.
59. Respondents admit the allegations contained in paragraphs 141 of the Complaint.
60. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraphs 142 and 143 of the Complaint.
61. Respondents admit the allegations contained in paragraphs 144 of the Complaint.

62. In response to paragraph 145 of the Complaint, Respondents admit that Chase Convenience Stores, Inc. was required to conduct annual tests, but deny the remaining allegations in paragraph 145 of the Complaint.
63. Respondents deny paragraphs 146, 147 and 148 of the Complaint.
64. In response to paragraph 149, Respondents set forth each and every one of its answers to paragraphs 1-70 as fully set forth above.
65. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 150 and 151 of the Complaint.
66. Respondents admit the allegations contained in paragraphs 152, 153 and 154 of the Complaint.
67. Respondents deny the allegations contained in paragraphs 155, 156 and 157 of the Complaint.
68. In response to paragraph 158 of the Complaint, Respondents repeat and re-allege each and every one of its answers to paragraphs 1-70 as if fully set forth above.

69. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 159, 160 and 161 of the Complaint.
70. Respondents admit the allegations contained in paragraphs 162, 163, 164 and 165 of the Complaint.
71. Respondents deny the allegations contained in paragraphs 166, 167, 168 and 169 of the Complaint.
72. In response to paragraph 170, Respondents repeat and re-allege each and every one of its responses to paragraphs 1-70 above as if fully set forth herein.
73. Respondents are without information or knowledge sufficient to form a belief as to the truth to the allegations contained in paragraphs 171, 172, 173, 174, 175, 176 and 177 of the Complaint.
74. Respondents deny the allegations contained in paragraphs 178, 179, 180 and 181 of the Complaint.
75. In response to paragraph 182 of the Complaint, Respondents repeat and re-allege each and every one of its answers to paragraphs 1-70 as fully set forth above.
76. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 183 and 184 of the Complaint.
77. Respondents admit the allegations contained in paragraph 185 of the Complaint.
78. Respondents deny the allegations contained in paragraph 186, 187, 188, 189 and 190 of the Complaint.
79. In response to paragraph 191 of the Complaint, Respondents repeat and re-allege each and every one of its responses to paragraphs 1-70 as fully set forth above.

80. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 192, 193 and 194 of the Complaint.
81. Respondents admit the allegations contained in paragraphs 195 and 196 of the Complaint.
82. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 197 and 198 of the Complaint.
83. Respondents admit the allegations contained in paragraph 199 of the Complaint.
84. In response to paragraph 200, Respondents admit that Chase Services, Inc. was required to conduct an annual test to the operation of the automatic line leak detector and deny any and all remaining allegations of paragraph 200.
85. Respondents deny the allegations contained in paragraphs 201, 202 and 203 of the Complaint.
86. In response to paragraph 204 of the Complaint, Respondents repeat and re-allege each and every allegation contained in paragraphs 1-70 as fully set forth above.
87. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 205, 206, 207, 208, 209, 201 and 211 of the Complaint.
88. In response to paragraph 212 of the Complaint, Respondents admit that Chase Services, Inc. conducted release detection monitoring for the under ground piping of each tank no. 001A, tank no. 001B, tank no. 003A, and tank no. 003B, and deny any and all remaining allegations of paragraph 212.

89. Respondents deny the allegations contained in paragraph 213, 214 and 215 of the Complaint.
90. In response to paragraph 216 of the Complaint, Respondents set forth each and every one of its responses to paragraphs 1-70 and fully set forth above.
91. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 217, 218 and 219 of the Complaint.
92. Respondent admit the allegations contained in paragraph 220 and 221 of the Complaint.
93. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 222 and 223 of the Complaint.
94. Respondents admit the allegations contained in paragraph 224 of the Complaint.
95. Respondents deny the allegations contained in paragraphs 225, 226, 227 and 288 of the Complaint.
96. In response to paragraph 229, Respondent repeats and re-alleges each and every one of its responses to paragraphs 1-70 as fully set forth above.
97. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 230, 231, 132, 133, 134, 135 and 136 of the Complaint.
98. In response to paragraph 237, Respondents admit that Chase Commercial Land Development, Inc. conducted release detection monitoring for the underground piping of each tank no. 001A, tank no. 001B, tank no. 0002A and tank no. 0002B,

and deny any and all remaining allegations of the Complaint.

99. Respondents deny the allegations contained in paragraphs 238, 239, 240 of the Complaint.
100. In response to paragraph 241, Respondents repeat and re-allege each and every one of its responses to paragraph 1-70 as fully set forth above.
101. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 242 and 243 of the Complaint.
102. Respondents admit the allegations contained in paragraphs 244 and 245 of the Complaint.
103. Respondents deny the allegations contained in paragraphs 246, 247, 248 and 249 of the Complaint.
104. In response to paragraph 250 of the Complaint, Respondents repeat and re-allege each and every one of its responses to paragraphs 1-70 as fully set forth above.
105. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 251, 252 and 253 of the Complaint.
106. Respondents admit the allegations contained in paragraphs 254 and 255 of the Complaint.
107. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 256 and 257 of the Complaint.
108. Respondents admit the allegations contained in paragraph 258 of the Complaint.

109. Respondents deny the allegations contained in paragraphs 259, 260, 261 and 262 of the Complaint.
110. In response to paragraph 263 of the Complaint, Respondent repeat and re-allege each and every one of its responses to paragraphs 1-70 as fully set forth above.
111. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 264, 265, 266, 267, 268 of the Complaint.
112. Respondents admit the allegations contained in paragraphs 269 and 270 of the Complaint.
113. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 271 and 272 of the Complaint.
114. Respondents deny the allegations contained in paragraphs 273, 274, 275, 276 and 277 of the Complaint.
115. In response to paragraph 278 of the Complaint, Respondents repeat and re-allege each and every one of its responses to paragraphs 1-70 as fully set forth herein.
116. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 279, 280, 281, 282, 283, 284 and 285 of the Complaint.
117. Respondents deny the allegations contained in paragraphs 286, 287, 288 and 289 of the Complaint.
118. In response to paragraph 290 of the Complaint, Respondents repeat and re-allege each and every one of its responses to paragraphs 1-70 as fully set forth above.

119. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 291, 292 and 293 of the Complaint.
120. Respondents admit the allegations contained in paragraphs 294 and 295 of the Complaint.
121. Respondents are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 296, 297 and 298 of the Complaint.
122. Respondents deny the allegations contained in paragraphs 299, 300, 301, 302, 303, 304, 305 and 306 of the Complaint.
123. Respondent denies any and all allegations of the Complaint not specifically addressed above.

FIRST AFFIRMATIVE DEFENSE

124. Andrew Chase, a/k/a Andy Chase was never the owner and/or operator of service stations I, II, III, IV, V and VI.

SECOND AFFIRMATIVE DEFENSE

125. Respondents dispute that at service station I there was a failure to conduct annual tightness tests/provide monthly monitoring; that they failed to test operation of automatic line leak detector; that they failed to provide overfill protection for the existing tank system; that they failed to maintain release detection, failed to maintain cathodic protection, failed to cap and secure, temporarily, closed UST; and that they failed to permanently close UST.

126. Respondents also dispute that at service station II Respondents failed to test operation of automatic line leak detector.
127. Respondents dispute that at service station III there was a failure to conduct triennial
128. Respondents dispute that at service station IV there was a failure to provide proper overfill protection for new tank system; that there was a failure to test operation of automatic line leak detector; and that there was a failure to maintain records of release detection.
129. Respondents also dispute that at service station V there was a failure to test operation of automatic line leak detector; that there was a failure to maintain records of release detection.
130. Respondents also dispute that at service station VI there was a failure to provide overfill protection for a new tank system; that there was a failure to test operation of automatic line leak detector; that there was a failure to conduct annual tightness tests or provide monthly monitoring release detection; that there was a failure to maintain records of release detection; and that there was a failure to report an immediately investigate suspected release.

THIRD AFFIRMATIVE DEFENSE

131. Respondents also dispute the amount of the proposed civil penalty.

REQUEST FOR HEARING

132. Respondents request a hearing upon the issues raised by the Complaint and the Answer.

WHEREFORE, Respondents, ANDREW B. CHASE a/k/a ANDY CHASE, CHASE SERVICES, INC., CHASE CONVENIENCE STORES, INC., and CHASE COMMERCIAL LAND DEVELOPMENT, demand Judgment dismissing the Complaint, with prejudice, and for such other, further and different relief as this Court deems just, reasonable and proper, including attorney's fees.

DATED: June 6, 2011.

STAFFORD, PILLER, MURNANE, PLIMPTON,
KELLEHER & TROMBLEY PLLC

By: 

Thomas W. Plimpton, Esq.
*Attorneys for ANDREW B. CHASE
a/k/a ANDY CHASE, CHASE
SERVICES, INC., CHASE
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