

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

RECEIVED

\*\*\*\*\*

In the Matter of \*

Docket No. CWA-01-2009-0074 P 1: 2b

CITY OF FALL RIVER \*

1 Government Center \*

Fall River, Massachusetts 02722 \*

ANSWER

EPA R1C  
OFFICE OF  
REGIONAL HEARING CLERK

Respondent \*

\*\*\*\*\*

STATUTORY AND REGULATORY AUTHORITY

1. Respondent neither admits nor denies the allegations contained in paragraph 1 of the Administrative Complaint and calls upon Complainant to prove same.
2. Respondent neither admits nor denies the allegations contained in paragraph 2 of the Administrative Complaint and calls upon Complainant to prove same.

ALLEGATIONS

3. Respondent admits the allegations contained in paragraph 3 of the Administrative Complaint.
4. Respondent neither admits nor denies the allegations contained in paragraph 4 of the Administrative Complaint and calls upon Complainant to prove same.
5. Respondent admits the allegations contained in paragraph 5 of the Administrative Complaint.
6. Respondent denies the allegations contained in paragraph 6 of the Administrative Complaint.
7. Respondent neither admits nor denies the allegations contained in paragraph 7 of the Administrative Complaint and calls upon Complainant to prove same.
8. Respondent neither admits nor denies the allegations contained in paragraph 8 of the Administrative Complaint and calls upon Complainant to prove same.
9. Respondent neither admits nor denies the allegations contained in paragraph 9 of the Administrative Complaint and calls upon Complainant to prove same.
10. Respondent neither admits nor denies the allegations contained in paragraph 10 of the Administrative Complaint and calls upon Complainant to prove same.

11. Respondent neither admits nor denies the allegations contained in paragraph 11 of the Administrative Complaint and calls upon Complainant to prove same.
12. Respondent neither admits nor denies the allegations contained in paragraph 12 of the Administrative Complaint and calls upon Complainant to prove same.
13. Respondent neither admits nor denies the allegations contained in paragraph 13 of the Administrative Complaint and calls upon Complainant to prove same.
14. Respondent neither admits nor denies the allegations contained in paragraph 14 of the Administrative Complaint and calls upon Complainant to prove same.
15. Respondent neither admits nor denies the allegations contained in paragraph 15 of the Administrative Complaint and calls upon Complainant to prove same.
16. Respondent neither admits nor denies the allegations contained in paragraph 16 of the Administrative Complaint and calls upon Complainant to prove same.

COUNT 1: FAILURE TO COMPLY WITH THE PERMIT  
REQUIREMENT TO PROHIBIT NON-STORMWATER DISCHARGES INTO  
THE MS4 THROUGH AN ORDINANCE OR OTHER  
REGULATORY MECHANISM

17. Respondent repeats and reavers the answers contained in paragraphs 1 through 16 herein as if set forth in full.
18. Respondent denies the allegations contained in paragraph 18 of the Administrative Compliant.
19. Respondent denies the allegations contained in paragraph 19 of the Administrative Compliant.
20. Respondent denies the allegations contained in paragraph 20 of the Administrative Compliant.

COUNT 2: FAILURE TO COMPLY WITH CWA SECTION 308  
REQUEST FOR INFORMATION

21. Respondent repeats and reavers the answers contained in paragraphs 1 through 20 of the Administrative Complaint.
22. Respondent neither admits nor denies the allegations contained in paragraph 22 of the Administrative Complaint and calls upon Complainant to prove same.
23. Respondent denies the allegations contained in paragraph 23 of the Administrative Complaint.

24. Respondent denies the allegations contained in paragraph 24 of the Administrative Complaint.
25. Respondent denies the allegations contained in paragraph 25 of the Administrative Complaint.

PROPOSED ASSESSMENT OF CIVIL PENALTY

26. Respondent denies the allegations contained in paragraph 26 of the Administrative Complaint.
27. Respondent neither admits nor denies the allegations contained in paragraph 27 of the Administrative Complaint and calls upon Complainant to prove same.
28. Respondent neither admits nor denies the allegations contained in paragraph 28 of the Administrative Complaint and calls upon Complainant to prove same.
29. Respondent denies the allegations contained in paragraph 29 of the Administrative Complaint.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

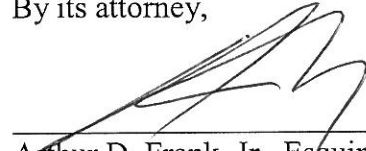
30. Respondent neither admits nor denies the allegations contained in paragraph 30 of the Administrative Complaint and calls upon Complainant to prove same.
31. Respondent neither admits nor denies the allegations contained in paragraph 31 of the Administrative Complaint and calls upon Complainant to prove same.
32. Respondent neither admits nor denies the allegations contained in paragraph 32 of the Administrative Complaint and calls upon Complainant to prove same.
33. Respondent neither admits nor denies the allegations contained in paragraph 33 of the Administrative Complaint and calls upon Complainant to prove same.

CONTINUED COMPLIANCE OBLIGATION

34. Respondent neither admits nor denies the allegations contained in paragraph 34 of the Administrative Complaint and calls upon Complainant to prove same.

Respondent, answering further, hereby requests a hearing on all facts alleged in Complainant's Administrative Complaint.

City of Fall River  
By its attorney,



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Arthur D. Frank, Jr., Esquire  
Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, MA 02722  
(508) 324-2650

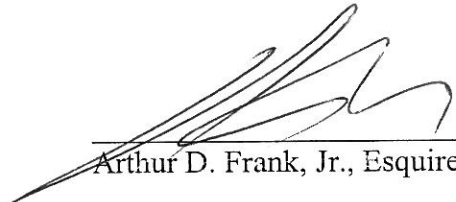
September 8, 2009

CERTIFICATE OF SERVICE

I, Arthur D. Frank, Jr., do hereby certify that a copy of the within Answer was mailed this date, first class, postage prepaid, to the following:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

Kathleen E. Woodward  
Senior Enforcement Counsel  
U.S. EPA, Region I  
One Congress Street, Suite 1100 (SEL)  
Boston, MA -2114-2023



---

Arthur D. Frank, Jr., Esquire



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

September 15, 2009

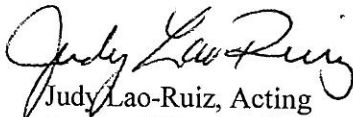
Honorable Susan L. Biro  
Chief, Administrative Law Judge (1900c)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: In the Matter of City of Fall River, MA  
Docket No. CWA-01-2009-0074

Dear Judge Biro:

Pursuant to 40 C.F.R. 22.21(a) of the Consolidated Rules of Practice, I am transmitting a copy of the Complaint along with the Respondent's Answer. Please assign an Administrative Law Judge to serve as Presiding Officer.

Sincerely,

  
Judy Lao-Ruiz, Acting  
Regional Hearing Clerk

Enclosures

cc: Respondent(s)

Arthur D. Frank, Jr., Esquire  
Corporation Counsel  
City of Fall River  
Law Department  
One Government Center  
Fall River, MA 02722

Counsel for Complainant:

Kathleen E. Woodward  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
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# City of Fall River, Massachusetts

LAW DEPARTMENT  
ONE GOVERNMENT CENTER  
FALL RIVER, MA 02722  
508-324-2650 (Law Department)  
508-324-2540 (Workers' Compensation)  
508-324-2655 (Fax)  
508-324-2000 (Voice/TDD)

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LEGAL ASSISTANT

GAYLE ORLANDO  
WORKERS' COMPENSATION  
CLAIMS CLERK

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FALL RIVER MA  
CORPORATION COUNSEL

September 8, 2009

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

Kathleen E. Woodward  
Senior Enforcement Counsel  
U.S. EPA, Region I  
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Boston, MA 02114-2023

**Re: In the Matter of  
City of Fall River  
Docket No. CWA-01-2009-0074**

Ladies:

Enclosed please find the Answer of City of Fall River regarding the above matter.

Very truly yours,

Arthur D. Frank, Jr., Esquire  
Corporation Counsel

ADFJr/cls  
Enclosure