

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:

Duvall Development Co., Inc.
and Jeffrey H. Duvall.

)
)
) ADMINISTRATIVE COMPLAINT
) FOR CLASS II PENALTY UNDER
) SECTION 309(g) OF THE CLEAN
) WATER ACT, 33 U.S.C. § 1319(g)

)
) Docket No.: CWA-04-2010-5505

RESPONDENTS.

MOTION TO AMEND ANSWER AND REQUEST FOR HEARING

COME NOW, Duvall Development Co., Inc. and Jeffrey H. Duvall (collectively referred to hereinafter as "Respondents"), through his undersigned counsel, pursuant to the Consolidated Rules of Practice, 40 CFR Section 22.15(e), and moves to amend the Answer and Request for Hearing ("Answer") in the above-referenced matter.

During the course of responding to the Request for Voluntary Submittal of Additional Information issued by the United States Environmental Protection Agency, Region 4 ("Complainant") dated February 2, 2011, Respondents identified a misstatement in the Answer as follows:

Respondents stated that the piping activities were conducted by, for and/or on behalf of Duvall Development Co., Inc. However, the piping activities were actually conducted by, for and/or on behalf of the entity using the property, Duvall & Son Livestock Inc., not Duvall Development Company, Inc. This information was correctly presented in Respondents' Prehearing Exchange. Accordingly, Respondents respectfully request this Court to allow the requested amendment of the Answer to reflect that the piping activity was conducted by, for and on behalf of Duvall & Son Livestock Inc.

Respectfully submitted this 11th day of February, 2011.


Edwin Schwartz
Attorney for Respondents

Sweetnam & Schwartz, LLC
Three Ravinia Drive
Suite 1700
Atlanta, Georgia 30346
770-594-8272

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this day served a copy of this MOTION TO AMEND ANSWER AND REQUEST FOR HEARING by facsimile and by placing a copy of same in the United States mail, postage prepaid and addressed to:

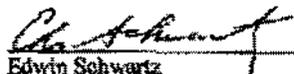
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta Federal Center
Atlanta, Georgia 30303-3104

and by placing a copy of same in the United States mail, postage prepaid, addressed to the following:

Mr. Robert Caplan
Senior Attorney
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta Federal Center
Atlanta, Georgia 30303-3104

The Honorable Barbara A. Gunning
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

This the 11th day of February, 2011.


Edwin Schwartz
Attorney for Respondents

Sweetnam & Schwartz, LLC
Three Ravinia Drive
Suite 1700
Atlanta, Georgia 30346
770-594-8272

Sweetnam & Schwartz, LLC.
Three Ravinia Drive, Suite 1700
Atlanta, Georgia 30346
Phone: (770) 594-8272 (direct)
Fax: (770) 234-6779
E-mail: edschwartz@msn.com

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FAX NO.:	404-562-9487
FROM:	Ed Schwartz
DIRECT DIAL NO.:	770-594-8272
DATE:	2/11/11
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