

LAW OFFICE OF

EDWARD J. CARROLL  
2733 Route 209  
Kingston, New York 12401

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Certified Mail, Return Receipt Requested  
7011-0110-0001-6700-0074  
mailto:edclaw@hvi.net

U.S. Environmental  
Protection Agency-Reg 2

2014 MAY 13 PM 2: 04

REGIONAL HEARING  
CLERK

May 8, 2014

Regional Hearing Clerk  
U.S. EPA, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007-1866

Re: In the Matter of: FDD, Inc.,  
5261 Route 9W, Newburgh, New York 12550  
Proceedings under Section 1423(c) of the Safe Drinking Water Act,  
42 U.S.C. Section 300h-2(c)  
Docket #SDWA-02-2014-8902

Dear Sir/Madam:

Please be advised that my office represents respondent, FDD, Inc. regarding the above entitled matter.

Enclosed herewith please find for filing one original and one duplicate copy of respondent's Answer, together with proof of service upon Kara E. Murphy, Esq., Assistant Regional Counsel.

Should you have any questions, please feel free to contact my office.

Very truly yours,

*Edward J. Carroll*

Edward J. Carroll

*(md)*

EJC/md  
Enclosures

cc w/enc.: Kara E. Murphy, Esq.  
Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007  
(Certified Mail, Return Receipt Requested 7011-0110-0001-6700-0081)

U.S. Environmental  
Protection Agency-Reg 2

2014 MAY 13 PM 2:04  
REGIONAL HEARING  
CLERK  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, New York 10007-1866

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IN THE MATTER OF:

FDD, Inc.,  
5261 Route 9W  
Newburgh, New York 12550

Docket #SDWA-02-2014-8902

ANSWER

Proceedings under Section 1423(c)  
Of the Safe Drinking Water Act,  
42 U.S.C. Section 300h-2(c)

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Respondent, FDD, INC., by its attorney, EDWARD J. CARROLL, ESQ., 2733  
Route 209, Kingston, New York 12401, answering the allegations contained in  
petitioner's Complaint, Notice of Violation, Proposed Administrative Order with  
Civil Penalty and Opportunity to Request a Hearing, respectfully sets forth and  
alleges as follows:

I. Statutory and Regulatory Authorities

1. Denies knowledge and information sufficient to form a belief as to the truth  
of the allegations contained in the complaint in this section at paragraphs 1, 2, 3, 4, 5,  
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23.

II. Jurisdictional Findings

2. Denies knowledge and information sufficient to form a belief as to the

truth of the allegations contained in the complaint in this section at paragraphs 1, 2, 3, 4 and 5.

3. Denies the allegations contained in paragraph 6 that complainant is entitled to an assessment of a civil penalty against respondent for violations of the act and the regulations promulgated thereunder and that complainant is entitled to an order against respondent to take certain actions to achieve compliance with the act and the regulations promulgated thereunder.

### III. Findings of Fact/Findings of Violation

4. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the complaint in this section at paragraphs 1, 5, 8, 9, 10, 12, 13, 14 and 17.

5. Denies the allegations contained in the complaint in this section at paragraphs 2, 3, 4, 6, 7, 11, 15, 16, 18, 19 and 20.

### IV. Proposed Administrative Order

6. Denies the allegations in paragraph 1 that alleges that there are findings of a violation or that complainant is entitled to a final administrative order against respondent assessing a penalty.

7. Denies the allegations in paragraph 2 that complainant is entitled to an order against respondent that respondent shall discontinue the alleged use of a drain disposal system; that respondent must submit a remediation plan or complete remediation or any of the relief sought in paragraph 2 a through e, 3, 4.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, New York 10007-1866

IN THE MATTER OF:

FDD, Inc.,  
5261 Route 9W  
Newburgh, New York 12550

Docket #SDWA-02-2014-8902

AFFIDAVIT  
OF SERVICE

Proceedings under Section 1423(c)  
Of the Safe Drinking Water Act,  
42 U.S.C. Section 300h-2(c)

STATE OF NEW YORK)SS.:  
COUNTY OF ULSTER)

I, MARGARET DINGMAN, being duly sworn, deposes and says:

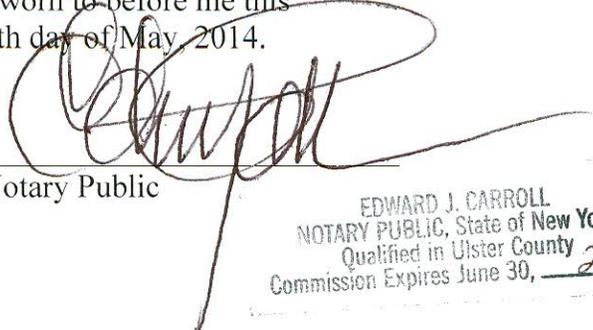
1. I am not a party to the action, am over 18 years of age and reside at Kingston, New York.

2. That on May 8, 2014, I served one true copy of the annexed Notice of Claim by mailing the same in sealed envelopes, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below via certified mail return receipt requested, article #7011-0110-0001-6700-0081):

Kara E. Murphy, Esq.  
Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007

  
MARGARET DINGMAN

Sworn to before me this  
8th day of May, 2014.

  
Notary Public

EDWARD J. CARROLL  
NOTARY PUBLIC, State of New York  
Qualified in Ulster County  
Commission Expires June 30, 2014

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
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Docket #SDWA-02-2014-8902

Proceedings under Section 1423(c)  
Of the Safe Drinking Water Act,  
42 U.S.C. Section 300h-2(c)

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ANSWER

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Respectfully submitted,

EDWARD J. CARROLL, ESQ.  
Attorney for Respondent  
2733 Route 209  
Kingston, New York 12401  
(845) 338-5977