

Office of Law

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Philip E. Culpepper
Assistant County Attorney

October 25, 2010

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

RECEIVED
PHILADELPHIA, PA
OCT 26 2010

Re: Docket No. CWA-03-2010-0404

Dear Sir/Madam:

Enclosed for filing please find Anne Arundel County Answer, Request for Hearing, and Request for Settlement Conference in the above-referenced matter.

Would you kindly date stamp the extra copy and return it to me in the envelope provided. If you have any questions with this filing, please call me. Thank you.

Sincerely,

Philip E. Culpepper
Assistant County Attorney

Enclosure(s)

cc: Lori G. Kier, Esquire (w/encl.)

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

RECEIVED
MAY 11 2010
PHILADELPHIA

In the Matter of:

Anne Arundel County
The Arundel Center
44 Calvert Street
Annapolis, Maryland 21404

Respondent.

Docket No. CWA-03-2010-0404

Proceeding to Assess Class II
Administrative Penalty Under
Section 309(g) of the Clean Water Act

**ANSWER, REQUEST FOR HEARING, AND
REQUEST FOR SETTLEMENT CONFERENCE**

Anne Arundel County (hereinafter the "County"), by and through its undersigned counsel, and pursuant to 40 C.F.R. Part 22, hereby files this Answer, Request for Hearing and Request for Settlement Conference in the above-captioned matter and states:

Answer

1. The County admits the allegations of paragraph 1.
2. The County admits the allegations of paragraph 2.
3. The County admits the allegations of paragraph 3.
4. The County admits the allegations of paragraph 4.
5. The County admits the allegations of paragraph 5.
6. The County admits the allegations of paragraph 6.
7. The County admits the allegations of paragraph 7.
8. The County admits the allegations of paragraph 8.
9. The County admits the allegations of paragraph 9.
10. The County admits the allegations of paragraph 10.

11. The County admits the allegations of paragraph 11.
12. The County admits the allegations of paragraph 12.
13. The County admits the allegations of paragraph 13.
14. The County denies the allegations of paragraph 14.
15. The County denies the allegations of paragraph 15.
16. The County admits the allegations of paragraph 16.
17. The County denies the allegations of paragraph 17.
18. The County denies the allegations of paragraph 18.
19. The County admits the allegations of paragraph 19.
20. The County denies the allegations of paragraph 20.
21. The County denies the allegations of paragraph 21.
22. The County admits the allegations of paragraph 22.
23. The County admits the allegations of paragraph 23.
24. The County admits the allegations of paragraph 24.
25. The County is without sufficient information to either admit or deny the allegations of paragraph 25 and therefore those allegations are denied.
26. The County is without sufficient information to either admit or deny the allegations of paragraph 26 and therefore those allegations are denied.
27. The County admits the allegations of paragraph 27.
28. The County is without sufficient information to either admit or deny the allegations of paragraph 28 and therefore those allegations are denied.
29. The County is without sufficient information to either admit or deny the allegations of paragraph 29 and therefore those allegations are denied.

30. The statements in paragraphs 30 through and including 53 are not factual allegations and therefore no response of the County is required. To the extent that a factual allegation is found within paragraphs 30 through and including 53, the County denies such allegation.

Affirmative Defenses

1. The County hereby raises the defenses of statute of limitations, laches, estoppel, impossibility of performance, impossibility of compliance, and governmental and sovereign immunity.

Request for a Hearing

The County, pursuant to 40 C.F.R. § 22.15 (c), hereby requests a hearing on this proposed penalty assessment.

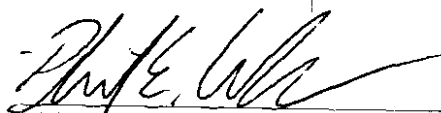
Request for a Settlement Conference

The County, pursuant to 40 C.F.R. § 22.18 (b), hereby requests a settlement conference on the issue of this proposed penalty assessment.

Respectfully submitted,

JONATHAN HODGSON, ESQ.
County Attorney

By:



Philip E. Culpepper, Esq.
Assistant County Attorney
Anne Arundel County Office of Law
2660 Riva Road, 4th Floor
Annapolis, Maryland 21401
(410) 222-7888

Attorney for the Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2010, I mailed first-class and postage prepaid, a copy of the foregoing Answer, Request for Hearing and Request for Settlement Conference to:

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

and

Lori G. Kier
Senior Assistant Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Philip E. Culpepper, Esq.