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June 8, 2010

VIA FIRST CLASS MAIL

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA – Region 1
5 Post Office Square
Suite 100 (ORA 18-1)
Boston, MA 02109-3912

**Re: In the Matter of: Promet Marine Services Corporation
Docket Numbers: CWA-01-2010-0033, CAA-01-2010-0034**

Dear Ms. Santiago:

Enclosed are an original and a copy of the Answer and Request for Hearing of Promet Marine Services Corporation in connection with the above-referenced matter.

Kind regards.

Very truly yours,



Gregory L. Benik

GLB: mab
Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 (NEW ENGLAND)

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In the Matter of:)
)
Promet Marine Services Corporation) Docket Numbers:
242 Allens Avenue) CWA-01-2010-0033
Providence, Rhode Island 02905) CAA-01-2010-0034
)
Respondent.)
) **ANSWER AND REQUEST FOR**
) **HEARING OF PROMET MARINE**
) **SERVICES CORPORATION**
)
) Proceeding Under Section 309(g)(2)(B)
) of the Clean Water Act and
_____) Section 113 of the Clean Air Act

Respondent, Promet Marine Services Corporation (“Respondent”), pursuant to 40 CFR Part 22, hereby files its answer to the Complaint and request for hearing in the above-captioned matter.

I. Response to “Statement of Authority.”

1.–3. Paragraphs 1, 2, and 3 contain a description of the action and contain conclusions of law to which no response is required. To the extent that Paragraphs 1, 2, or 3 are deemed to contain allegations of fact to which a response is required, Respondent denies the same.

II. Response to “Applicable Statutes and Regulations.”

Clean Water Act Statutory and Regulatory Authority

4. The allegations contained in Paragraph 4 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 4 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

5. The allegations contained in Paragraph 5 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 5 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
6. The allegations contained in Paragraph 6 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 6 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
7. The allegations contained in Paragraph 7 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 7 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
8. The allegations contained in Paragraph 8 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 8 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
9. The allegations contained in Paragraph 9 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 9 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
10. The allegations contained in Paragraph 10 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 10 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

11. The allegations contained in Paragraph 11 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 11 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
12. The allegations contained in Paragraph 12 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 12 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
13. Respondent admits the first sentence in Paragraph 13. The remaining allegations of Paragraph 13 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 13 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
14. The allegations contained in Paragraph 14 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 14 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
15. The allegations contained in Paragraph 15 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 15 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

16. The allegations contained in Paragraph 16 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 16 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
17. The allegations contained in Paragraph 17 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 17 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
18. The allegations contained in Paragraph 18 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 18 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
19. The allegations contained in Paragraph 19 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 19 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
20. The allegations contained in Paragraph 20 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 20 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
21. The allegations contained in Paragraph 21 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 21 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

22. The allegations contained in Paragraph 22 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 22 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
23. The allegations contained in Paragraph 23 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 23 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
24. The allegations contained in Paragraph 24 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 24 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

III. Responses to “General Allegations.”

25. Respondent admits the allegations contained in Paragraph 25.
26. Respondent admits the allegations contained in Paragraph 26.
27. Respondent admits the allegations contained in Paragraph 27.
28. Respondent admits the allegations in the first sentence of Paragraph 28 and denies the remaining allegations set forth in Paragraph 28.
29. To the extent that Paragraph 29 contains allegations that pressure washing liquid was discharged into the river at Oufall 003, Respondent denies such

allegations. Respondent admits the allegations that otherwise refer or relate to the stormwater tank.

30. Respondent denies each and every allegation set forth in Paragraph 30.
31. Respondent admits the allegations contained in Paragraph 31.
32. Respondent admits the allegations contained in Paragraph 32.
33. To the extent that Paragraph 33 contains allegations that Respondent used 3 airless sprayers (spray guns) during its operations, Respondent denies such allegations. Respondent admits the remaining allegations in Paragraph 33.
34. Respondent admits the allegations contained in Paragraph 34.
35. Respondent admits the allegations contained in Paragraph 35.
36. Respondent admits the allegations contained in Paragraph 36.
37. Respondent admits the allegations contained in Paragraph 37.
38. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 38 and therefore denies the same.
39. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 39 and therefore denies the same.

IV. Responses to "Violations."

40. Paragraphs 1-39 of the Answer are incorporated herein by reference.
41. Respondent admits the allegations contained in Paragraph 41.
42. Respondent admits the allegations contained in Paragraph 42.

43. Respondent admits the allegations set forth in the first sentence of Paragraph 43. The remaining allegations contain conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 43 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
44. The allegations contained in Paragraph 44 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 44 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
45. Respondent denies each and every allegation set forth in Paragraph 45.
46. Respondent denies each and every allegation set forth in Paragraph 46.

Second Count

(Clean Air Act – Construction Permit)

47. Paragraphs 1 – 46 of the Answer are incorporated by reference.
48. Respondent denies each and every allegation set forth in Paragraph 48.
49. Respondent denies each and every allegation set forth in Paragraph 49.
50. Respondent admits the allegations contained in Paragraph 50.
51. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 51 and therefore denies the same.

Third Count

(CAA/Title V – Operating Permit)

52. Paragraphs 1 – 51 of the Answer are incorporated herein by reference.
53. Respondent denies each and every allegation set forth in Paragraph 53.

54. Respondent admits that it did not submit a Title V operating permit application. In further response, Respondent states that it was not required under the Air Act to submit a Title V Operating Permit application at any time.
55. Respondent admits the allegations contained in Paragraph 55 but denies that it was required under the Air Act to obtain a Title V Operating Permit at any time.
56. Respondent denies each and every allegation set forth in Paragraph 56.

Fourth Count

(CAA/NESHAP – Initial Notification and Implementation Plan)

57. Paragraphs 1 – 56 of the Answer are incorporated herein by reference.
58. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 58 and therefore denies the same.
59. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 59 and therefore denies the same.
60. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 60 and therefore denies the same.
61. Respondent admits the allegations contained in Paragraph 61.
62. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 62 and therefore denies the same.

63. Respondent admits the allegations contained in Paragraph 63.

64. Respondent denies each and every allegation set forth in Paragraph 64.

Fifth Count

(CAA/NESHAP – Initial Notification and Implementation Plan)

65. Paragraphs 1 – 64 of the Answer are incorporated herein by reference.

66. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 66 and therefore denies the same.

67. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 67 and therefore denies the same.

68. Respondent denies each and every allegation set forth in Paragraph 68.

Sixth Count

(CAA/NESHAP – Initial Notification and Implementation Plan)

69. Paragraphs 1 – 69 of the Answer are incorporated herein by reference.

70. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 70 and therefore denies the same.

71. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 71 and therefore denies the same.

72. Respondent denies each and every allegation set forth in Paragraph 72.

V. **Response to “Proposed Civil Penalties.”**

73. The allegations contained in Paragraph 73 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 73 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
74. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 74 and therefore denies the same.
75. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 75 and therefore denies the same.
76. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 76 and therefore denies the same.
77. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 77 and therefore denies the same.

Clean Air Act Penalties

78. The allegations contained in Paragraph 78 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 78 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

79. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 79 and therefore denies the same.

80. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 80 and therefore denies the same.

81. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 81 and therefore denies the same.

82. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 82 and therefore denies the same.

83. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 83 and therefore denies the same.

VI. Responses to “Notice of Opportunity to Request a Hearing.”

84. – 87. Respondent, pursuant to the Air Act and the Water Act and in accordance with 5. U.S.C. § 554 and 40 C.F.R. Part 22, requests a hearing on all material facts alleged in the Complaint.

88. The allegations contained in Paragraph 88 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 88 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

VII. Response to "Settlement Conference."

89. Respondent requests an informal conference.

VIII. Response to "Continued Compliance Obligation."

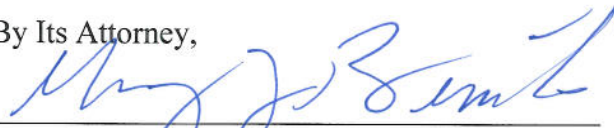
90. The allegations contained in Paragraph 90 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 90 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

AFFIRMATIVE DEFENSES

The proposed penalty is arbitrary, capricious, and in excess of legal authority.

PROMET MARINE SERVICES CORPORATION

By Its Attorney,



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Dated: June 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2010 I caused a true copy of the within document to be served on the following individuals via First Class Mail:

Hugh W. Martinez
Senior Enforcement Counsel
U.S. EPA, Region 1

5 Post Office Square, St. 100 (OES 04-3)
Boston, MA 02109-3912

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1

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