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September 8, 2008

BY HAND DELIVERY

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

Re: In the Matter of: Dunham Farm, LLC and Callahan, Inc.,
EPA Docket No. CWA-01-2008-0046

Dear Ms. Santiago:

Enclosed for filing in connection with the above-referenced matter, pursuant to 40 C.F.R. §§ 22.5 and 22.7(b), please find the original and two (2) copies of Respondents' Answer to Administrative Complaint.

Kindly date and time stamp one of the copies and return it to me via the messenger who delivered it to you.

Very truly yours,

A handwritten signature in black ink that reads "Lauren A. Liss".

Lauren A. Liss

LAL/df
Enclosures

cc: Amanda J. Helwig, EPA Region 1 (by Hand Delivery)
Mr. Stephen Callahan
Mr. Michael Callahan
Mr. Dennis Sheehan
Michael K. Crossen, Esq.
John J. McGivney, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:)
)
)
DUNHAM FARM, LLC)
80 First Street, P.O. Box 397)
Bridgewater, MA 02324)
)
)
CALLAHAN, INC.)
80 First Street)
Bridgewater, MA 02324)
)
)
Respondents)
_____)

EPA Docket No. CWA-04-2008-0046 A 2:31

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ANSWER

RESPONDENTS' ANSWER TO ADMINISTRATIVE COMPLAINT

The Respondents in the above entitled action hereby answer the Administrative Complaint (the "Complaint") of the United States Environmental Protection Agency (the "EPA") as follows:

I. STATEMENT OF AUTHORITY

1. Neither admitted nor denied, as the "allegations" contained in paragraph 1 of the Complaint are conclusions of law to which no response is required.
2. Neither admitted nor denied, as the "allegations" contained in paragraph 2 of the Complaint are conclusions of law to which no response is required.
3. Neither admitted nor denied, as the "allegations" contained in paragraph 3 of the Complaint are conclusions of law to which no response is required.
4. Neither admitted nor denied, as the "allegations" contained in paragraph 4 of the Complaint are conclusions of law to which no response is required.

5. Neither admitted nor denied, as the “allegations” contained in paragraph 5 of the Complaint are conclusions of law to which no response is required.

6. Neither admitted nor denied, as the “allegations” contained in paragraph 6 of the Complaint are conclusions of law to which no response is required.

7. Neither admitted nor denied, as the “allegations” contained in paragraph 7 of the Complaint are conclusions of law to which no response is required.

8. Neither admitted nor denied, as the “allegations” contained in paragraph 8 of the Complaint are conclusions of law to which no response is required.

9. Neither admitted nor denied, as the “allegations” contained in paragraph 9 of the Complaint are conclusions of law to which no response is required.

10. Neither admitted nor denied, as the “allegations” contained in paragraph 10 of the Complaint are conclusions of law to which no response is required.

11. Neither admitted nor denied, as the “allegations” contained in paragraph 11 of the Complaint are conclusions of law to which no response is required.

12. Neither admitted nor denied, as the “allegations” contained in paragraph 12 of the Complaint are conclusions of law to which no response is required.

13. Neither admitted nor denied, as the “allegations” contained in paragraph 13 of the Complaint are conclusions of law to which no response is required.

14. Neither admitted nor denied, as the “allegations” contained in paragraph 14 of the Complaint are conclusions of law to which no response is required.

15. Neither admitted nor denied, as the “allegations” contained in paragraph 15 of the Complaint are conclusions of law to which no response is required.

16. Neither admitted nor denied, as the “allegations” contained in paragraph 16 of the Complaint are conclusions of law to which no response is required.

17. Neither admitted nor denied, as the “allegations” contained in paragraph 17 of the Complaint are conclusions of law to which no response is required.

18. Neither admitted nor denied, as the “allegations” contained in paragraph 18 of the Complaint are conclusions of law to which no response is required.

19. Neither admitted nor denied, as the “allegations” contained in paragraph 19 of the Complaint are conclusions of law to which no response is required.

20. Neither admitted nor denied, as the “allegations” contained in paragraph 20 of the Complaint are conclusions of law to which no response is required.

21. Neither admitted nor denied, as the “allegations” contained in paragraph 21 of the

22. Neither admitted nor denied, as the “allegations” contained in paragraph 22 of the Complaint are conclusions of law to which no response is required.

II. ALLEGATIONS

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Neither admitted nor denied, as the “allegations” contained in paragraph 27 of the Complaint are conclusions of law to which no response is required.

28. Neither admitted nor denied, as the “allegations” contained in paragraph 28 of the Complaint are conclusions of law to which no response is required.

29. Admitted.

30. Neither admitted nor denied, as the “allegations” contained in paragraph 30 of the Complaint are conclusions of law to which no response is required.

31. Neither admitted nor denied, as the “allegations” contained in paragraph 31 of the Complaint are conclusions of law to which no response is required.

32. Admitted

33. Defendants admit that construction-related activities commenced on the site in June 2005.

34. Neither admitted nor denied, as the “allegations” contained in paragraph 34 of the Complaint are conclusions of law to which no response is required.

35. Neither admitted nor denied for lack of sufficient knowledge and information.

36. Neither admitted nor denied for lack of sufficient knowledge and information.

37. Neither admitted nor denied as the “allegations” contained in paragraph 37 of the Complaint are conclusions of law to which no response is required.

38. Neither admitted nor denied, as the “allegations” contained in paragraph 38 of the Complaint are conclusions of law to which no response is required.

39. Neither admitted nor denied, as the “allegations” contained in paragraph 39 of the Complaint are conclusions of law to which no response is required.

40. Neither admitted nor denied, as the “allegations” contained in paragraph 40 of the Complaint are conclusions of law to which no response is required.

41. Neither admitted nor denied, as the “allegations” contained in paragraph 41 of the Complaint are conclusions of law to which no response is required.

42. Neither admitted nor denied, as the “allegations” contained in paragraph 42 of the Complaint are conclusions of law to which no response is required.

COUNT 1: FAILURE TO COMPLY WITH THE CONSTRUCTION GENERAL PERMIT

43. Defendants incorporate by reference their responses to paragraphs 1-42 of the Complaint.

44. Admitted.

45. Neither admitted nor denied, as the “allegations” contained in paragraph 45 of the Complaint are conclusions of law to which no response is required.

46. Denied.

A. Respondents Failed to Document Routine Facility Inspections

47. Neither admitted nor denied, as the “allegations” contained in paragraph 47 of the Complaint are conclusions of law to which no response is required.

48. The SWPPP referred to by EPA in paragraph 48 of the Complaint speaks for itself, and accordingly, no response is required.

49. The SWPPP referred to by EPA in paragraph 49 of the Complaint speaks for itself, and accordingly, no response is required.

50. Denied.

B. Respondents Failed to Implement and Maintain Best Management Practices as Required by the Construction General Permit

51. Neither admitted nor denied, as the “allegations” contained in paragraph 51 of the Complaint are conclusions of law to which no response is required.

52. Neither admitted nor denied, as the “allegations” contained in paragraph 52 of the Complaint are conclusions of law to which no response is required.

53. The SWPPP referred to by EPA in paragraph 53 of the Complaint speaks for itself, and accordingly, no response is required.

54. Denied.

III. NOTICE OF PROPOSED ASSESSMENT OF CIVIL PENALTY

55. Neither admitted nor denied, as the “allegations” contained in paragraph 55 of the Complaint are conclusions of law to which no response is required.

56. Neither admitted nor denied for lack of sufficient knowledge and information and because the “allegations” contained in paragraph 56 of the Complaint are conclusions of law to which no response is required.

57. Neither admitted nor denied, as the allegation in paragraph 57 of the Complaint do not allege any facts that are susceptible of a response.

58. Denied.

59. Neither admitted nor denied for lack of sufficient knowledge and information.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

60. Neither admitted nor denied for lack of sufficient knowledge and information and because the “allegations” contained in paragraph 60 of the Complaint are conclusions of law to which no response is required.

61. Neither admitted nor denied for lack of sufficient knowledge and information and because the “allegations” contained in paragraph 61 of the Complaint are conclusions of law to which no response is required.

62. Neither admitted nor denied, as the allegation in paragraph 62 of the Complaint do not allege any facts that are susceptible of a response.

63. Neither admitted nor denied, as the allegation in paragraph 63 of the Complaint do not allege any facts that are susceptible of a response.

V. CONTINUED COMPLIANCE OBLIGATIONS

64. Neither admitted nor denied, as the “allegations” contained in paragraph 64 of the Complaint are conclusions of law to which no response is required.

Further answering, Respondents assert the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The EPA failed to state a claim upon which relief can be granted.

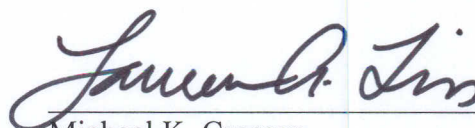
SECOND AFFIRMATIVE DEFENSE

The penalty assessment is excessive and not in accordance with EPA policy and precedent.

Respectfully submitted,

Respondents,.

By their attorneys,



Michael K. Crossen
John J. McGivney
Lauren A. Liss
Rubin and Rudman LLP
50 Rowes Wharf
Boston, MA 02110
(617) 330-7000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer has been sent to the following persons on the date noted below:

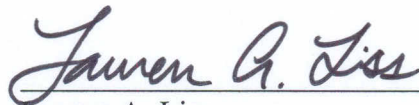
Original and one copy,
by hand:

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

One copy, by hand:

Amanda J. Helwig
Enforcement Counsel
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023
Telephone: 617-918-1180
Fax: 617-918-0180

Date: September 8, 2008



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