



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
E-19J

July 7, 2010

Christopher E. Tenoglia
Attorney at Law
200 East Second Street
Pomeroy, Ohio 45769

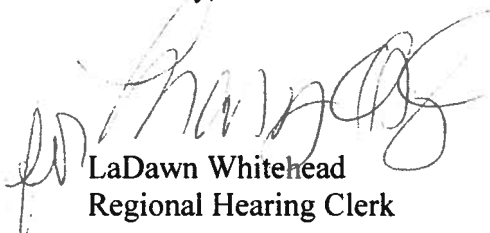
In the Matter of David Brickles, dba, Jack's Septic Service LLC
Docket No. CWA-05-2010-0012

Dear Mr. Tenoglia:

Enclosed please find per your request the file stamped copies of the following documents:

1. Answer to a Proceeding to Assess a Class II Civil Penalty Pursuant to Section 309 (g) of the Clean Water Act, 33 U.S.C. Section 1319 (g);
2. Request for a Settlement Conference;
3. Request for a Oral Hearing, and;
4. Request for a Transfer of Venue.

Sincerely,


LaDawn Whitehead
Regional Hearing Clerk

CHRISTOPHER E. TENOGLIA

Attorney at Law
200 East Second Street
Pomeroy, Ohio 45769
tenlaw@suddenlinkmail.com

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JUL 07 2010

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

TELEPHONE (740) 992-6368

TELECOPIER (740) 992-4423

July 2, 2010

LaDawn Whitehead
Office of Regional Hearing Clerk
USEPA Region 5
77 W. Jackson Blvd (E-19J)
Chicago, IL 60604-3590

**Re: David Brickles, dba, Jack's Septic Service LLC
Docket No: CWA-05-2010-0012**

Dear Ms. Whitehead:

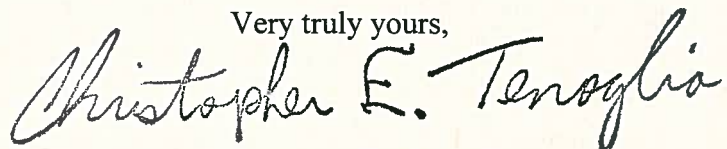
Please find enclosed the following documents:

1. Answer to a Proceeding to Assess a Class II Civil Penalty Pursuant to Section 309 (g) of the Clean Water Act, 33 U.S.C. Section 1319 (g);
2. Request for a Settlement Conference;
3. Request for an Oral Hearing, and;
4. Request for a Transfer of Venue.

Once you have processed these documents, please mail a copy to me in the enclosed self addressed stamped envelope.

Thank you for your attention. You have my kindest regards.

Very truly yours,



Christopher E. Tenoglia

ENCLOSURES

CET/ch

cc: David Brickles
file

ch.2010.misc.brickles.let

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF: : Case No: CWA-05-2010-0012

JACK'S SEPTIC SERVICES, LLC, :
POMEROY, OH :

Respondent : ANSWER TO A PROCEEDING TO
ASSESS A CLASS II CIVIL PENALTY
: PURSUANT TO SECTION 309 (g)
OF THE CLEAN WATER ACT, 33
U.S.C. SECTION 1319 (g)

Now comes the Respondent, who for its answer does allege and aver the following matters to wit:

1. The Respondent admits the allegations as contained in Paragraphs Three, Eleven, Twelve, Thirteen and Fifteen of the Complaint as alleged by the United States Environmental Protection Agency.

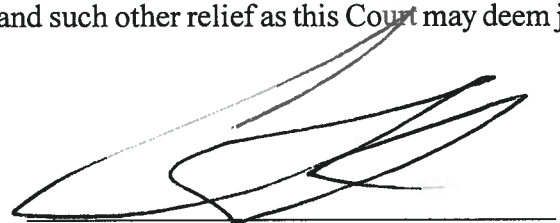
2. The Respondent is without information sufficient so as to appropriately answer the allegations contained in Paragraph One, Two, Four, Five, Six, Seven, Eight, Nine and Ten of the Complaint of the United States Environmental Protection Agency, and would therefore deny each and every allegations contained therein.

3. With specificity the Respondent would deny the allegation contained in Paragraphs Fourteen, Sixteen and Seventeen of the Complaint of the United States Environmental Protection Agency.

With specificity does state it substantially complied with the parameters of Title 40 of the Code of Federal Regulations under Section 503 et seq, Clean Water Act under 33 United States Code Section 1345 et seq and Section 33 United States Code 1319 in that it did collect, maintain and keep

log records within its truck fleet which did substantially comport with the requirements of the United States Environmental Protection Agency. With particularity, the Respondent has, in fact, provided to the United States Environmental Protection Agency information based upon those logs that substantially complies with the appropriate disposal and nitrogen levels required for legal disposal of septage and other like materials as alleged in the Complaint of the United States Environmental Protection Agency and as such it should not be penalized.

WHEREFORE, the Respondent demands that the United States Environmental Protection Agency's Complaint be dismissed at their costs, that the Respondent be awarded reasonable attorney fees having to defend a frivolous claim, court costs and such other relief as this Court may deem just and equitable.



Christopher E. Tenoglia (0055290)
Attorney for Respondent
Jack's Septic Service LLC
200 East Second Street
Pomeroy, Ohio 45769
(740) 992-6368

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing "ANSWER OF PROCEEDING TO ASSESS A CLASS II CIVIL PENALTY PURSUANT TO SECTION 309(g) OF THE CLEAN WATER ACT, 33 U.S.G. SECTION 1319 (g)," was served upon Tinka G. Hyde, Director, Water Division, U.S. Environmental Protection Agency, Region 5, at 77 West Jackson Blvd, Chicago, IL 60604-3590; by Regular U.S. Mail, this 2 day of June, 2010.



Christopher E. Tenoglia

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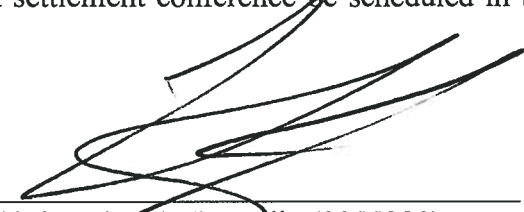
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REGION 5

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF: : Case No: CWA-05-2010-0012
JACK'S SEPTIC SERVICES, LLC, :
POMEROY, OH :
Respondent : REQUEST FOR A SETTLEMENT
CONFERENCE
:

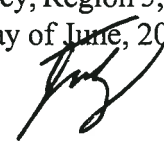
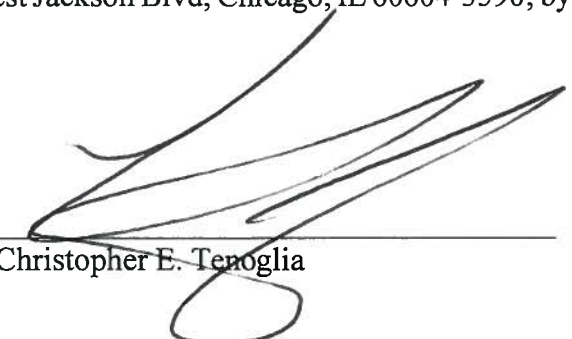
Now comes the Respondent, Jack's Septic Service LLC, by and through its sole owner, David Brickles who does hereby specifically request that a settlement conference be scheduled in this matter.



Christopher E. Tenoglia (0055290)
Attorney for Respondent
Jack's Septic Service LLC
200 East Second Street
Pomeroy, Ohio 45769
(740) 992-6368

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing "REQUEST FOR A SETTLEMENT CONFERENCE" was served upon Tinka G. Hyde, Director, Water Division, U.S. Environmental Protection Agency, Region 5, at 77 West Jackson Blvd, Chicago, IL 60604-3590; by Regular U.S. Mail, this 2 day of June, 2010.

Christopher E. Tenoglia

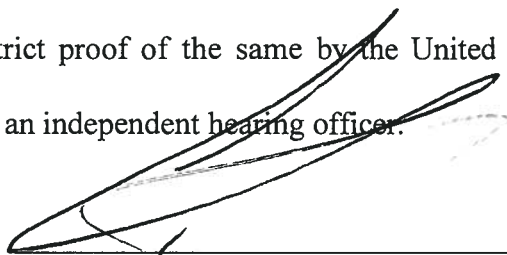
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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF: : Case No: CWA-05-2010-0012
JACK'S SEPTIC SERVICES, LLC, :
POMEROY, OH :
Respondent : REQUEST FOR AN ORAL
HEARING
:

Now comes the Respondent, Jack's Septic Service LLC, by and through counsel, Christopher E. Tenoglia, who does hereby specifically request that an oral hearing be scheduled with regard to all allegations alleged and does further demand strict proof of the same by the United States Environmental Protection Agency to be held before an independent hearing officer.


Christopher E. Tenoglia (0055290)
Attorney for Respondent
Jack's Septic Service LLC
200 East Second Street
Pomeroy, Ohio 45769
(740) 992-6368

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing "REQUEST FOR AN ORAL HEARING" was served upon Tinka G. Hyde, Director, Water Division, U.S. Environmental Protection Agency, Region 5, at 77 West Jackson Blvd, Chicago, IL 60604-3590, by Regular U.S. Mail, this 20 day of June, 2010.


Christopher E. Tenoglia

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:

: Case No: CWA-05-2010-0012

JACK'S SEPTIC SERVICES, LLC,
POMEROY, OH

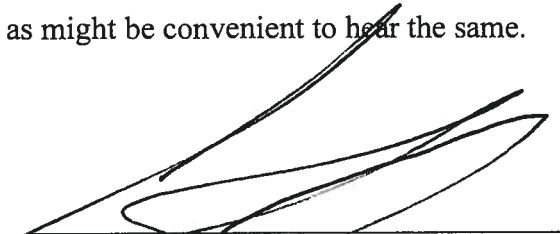
:

Respondent

: REQUEST FOR A TRANSFER
OF VENUE

:

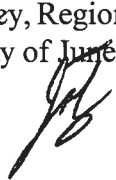
Now comes the Respondent, Jack's Septic Service LLC, by and through counsel, Christopher E. Tenoglia, who does hereby specifically request that the venue in this cause is not convenient with regard to the allegations as alleged against Jack's Septic Service, LLC. With specificity, the United States Environmental Protection Agency has asked that a hearing be conducted in Chicago, Illinois. The Respondent in this case lives Fifteen Hundred miles east of that location in southeastern Ohio. There is a regional office in Huntington, West Virginia and other local venues which is a much more reasonable and accessible forum for this hearing. Federal law requires that hearings regarding allegations such as this must be held in a convenient form for the Respondent. As such, the Respondent requests that this matter be transferred to the Huntington office for all further hearings and settlement conferences, or such other location as might be convenient to hear the same.



Christopher E. Tenoglia (0055290)
Attorney for Respondent
Jack's Septic Service LLC
200 East Second Street
Pomeroy, Ohio 45769
(740) 992-6368

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing "REQUEST FOR A TRANSFER OF VENUE" was served upon Tinka G. Hyde, Director, Water Division, U.S. Environmental Protection Agency, Region 5, at 77 West Jackson Blvd, Chicago, IL 60604-3590; by Regular U.S. Mail, this 2 day of June, 2010.

A handwritten signature in black ink, appearing to be "JG", located below the text of the certificate.A large, stylized handwritten signature in black ink, located to the right of the text and overlapping the signature line.

Christopher E. Tenoglia

ch.2010.misc.bricklesvenue