

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In re

First Lakewood Forest Associates, LLC and Bil-
Jim Construction Company, Inc.

Respondents

In a proceeding under the Clean Air Act, 42 U.S.C.
§ 7401 et seq., Section 113

Answer to Complaint and Request for
Hearing of Bil-Jim Construction
Company, Inc.

Index No. CAA-02-2007-1217

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 SEP 27 A 7:49
REGIONAL HEARING
CLERK

ANSWER

Bil-Jim Construction Company, Inc. ("Bil-Jim") answering the Complaint of the United States Environmental Protection Agency ("EPA"), which alleges violations of the Asbestos National Emissions Standards for Hazardous Air Pollutants, 40 C.F.R. part 61, subpart M, 40 C.F.R. §§ 61.140-61.157 ("the Asbestos NESHAP").

PRELIMINARY STATEMENT

1. Bil-Jim denies that Lakewood hired it to remove regulated asbestos-containing materials but admits the remainder of the allegations contained in Paragraph 1 of the Complaint.
2. Bil-Jim does not answer the allegations contained in Paragraph 2 of the Complaint and respectfully refers the Court to Clean Air Act § 302(e) for its terms.

STATUTORY AND REGULATORY BACKGROUND

3. Bil-Jim does not answer the allegations contained in Paragraph 3 of the Complaint and respectfully refers the Court to 40 C.F.R. §§ 61.145 and 61.150 for their terms.

4. Bil-Jim does not answer the allegations contained in Paragraph 4 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

5. Bil-Jim does not answer the allegations contained in Paragraph 5 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

6. Bil-Jim does not answer the allegations contained in Paragraph 6 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

7. Bil-Jim does not answer the allegations contained in Paragraph 7 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

8. Bil-Jim does not answer the allegations contained in Paragraph 8 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

9. Bil-Jim does not answer the allegations contained in Paragraph 9 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

10. Bil-Jim does not answer the allegations contained in Paragraph 10 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.145(a) for its terms.

11. Bil-Jim does not answer the allegations contained in Paragraph 11 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.145(b) for its terms.

12. Bil-Jim does not answer the allegations contained in Paragraph 12 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.145(c)(1) for its terms.

13. Bil-Jim does not answer the allegations contained in Paragraph 13 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.145(c)(6)(i) for its terms.

14. Bil-Jim does not answer the allegations contained in Paragraph 14 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.145(c)(8) for its terms.

15. Bil-Jim does not answer the allegations contained in Paragraph 15 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.150(a)(1)(iii) for its terms.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

16. Bil-Jim repeats and incorporates herein its answers contained in Paragraphs 1 through 15 of this Answer.

17. Bil-Jim does not answer the allegations contained in Paragraph 17 of the Complaint, which call for a legal conclusion.

18. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Bil-Jim does not answer the allegations contained in Paragraph 20 of the Complaint and respectfully refers the Court to 40 C.F.R. § 61.141 for its terms.

21. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth, which call for a legal conclusion.

22. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. Bil-Jim lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

COUNT I

26. Bil-Jim denies the allegation that it violated 40 C.F.R. § 61.145(b) as alleged in Paragraph 26 of the Complaint.

COUNT II

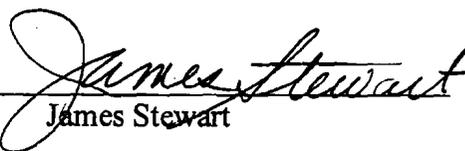
27. Bil-Jim denies the allegation that it violated 40 C.F.R. § 61.145(c)(1) as alleged in Paragraph 27 of the Complaint.

COUNT III

28. Bil-Jim denies the allegation that it violated 40 C.F.R. § 61.145(c)(6)(i) as alleged in Paragraph 28 of the Complaint.

Bil-Jim requests an administrative hearing to contest material facts, challenge the amount of the penalty proposed in the Complaint and to seek a judgment as to applicable legal issues.

LOWENSTEIN SANDLER P C
Attorneys for Bil-Jim Construction Company, Inc.

By: 
James Stewart

Dated: September 25, 2007