

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF LOGAN : DOCKET NO. CWA-05-2007-0004
COUNTY WATER POLLUTION :
CONTROL DISTRICT : **ANSWER AND REQUEST FOR**
: **HEARING**
:

Now comes Defendant Logan County Water Pollution Control District ("Defendnat"), by and through counsel, and, pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), requests a hearing to contest the material facts of the administrative complaint and the appropriateness of the proposed penalty. For its answer to the administrative complaint, Defendant states as follows:

FIRST DEFENSE

1. Defendant admits the allegations of Paragraphs 1-10.
2. Defendant is without sufficient information to admit or deny the allegations of Paragraph 11 and therefore denies the allegations.
3. Defendant is without sufficient information to admit or deny the allegations of Paragraph 12 and therefore denies the allegations.
4. Defendant admits the allegations of Paragraph 13.
5. Defendant is without sufficient information to admit or deny the allegations of Paragraph 13-24 and therefore denies the allegations.
6. Defendant incorporates it responses in Paragraphs 1-6 as if fully restated herein.
7. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 26-30 and therefore denies the allegations.
8. Defendant incorporates it responses in Paragraphs 1-30 as if fully restated herein.

9. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 31-44 and therefore denies the allegations.

10. Defendant incorporates its responses in Paragraphs 1-44 as if fully restated herein.

11. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 46-49 and therefore denies the allegations.

12. Defendant incorporates its responses in Paragraphs 1-49 as if fully restated herein.

13. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 50-57 and therefore denies the allegations.

SECOND DEFENSE

14. Defendant denies the appropriateness of the proposed civil penalty.

THIRD DEFENSE

15. The U.S. EPA's claims are barred by the applicable statute of limitations.

FOURTH DEFENSE

16. As reasons for its denials herein, Defendant incorporates by reference as if fully restated herein all reasons, documents and information previously provided to the U.S. EPA and its counsel Dina Embill.

FIFTH DEFENSE

17. Defendant reserves the right to amend this answer and supplement this answer and request for hearing is being provided to preserve Defendant's rights and defenses as the U.S. EPA informed Defendant that it would be filing an amended complaint within the statutory period for answering but the Defendant has not yet received such amended complaint.

SIXTH DEFENSE

18. Defendant requests a hearing on all matters alleged in the administrative complaint.

Respectfully submitted,

By Kevin P. Braig
Kevin P. Braig (OH: 0061816)
DINSMORE & SHOHL, LLP
One Dayton Centre
One South Main Street - Suite 1300
Dayton, Ohio 45402
PH: (937) 449-6456
kevin.braig@dinslaw.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing answer and request for hearing was served upon the following persons by the following methods on this 11th day of May, 2007:

VIA FEDERAL EXPRESS

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

VIA ELECTRONIC MAIL

Diana L. Embil
Associate Regional Counsel
Office of the Regional Counsel (Mail Code C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Kevin P. Braig
Kevin P. Braig