

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

RECEIVED

_____ :
IN THE MATTER OF: : DOCKET NO. CWA-01-2008-001
: :
Town of North Providence : Proposal to Assess
North Providence, Rhode Island : Administrative Penalty
: Under Section 309(g) of
: the Clean Water Act
: :
_____ :

2007 NOV -6 A 10:49
EPA GPC
OFFICE OF
REGIONAL HEARING CLERK
WP

ANSWER OF THE TOWN OF NORTH PROVIDENCE TO THE ADMINISTRATIVE
COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY AND NOTICE OF OPPORTUNITY TO REQUEST A
HEARING THEREON

I. STATUTORY AUTHORITY

This paragraph states a legal conclusion as to which no response is required. To the extent that this Section I contains material factual allegations against the Town of North Providence (hereinafter, the "Town"), the Town denies such allegations.

II. FINDINGS OF VIOLATIONS

1. This paragraph states a legal conclusion as to which no response is required. To the extent that this Section II, Paragraph 1 contains material factual allegations against the Town of North Providence (hereinafter, the "Town"), the Town denies such allegations.

2. The Town admits that it owns a system of pumps and pipes the purpose of which is the collection of wastewater.

3. This paragraph states a legal conclusion as to which no response is required. To the extent that this Section II, Paragraph 3 contains material factual allegations against the Town of North Providence (hereinafter, the "Town"), the Town denies such allegations.

4. The Town admits receiving the Information Request, as this term is defined in the Complaint, on or about May 18, 2007. The Town denies the remaining allegations contained in this Section II, Paragraph 4.

5. The Town admits submitting a package of documents to the Environmental Protection Agency (hereinafter, the "EPA") on or about August 17, 2007. The Town denies the remaining allegations contained in this Section II, Paragraph 5.

6. The Town denies the allegations contained in this Section II, Paragraph 6.

7. This paragraph states a legal conclusion as to which no response is required. To the extent that this Section II, Paragraph 7 contains material factual allegations against the Town of North Providence (hereinafter, the "Town"), the Town denies such allegations.

III. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

This paragraph states a legal conclusion as to which no response is required To the extent that this Section III contains allegations against the Town, the Town denies such allegations.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

This paragraph states a legal conclusion as to which no response is required. To the extent that this Section IV contains allegations against the Town, the Town denies such allegations.

V. QUICK RESOLUTION

This paragraph states a legal conclusion as to which no response is required. To the extent that this Section V contains allegations against the Town, the Town denies such allegations.

DEFENSES

The Town's current administration took office in April 2007. It received the EPA's Information Request, within a few weeks. At the time, the Town's newly elected officials were engaged in the difficult transition to the new administration. They received little or no assistance from the prior administration in making a smooth changeover. For this reason, assuming the reins of local government was a time consuming process.

The Town is working diligently to comply with the EPA's Information Request. It is severely hampered by a lack of staff and resources. The position of Director of Sanitation has been vacant since December of 2006. The Town departments in possession of most of the information sought in the EPA's Information Request are currently manned by a single individual, Bernard Salvatore. He is:

- the Acting Director of the Department of Planning and Inspection
- the Storm Water Manager,
- Zoning Enforcement Officer,
- Alternate Building Official and
- the Assistant Grant Writer for the Technical Review Committee..

The town has retained outside counsel to assist in this process and gather the information in a timely and efficient manner.

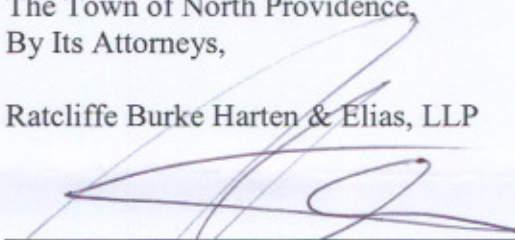
The proposed penalty is excessive and unreasonable in light of the above-described circumstances, the negligible gravity of the alleged violation, the minimal degree of culpability and the lack of prior compliance history. A proper consideration of the factors related to this matter would result in a de minimus penalty, if any.

REQUEST FOR HEARING

Pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), the Town hereby requests a hearing on the proposed penalty assessment and findings of violations contained in Section II and III of this Complaint, respectively, and, at such hearing, contest the allegations contained in this Complaint.

The Town of North Providence,
By Its Attorneys,

Ratcliffe Burke Harten & Elias, LLP



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Providence, R.I. 02903
(401)331-3400
(401)331-3440 Fax

CERTIFICATION

I hereby certify on this 31st day of October, 2007, the foregoing was sent, in the form specified, via first class certified mail, return receipt requested to:

Original and One Copy to:

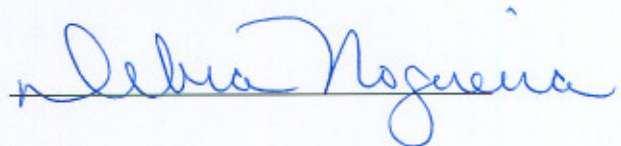
Wanda Rivera
Regional Hearing Clerk
U.S. EPA – Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

One Copy to:

Dean Albro, Chief
Office of Compliance and Inspection
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

One Copy to:

Tonia Bandrowicz
U.S. EPA – Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

A handwritten signature in blue ink that reads "Delia Nogueira". The signature is written in a cursive style and is positioned above a horizontal line.