

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 (NEW ENGLAND REGION)

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In the Matter of:

Docket No. CAA-01-2008-0105

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REGIONAL OFFICE OF  
HEARING CLERK

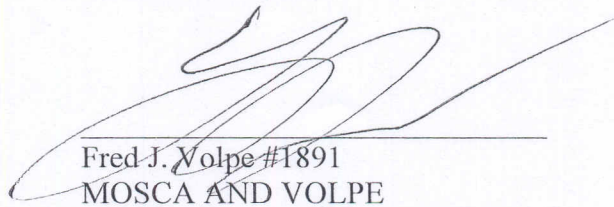
Bilray Demolition Company, Inc.  
73 Mill Street  
Johnston, Rhode Island 02919

Proceeding under Section 113 of  
the Clean Air Act, 42 U.S.C. # 7413

**ENTRY OF APPEARANCE**

I, Fred J. Volpe, Esquire, do enter my appearance on the respondent, Bilray Demolition Company, Inc.

Bilray Demolition Company, Inc.,  
By its Attorney,



Fred J. Volpe #1891  
MOSCA AND VOLPE  
P.O. Box 444, 130 Tower Hill Road  
North Kingstown, RI 02852  
(401)295-5323/884-2050

**CERTIFICATION**

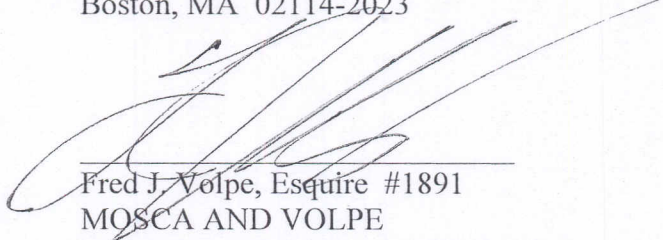
I hereby certify that the foregoing Answer and Request for Hearing has been sent to the following persons by Federal Express on the date noted below:

Original and one copy:

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

One copy of Complaint:

Amanda J. Helwig  
Enforcement Counsel  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023



Fred J. Volpe, Esquire #1891  
MOSCA AND VOLPE  
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Phone: 401-295-5323  
Fax: 401-295-7788

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**ANSWER**

Now Comes Bilray Demolition Company, Inc., by and through counsel, and for  
its answer states as follows:

**I. STATEMENT OF AUTHORITY**

1. Bilray Demolition Company, Inc. (Bilray) leaves EPA to its specific proof thereof.
2. Bilray leaves EPA to its specific proof thereof.

**II. STATUTORY AND REGULATORY FRAMEWORK**

3. Bilray leaves EPA to its specific proof thereof.
4. Bilray leaves EPA to its specific proof thereof.
5. Bilray leaves EPA to its specific proof thereof.
6. Bilray leaves EPA to its specific proof thereof.
7. Bilray leaves EPA to its specific proof thereof.
8. Bilray leaves EPA to its specific proof thereof.
9. Bilray leaves EPA to its specific proof thereof.
10. Bilray leaves EPA to its specific proof thereof.

**III. GENERAL ALLEGATIONS**

11. Admitted.

12. Admitted.
13. Admitted.
14. Bilray leaves EPA to its specific proof thereof.
15. Bilray leaves EPA to its specific proof thereof.
16. Admitted.
17. Denied.
18. Admitted.
19. Bilray leaves EPA to its specific proof thereof.
20. Bilray leaves EPA to its specific proof thereof.
21. Admitted.

#### **IV. VIOLATIONS**

##### **COUNT 1: FAILURE TO THOROUGHLY INSPECT FOR ASBESTOS**

22. Admitted.
23. Denied.
24. Denied.

##### **COUNT 2: FAILURE TO NOTIFY OF DEMOLITION**

25. Admitted.
26. Denied.
27. Denied.

##### **COUNT 3: FAILURE TO ADEQUATELY WET ASBESTOS DURING THE STRIPPING OPERATION**

28. Admitted.



29. Denied.

30. Denied.

**COUNT 4: FAILURE TO KEEP ASBESTOS ADEQUATELY  
WET UNTIL COLLECTED AND CONTAINED FOR DISPOSAL**

31. Admitted.

32. Denied.

33. Denied.

**COUNT 5: FAILURE TO PROPERTY DISPOSE OF ASBESTOS WASTE**

34. Admitted.

35. Denied.

36. Denied.

**V. PROPOSED CIVIL PENALTY**

37. Bilray leaves EPA to its specific proof thereof.

38. Bilray denies that EPA, pursuant to its debt collection and improvement act of 1996, regulations promulgated thereunder at 40 C.F.R. Part 19, the Clean Air Act Stationary Source Civil Penalty Policy and the Asbestos Demolition and Renovation Civil Penalty Policy, should impose a civil penalty.

39. Bilray requests an adjustment for economic impact of the penalty on respondent's business.

40. Bilray leaves EPA to its specific proof thereof.

41. Denied.

42. Paragraph 42 does not require a response; notwithstanding, Bilray Demolition leaves EPA to its specific proof thereof.

43. Paragraph 43 does not require a response; notwithstanding, Bilray Demolition leaves EPA to its specific proof thereof.