

WHIPPLE

Builder of Choice

Transmittal

To: Susan Studlien
Office of Environmental Stewardship
EPA
5 Post Office Sq
Boston, MA 02109

From: Geoffrey Evancie

Date: 10/12/2015

Project: Johnson Property

Transmitted For:

- Approval
- Signature / Initials
- Review / Comment
- File
- Revision / Resubmission

- Information
- As Requested
- As Approved
- As Submitted
- PLEASE RETURN ASAP

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Copies	Date	Number	Description
1	10/15/2015		Answers to Complaint CWA-01-2015-0032

Comments:

Please sign both copies and retur

Thanks,

Signed: _____

If enclosures are not as noted, kindly notify us at once.



October 12, 2015

United States Environmental Protection Agency
Region I
5 Post Office Sq
Suite 100
Boston, MA 02190

Re: Administrative Complaint : Docket Number CWA 01 2015 0032

Request for Hearing

Mrs. Susan Studlien,

Comments to the Compliant:

Item 1: Agreed

Item 2: Disputed: NPDES permit was not required for the work

Item 3: Not Applicable

Item 4: Not Applicable

Item 5: Not Applicable

Item 6: Not Applicable- Property was finish graded and tacked and seeded no dredged soil, rock, garbage or cellar dirt was evident on site.

Item 7: Agreed

Item 8: Not Applicable per Item 6

Item 9: Agreed

Item 10: NPDES permit not required for work

Item 11: Not Applicable

Item 12: Not Applicable

Item 13: Lots are individually owned and did not comply to an acre of disturbance on either lot. Need for SWPPP was not needed to perform the work.

Item 14: Agreed

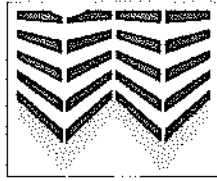
Item 15: Dates reflected do not apply to the property in question.

Item 16; Does not apply due to limit of work and the lots in question were outside the wetlands protective boundry.

Item 17: Does not apply to this work.



- Item 18: Lot area on each lot did not meet the min requirements of a SWPPP application.
- Item 19: Not Applicable for the work on these lots.
- Item 20: Not Applicable
- Item 21: Lots are individually owned and not under singular ownership. Each lot scope of work disturbed less than 1 acre per lot.
- Item 22: Earth activities did not occur on the property on or about Nov 2013 on lot 1B
- Item 23: Work on Lot 4 did not occur until April 2014 after agreement between both individual owners was completed.
- Item 24: SWPPP permit was not required for the work due to individual ownership of lots and neither lot was disturbed beyond the min requirements.
- Item 25: Max area was based on conversations with Town of Ashburnham and forced requirement of SWPPP application with objection of the contractor.
- Item 26: Both lots are ANR lots and not part of common plan development. Lots were individually owned.
- Item 27: Agreed
- Item 28: Agreed
- Item 29: Agreed
- Item 30: Agreed per approved plan.
- Item 31: Agreed
- Item 32: Not Aware of Inspection nor was offered opportunity to be in attendance.
- Item 33: Disagree as defined in Item 6.
- Item 34: Disagree as defined in Item 6.
- Item 35; Disagree on Size of disturbance per item 25
- Item 36: Disagree- Most runoff occurred on adjacent lot not disturbed due to above average rain event due to tropical storm.



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Item 37: Disagree

Item 38: Disagree per answer item 6

Item 39: Disagree per answer item 6

Item 40: Disagree per answer Item 25

Item 41: Disagree per Answer Item 25

Item 42: Disagree

Item 43: Disagree with Complaint

Item 44: Disagree with Complaint

Item 45: Dispute Complaint

Item 46: Dispute Complaint

Item 47: Dispute Complaint

Item 48 Dispute Time of Claim

Item 49: Respondent has requested a hearing on this matter

Item 50: Agreed

Signed By : Geoffrey Evancic

Date: _____