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DEC 5 2007 PM 2:07

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December 5, 2007

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Re: TW SERVICE INC.TSCA-08-2007-0015
TSCA-08-2007-0017

Tina:

Please find enclosed for filing one original and one copy of the ANSWER AND REQUEST FOR HEARING for TSCA-08-2007-0015 and one original and one copy of the ANSWER AND REQUEST FOR HEARING for TSCA-08-2007-0017. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Patrick T. Pardy
of Mumford, Protsch & Pardy, L.L.P.

PTP/mp

cc:
Dana J. Stotsky

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8
DOCKET NO. TSCA-08-2007-0015

2007 DEC -7 PM 2:07

RECEIVED
ENVIRONMENTAL PROTECTION AGENCY
REGION 8 OFFICE
MADISON, SD

TW Services, Inc.)
1606 NE 3rd Street) Answer and Request for Hearing
Madison, SD 57042)

Comes now the Respondent, TW Services, Inc., and for its answer to the administrative Complaint, states and alleges:

- 1) Denies each and every matter and allegation contained in the Complaint except such as are specifically admitted herein, or constitute admissions against Complainant's interest.
- 2) That Complainant fails to state a cause of action upon which relief can be granted.
- 3) It is the respondent's intention to place all factual allegations of the Complaint that are not admitted at issue at the hearing.
- 4) Admits paragraphs 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the General Allegations.
- 5) Respondent admits paragraphs 18 & 20 of COUNT 1.
- 6) Respondent denies paragraphs 19 & 21 of Count 1 and relegates the complainant to its strict proof thereof. As to paragraphs 18, 19, 20 & 21, Respondent alleges the affirmative defense of the statute of limitations, laches, estoppels and compliance.

- 7) That Respondent has insufficient knowledge as to whether or not the allegation in paragraph 17 is true and therefore, denies this allegation.
- 8) Respondent alleges that the proposed fines are onerous, burdensome, and in violation of the Eighth Amendment to the United States Constitution which prohibits excessive fines being imposed or unusual punishments inflicted.
- 9) Respondent hereby requests a hearing before an EPA Administrative Law Judge on the allegations in the Complaint.

Wherefore, Respondent prays that this action be dismissed, that it have its costs and disbursements herein, and for any other and further relief which the Court deems just and equitable.

Dated at Madison, South Dakota this 5th Day of December, 2007.

By: 

Patrick T. Pardy

Mumford, Protsch & Pardy LLP

Attorney At Law

P.O. Box 510

Madison, SD 57042

CERTIFICATE OF SERVICE

I certify that on this 5th day of December, 2007, a copy of the foregoing was served by United States mail, postage prepaid, properly addressed to:

Dana J. Stotsky

Senior Enforcement Attorney

United States Environmental Protection Agency

Region 8, Office of Enforcement, Compliance and Environmental Justice

1595 Wynkoop Street (ENF-L)

Denver, CO 80202

Complainant

An original and one copy was sent via CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PREPAID to:

Tina Artemis

Regional Hearing Clerk

U.S. Environmental Protection Agency (8RC)

1595 Wynkoop Street

Denver, CO 80202-1129

By: 

Patrick T. Pardy

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