

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. CAA-07-2009-0021
CHARGER, INC. AND ALL FAMILY)	
CRAFT, INC.)	
)	
RICHLAND, MISSOURI)	
)	
)	
Respondents.)	

ANSWER OF RESPONDENTS CHARGER, INC AND ALL FAMILY CRAFT, INC. TO ADMINISTRATIVE COMPLAINT AND REQUEST FOR A HEARING

NOW COMES the Respondents, Charger, Inc. (Charger) and All Family Craft, Inc. (AFC), stating as follows as their Answer to the United States Environmental Protection Agency's (EPA) Complaint, and Notice for Opportunity for Hearing (Complaint) under Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7413(d).

JURISDICTION

1. Paragraph 1 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

2. Paragraph 2 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

PARTIES

3. Paragraph 3 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

4. Respondents admit to the allegations of Paragraph 4.

STATUTORY AND REGULATORY BACKGROUND

5. Paragraph 5 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

6. Paragraph 6 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

7. Paragraph 7 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

8. Paragraph 8 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

9. Paragraph 9 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

10. Paragraph 10 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

FACTUAL BACKGROUND

11. Paragraph 11 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

12. Respondents admit to the allegations of Paragraph 12.

13. Respondents admit to the allegations of Paragraph 13.

14. Paragraph 14 consists of statements of law and/or legal conclusions to which no response is required. Respondents admit that the AFC and Charger facilities are located on a contiguous area. Respondents do not have sufficient information to concur in EPA assertion that together and separately the AFC and Charger facilities have the potential to emit more than 10 tons per year of the HAP styrene. Respondents deny all remaining allegations of Paragraph 14.

15. Paragraph 15 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

16. Respondents admit to the allegations of Paragraph 16.

17. Respondent Charger admits to the allegations of Paragraph 17.

FINDINGS OF VIOLATION

COUNT I

18. Respondents incorporate by reference their answers to Paragraphs 1-17 herein.

19. Paragraph 19 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

20. Paragraph 20 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

COUNT II

21. Respondents incorporate by reference their answers to Paragraphs 1-17 herein.

22. Paragraph 22 consists of statements of law and/or legal conclusions to which no response is required. Respondents admit they did not submit notifications pursuant to 40 C.F.R. § 63.5764 by December 20, 2001. Respondents deny all remaining allegations of Paragraph 22.

23. Paragraph 23 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

COUNT III

24. Respondents incorporate by reference their answers to Paragraphs 1-17 herein.

25. Paragraph 22 consists of statements of law and/or legal conclusions to which no response is required. Respondent admits it did not submit semi-annual compliance pursuant to 40 C.F.R. § 63.5764. Respondents deny all remaining allegations of Paragraph 25.

26. Paragraph 26 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

RELIEF

27. Paragraph 27 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

PROPOSED PENALTY

28. Paragraph 28 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

29. Paragraph 29 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

ANSWER AND REQUEST FOR HEARING

30. Paragraph 30 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

31. Paragraph 31 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph. Respondents request an extension of time to file an written answer and request for hearing

32. Paragraph 32 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

33. Respondents hereby request a hearing to contest any and all material facts contained in the Complaint, and to contest the appropriateness of the proposed penalty.

34. Paragraph 34 alleges conclusions of law to which no response is required and Respondent therefore denies each and every allegation of that paragraph.

INFORMAL SETTLEMENT CONFERENCE

35. Respondent hereby requests a Settlement Conference to discuss these additional facts and any other additional information as it becomes available.

36. Paragraph 36 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

37. Paragraph 37 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph.

38. Paragraph 38 consists of statements of law and/or legal conclusions to which no response is required and Respondents therefore deny each and every allegation of that paragraph. Respondents request an extension of time to file a written answer and request for hearing.

Respectfully submitted,

LATHROP & GAGE LLP



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