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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8
Docket No. FIFRA-08-2008-0024

EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
Chemical Specialists, LLC)
d/b/a ChemStation of Northern Colorado)
3309 Empire Street)
Evans, CO 80620)
)
Respondent)
)

**REQUEST FOR HEARING AND ANSWER TO
TO PENALTY COMPLAINT AND
NOTICE OF OPPORTUNITY FOR HEARING**

Respondent respectfully submits its Request for Hearing and Answer to the U.S. Environmental Protection Agency's ("EPA") August 8, 2008 Penalty Complaint and Notice of Opportunity for Hearing ("Complaint"), as follows:

1. Paragraph 1 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.
2. Paragraph 2 of the Complaint contains legal conclusions, to which Respondent is not required to respond and, therefore, does not.
3. Paragraph 3 of the Complaint contains legal conclusions regarding the application of FIFRA, to which Respondent is not required to respond and, therefore, does not. To the extent that Paragraph 3 contains factual allegations Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Complaint, and therefore denies the allegations set forth in Paragraph 3 of the Complaint in their entirety.
4. Paragraph 4 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

5. Paragraph 5 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

6. Paragraph 6 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

7. Paragraph 7 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

8. Paragraph 8 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

9. Paragraph 9 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not. To the extent Paragraph 9 contains factual allegations Respondent denies each and every one except that it is located at 3309 Empire Street, Evans, Colorado 80260.

10. Respondent admits the allegations contained in Paragraph 10.

11. Respondent admits the allegations contained in Paragraph 11.

12. Respondent admits to the allegations contained in Paragraph 12 provided that the term "shoots" is replaced with "chutes" and the term "pulp and paper mill water processes" is replaced with "pulp and paper mill process water systems."

13. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 13 of the Complaint, and therefore denies the allegations set forth in Paragraph 13 of the Complaint in their entirety.

14. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Complaint, and therefore denies the allegations set forth in Paragraph 14 of the Complaint in their entirety.

15. Respondent admits to the allegations contained in Paragraph 15 of the Complaint.

16. Respondent admits to the allegations contained in Paragraph 16 of the Complaint.

17. Respondent admits to the allegations contained in Paragraph 17 of the Complaint.

18. Respondent admits to the allegations contained in Paragraph 18 of the Complaint.

19. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 19 of the Complaint, and therefore denies the allegations set forth in Paragraph 19 of the Complaint in their entirety.

20. to 38. Paragraphs 20 to 38 of the Complaint contain legal conclusions to which Respondent is not required to respond and, therefore, does not. To the extent Paragraphs 20 to 38 contain factual allegations Respondent denies each and every one except that Respondent admits that in Paragraphs 21 to 38 the Sales Invoice Numbers correctly correlate with the Dates of Sale as provided thereunder.

39. Paragraph 39 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

40. Respondent admits to the allegations contained in Paragraph 40 of the Complaint.

41. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 41 of the Complaint, and therefore denies the allegations set forth in Paragraph 41 of the Complaint in their entirety.

42. to 44. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraphs 42 to 44 of the Complaint, and therefore denies the allegations set forth in Paragraph 42 to 44 of the Complaint in their entirety except that Respondent admits that in Paragraphs 43 and 44 the Sales Invoice Numbers correctly correlate with the Dates of Sale as provided thereunder.

45. Paragraph 45 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not.

46. Paragraph 46 of the Complaint contains legal conclusions to which Respondent is not required to respond and, therefore, does not. To the extent that Paragraph 46 contains factual allegations, Respondent denies each and everyone except that a narrative description of the reasoning behind the penalty proposed in this case is attached to the Complaint, along with copies of the EPA policies.

GENERAL DENIAL

Respondent denies each and every allegation of the Complaint that it has not specifically admitted above.

DEFENSES AND AFFIRMATIVE DEFENSES

1. The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

2. The Complaint fails to state facts sufficient to constitute a cause of action as to Respondent.

3. Respondent is informed and believes, and on such information and belief alleges, that it presently has insufficient knowledge or information upon which to form a belief as to

whether it may have other, as yet unstated, additional, and affirmative defenses available to it against the allegations and penalties herein. Respondent therefore reserves the right to assert any and all affirmative defenses that may develop during the course of this matter.

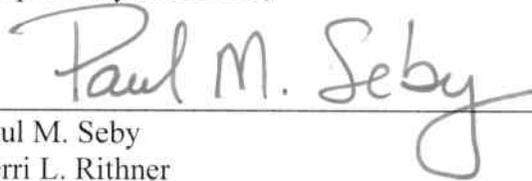
WHEREFORE, Respondent disputes the factual allegations regarding the violations cited in the Complaint, and respectfully requests that the EPA's request for assessment of the proposed civil penalties be denied in its entirety, and that Respondent be awarded any appropriate legal and equitable relief to which it may be entitled.

REQUEST FOR HEARING

Respondent respectfully requests a hearing for this matter.

DATED: September 10, 2008

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul M. Seby". The signature is written in black ink and is positioned above a horizontal line.

Paul M. Seby
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Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 11, 2008, the original and one copy of the Chemical Specialists, LLC d/b/a ChemStation of Northern Colorado REQUEST FOR HEARING AND ANSWER to Penalty Complaint and Notice of Opportunity for Hearing was hand carried to the Regional Hearing Clerk, U.S. EPA – Region 8 at 1595 Wynkoop Street; Denver, CO 80202-1129 and that a true copy of the same was sent via hand delivery to:

Dana J. Stotsky, Senior Enforcement Attorney
Legal Enforcement Program
U.S. EPA - Region 8
1595 Wynkoop Street
Mail Code: 8ENF-L
Denver, CO 80202-1146

Mark Chalfant, Director
Technical Enforcement Program
U.S. EPA - Region 8
Office of Enforcement, Compliance and Environmental Justice, Complainant
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