

UNITED STATES ENVIRONMENTAL PROTECTION  
REGION 7  
901 NORTH 5th STREET  
KANSAS CITY, KANSAS 66101

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7  
2012 AUG 28 PM 9:45

IN THE MATTER OF: )  
)  
TNT GENERAL CONTRACTING, INC., )  
WEBB MINERALS, LLC., and )  
TRUSTEE(S) of the Gary and Carol )  
Trump Trust (U/T/A), )  
)  
Respondents. )  
)  
Proceeding under Section 3008 (a) and (g) )  
of the Resource Conservation and )  
Recovery Act as amended, 42 U.S.C. )  
§ 6928 (a) and (g) and Section 309 (g) of )  
the Clean Water Act, 33 U.S.C. § 1319 (g) )

Docket No. RCRA-07-2012-0020  
CWA-07-2012-0029

**WEBB MINERALS, LLC'S ANSWER  
TO COMPLAINT**

**ANSWER**

COMES NOW Webb Minerals, LLC ("Webb"), by and through its undersigned attorneys and pursuant to 40 C.F.R. § 22.15, and submits this Answer and Affirmative Defenses to the Complaint in the above-captioned matter.

**WEBB REQUESTS A HEARING UPON THE ISSUES RAISED IN THE  
COMPLAINT AND ANSWER PURSUANT TO 40 C.F.R. § 22.15.**

1. Paragraph 1 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 1 is deemed to contain allegations against Webb, Webb denies same.

2. Paragraph 2 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 2 is deemed to contain allegations against Webb, Webb denies same.

3. Webb admits that Webb Minerals, LLC is incorporated under the laws of Illinois. Webb has no knowledge concerning the remaining allegations of Paragraph 3, which are directed at respondent(s) other than Webb, and therefore denies same.

4. Paragraph 4 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 4 is deemed to contain allegations against Webb, Webb denies same.

5. Paragraph 5 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 5 is deemed to contain allegations against Webb, Webb denies same.

6. Paragraph 6 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 6 is deemed to contain allegations against Webb, Webb denies same.

7. Paragraph 7 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 7 is deemed to contain allegations against Webb, Webb denies same.

8. Webb has no knowledge concerning the allegations of Paragraph 8, which are directed at respondent(s) other than Webb, and therefore denies same.

9. Webb admits that Webb Minerals, LLC is a limited liability company incorporated under the laws of Illinois. Webb is located at 2206 Aldo Boulevard, Quincy, Illinois 62301. The remainder of Paragraph 9 consists of legal conclusions and/or does not contain allegations of fact. Webb denies the remainder of Paragraph 9.

10. Webb has no knowledge concerning the allegations of Paragraph 10, which are directed at respondent(s) other than Webb, and therefore denies same.

11. Paragraph 11 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 11 is deemed to contain allegations against Webb, Webb denies same.

12. Paragraph 12 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 12 is deemed to contain allegations against Webb, Webb denies same.

13. Webb admits that it buys, sells and otherwise deals with various zinc-bearing materials procured from various sources. Webb further admits that it owns or may have owned some materials that have been sent to TNT. The remainder of Paragraph 13 consists of legal conclusions and/or does not contain allegations of fact. Webb denies the remainder of Paragraph 13.

14. Webb admits, based on information and belief, that some materials may be shipped from TNT without a manifest. Webb denies the remainder of Paragraph 14.

15. Webb admits, based on information and belief, that MDNR conducted an inspection of TNT in March of 2010. Webb has no knowledge concerning the remaining allegations of Paragraph 15 and therefore denies same.

16. Webb has no knowledge concerning the allegations of Paragraph 16 and therefore denies same.

17. Webb admits that EPA issued a Unilateral Administrative Order on or about September 2, 2010. The UAO speaks for itself. The remainder of Paragraph 17 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent the remainder of Paragraph 17 is deemed to contain allegations against Webb, Webb denies same.

18. Webb has no knowledge concerning the allegations of Paragraph 18 and therefore denies same.

19. See Responses to Paragraphs 8 through 18, above, which are incorporated herein.

20. Paragraph 20 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 20 is deemed to contain allegations against Webb, Webb denies same.

21. Paragraph 21 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 21 is deemed to contain allegations against Webb, Webb denies same.

22. Paragraph 22 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 22 is deemed to contain allegations against Webb, Webb denies same.

23. Paragraph 23 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 23 is deemed to contain allegations against Webb, Webb denies same.

24. Paragraph 24 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 24 is deemed to contain allegations against Webb, Webb denies same.

25. Paragraph 25 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 25 is deemed to contain allegations against Webb, Webb denies same.

26. Paragraph 26 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 26 is deemed to contain allegations against Webb, Webb denies same.

27. Webb has no knowledge concerning the flow of stormwater, snow melt, surface drainage and runoff from the TNT facility, and therefore denies the first sentence of Paragraph 27. The remainder of Paragraph 27 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent the remainder of Paragraph 27 is deemed to contain allegations against Webb, Webb denies same.

28. Paragraph 28 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 28 is deemed to contain allegations against Webb, Webb denies same.

29. Paragraph 29 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 29 is deemed to contain allegations against Webb, Webb denies same.

30. Paragraph 30 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 30 is deemed to contain allegations against Webb, Webb denies same.

31. Paragraph 31 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 31 is deemed to contain allegations against Webb, Webb denies same.

32. Paragraph 32 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 32 is deemed to contain allegations against Webb, Webb denies same.

33. Webb has no knowledge concerning the allegations of Paragraph 33 and therefore denies same.

34. Webb has no knowledge concerning the allegations of Paragraph 34 and therefore denies same. Further, portions of Paragraph 34 consist of legal conclusions and/or do not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 34 is deemed to contain allegations against Webb, Webb denies same.

35. Webb has no knowledge concerning the allegations of Paragraph 35 and therefore denies same.

36. Webb admits it has never submitted an NPDES permit application and that it has never been issued an NPDES permit concerning the TNT facility. Webb has no knowledge concerning the remaining allegations of Paragraph 36 and therefore denies same.

37. Webb has no knowledge concerning the allegations of Paragraph 37 and therefore denies same.

38. Paragraph 38 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 38 is deemed to contain allegations against Webb, Webb denies same.

39. Paragraph 39 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 39 is deemed to contain allegations against Webb, Webb denies same.

40. Paragraph 40 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 40 is deemed to contain allegations against Webb, Webb denies same.

41. See Responses to Paragraphs 8 through 18, above, which are incorporated herein.

42. Webb has no knowledge concerning the allegations of Paragraph 42 and therefore denies same.

43. Webb has no knowledge concerning the allegations of Paragraph 43 and therefore denies same.

44. Paragraph 44 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 44 is deemed to contain allegations against Webb, Webb denies same.

45. Webb has no knowledge concerning the allegations of Paragraph 45 and therefore denies same.

46. Webb has no knowledge concerning the allegations of Paragraph 46 and therefore denies same.

47. Webb has no knowledge concerning the allegations of Paragraph 47 and therefore denies same. Paragraph 47 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 47 is deemed to contain allegations against Webb, Webb denies same.

48. Paragraph 48 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 48 is deemed to contain allegations against Webb, Webb denies same.

49. Paragraph 49 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 49 is deemed to contain allegations against Webb, Webb denies same.

50. Paragraph 50 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 50 is deemed to contain allegations against Webb, Webb denies same.

51. Webb admits it has never applied to obtain a RCRA identification number. The remainder of Paragraph 51 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent the remainder of Paragraph 51 is deemed to contain allegations against Webb, Webb denies same.

52. Webb has no knowledge concerning the allegations of Paragraph 52 and therefore denies same.

53. Paragraph 53 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 53 is deemed to contain allegations against Webb, Webb denies same.

54. Paragraph 54 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 54 is deemed to contain allegations against Webb, Webb denies same.

55. Paragraph 55 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 55 is deemed to contain allegations against Webb, Webb denies same.

56. Webb was not present for the inspection described in this paragraph. Therefore, Webb has no knowledge concerning the allegations of Paragraph 56 and denies same.

57. Webb has no knowledge concerning the allegations of Paragraph 57 and therefore denies same. Paragraph 57 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 57 is deemed to contain allegations against Webb, Webb denies same.

58. Paragraph 58 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. The UAO speaks for itself. To the extent Paragraph 58 is deemed to contain allegations against Webb, Webb denies same.

59. Webb admits it provided to EPA sample analysis related to some material. Webb has no knowledge concerning the remaining allegations of Paragraph 59 and therefore denies same. Paragraph 59 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 59 is deemed to contain allegations against Webb, Webb denies same.

60. Webb has no knowledge concerning the allegations of Paragraph 60 and therefore denies same. Paragraph 60 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 60 is deemed to contain allegations against Webb, Webb denies same.

61. Webb has no knowledge concerning the allegations of Paragraph 61 and therefore denies same. Paragraph 61 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 61 is deemed to contain allegations against Webb, Webb denies same.

62. Paragraph 62 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 62 is deemed to contain allegations against Webb, Webb denies same.

63. Paragraph 63 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 63 is deemed to contain allegations against Webb, Webb denies same.

64. Webb admits that TNT received various zinc-bearing materials from Webb. The remainder of Paragraph 64 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent the remainder of Paragraph 64 is deemed to contain allegations against Webb, Webb denies same.

65. Paragraph 65 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 65 is deemed to contain allegations against Webb, Webb denies same.

66. Paragraph 66 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 66 is deemed to contain allegations against Webb, Webb denies same.

67. Webb has no knowledge concerning the allegations of Paragraph 67 and therefore denies same. Paragraph 67 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 67 is deemed to contain allegations against Webb, Webb denies same.

68. Denied.

69. Paragraph 69 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 69 is deemed to contain allegations against Webb, Webb denies same.

70. Paragraph 70 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 70 is deemed to contain allegations against Webb, Webb denies same.

71. Webb has no knowledge concerning the allegations of Paragraph 71 and therefore denies same. Paragraph 71 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 71 is deemed to contain allegations against Webb, Webb denies same.

72. Paragraph 72 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 72 is deemed to contain allegations against Webb, Webb denies same.

73. Paragraph 73 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 73 is deemed to contain allegations against Webb, Webb denies same.

74. Paragraph 74 consists of legal conclusions and/or does not contain allegations of

fact, and therefore no answer by Webb should be required. To the extent Paragraph 74 is deemed to contain allegations against Webb, Webb denies same.

75. Webb admits it has never applied to obtain a RCRA permit for the TNT facility. Webb has no knowledge concerning the remaining allegations of Paragraph 75 and therefore denies same.

76. Paragraph 76 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 76 is deemed to contain allegations against Webb, Webb denies same.

77. Paragraph 77 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 77 is deemed to contain allegations against Webb, Webb denies same.

78. Webb has no knowledge concerning the allegations of Paragraph 78 and therefore denies same. Paragraph 78 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 78 is deemed to contain allegations against Webb, Webb denies same.

79. Webb admits, based on information and belief, that shipments of its zinc-bearing materials from the TNT facility were made via bills of lading. Webb has no knowledge concerning the remaining allegations of Paragraph 79 and therefore denies same.

80. Webb has no knowledge concerning the allegations of Paragraph 80 and therefore denies same. Paragraph 80 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 80 is deemed to contain allegations against Webb, Webb denies same.

81. Webb has no knowledge concerning the allegations of Paragraph 81 and therefore denies same. Paragraph 81 also consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 81 is deemed to contain allegations against Webb, Webb denies same.

82. Paragraph 82 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 82 is deemed to contain allegations against Webb, Webb denies same.

83. Paragraph 83 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 83 is deemed to contain allegations against Webb, Webb denies same.

84. Paragraph 84 consists of legal conclusions and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 84 is deemed to contain allegations against Webb, Webb denies same.



85. Paragraph 85 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 85 is deemed to contain allegations against Webb, Webb denies same.

86. Paragraph 86 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 86 is deemed to contain allegations against Webb, Webb denies same.

87. Paragraph 87 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 87 is deemed to contain allegations against Webb, Webb denies same.

88. Paragraph 88 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 88 is deemed to contain allegations against Webb, Webb denies same.

89. Paragraph 89 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 89 is deemed to contain allegations against Webb, Webb denies same.

90. Paragraph 90 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 90 is deemed to contain allegations against Webb, Webb denies same.

91. Paragraph 91 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 91 is deemed to contain allegations against Webb, Webb denies same.

92. Paragraph 92 consists of legal conclusions and procedural requirements for this action and/or does not contain allegations of fact, and therefore no answer by Webb should be required. To the extent Paragraph 92 is deemed to contain allegations against Webb, Webb denies same.

**AFFIRMATIVE DEFENSES**

Webb asserts that it may have Affirmative Defenses which are not yet known, but which may become known through additional investigation and discovery. Webb hereby asserts each and every Affirmative Defense that it may later identify through additional investigation and discovery, and the failure to assert such Affirmative Defenses at this time shall not be considered a waiver thereof.

Dated: August 28, 2012

Respectfully submitted,

HUSCH BLACKWELL LLP

By:



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of August, 2012, the original and one true and correct copy of the foregoing document was sent by Fed-Ex to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 N. 5<sup>th</sup> Street, Kansas City, Kansas 66101, and was sent by regular mail to the following counsel:

Ms. Belinda L. Holmes  
Senior Counsel  
U.S. EPA, Region 7  
901 North 5<sup>th</sup> Street  
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Mr. David A. Shorr  
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