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BEFORE THE
U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

METRO METALS CORPORATION

And

AVISTA RECYCLING, INC.

Respondents

Docket No. RCRA-10-2011-0040

RESPONDENT AVISTA RECYCLING, INC.'S ANSWER AND REQUEST FOR HEARING.

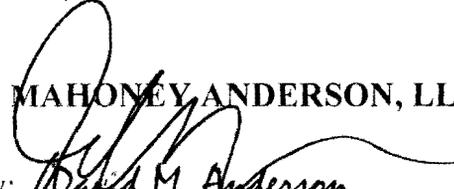
1. Unless otherwise admitted, qualified or explained, this Answering Respondent hereby denies each and every allegation in the Complaint herein, and put Plaintiff to its strict proof thereof.
2. Respondent Avista has insufficient information to admit or deny Paragraphs 1.1 through 1.6 of the Complaint and therefore denies same.
3. Respondent Avista, with regard to pars. 2.1 through 2.14 of the Complaints, states that the Statutory and Regulations provisions cited therein speak for themselves, and otherwise denies any conclusory or argumentative statements alleged in those paragraphs.
4. Respondent Avista has insufficient information to admit or deny pars. 3.1 & 3.2
5. Admits pars. 3.3 and 3.4, and denies the remaining allegations of Section 3.

6. Admits Pars. 4.1 through 4.3.
7. Denies par. 4.4 & 4.6.
8. Denies the allegations in Counts 1-4, and affirmatively alleges that Respondent Metro Metals mislead and misrepresented their status, certification, and authority to accept and transport the shipment in question, and was the responsible party for any alleged violation of Federal or Minnesota law.
9. Admits par. 5.1 of Complaint.
10. Respondent Avista, with regard to Pars. 5.4 -5.6 affirmatively states that any penalty imposed upon this Answering Respondent would be unfair, arbitrary, capricious, and in violation of the regulatory spirit and underlying legislative purpose of the Resource Conservation and Recovery Act 42 U.S.C. Section 6928 et seq.

REQUEST FOR HEARING

Respondent , through its undersigned Counsel, hereby requests a hearing on the matters herein, pursuant to 40 CFR Section 22.15.

Respectfully submitted,


MAHONEY ANDERSON, LLC

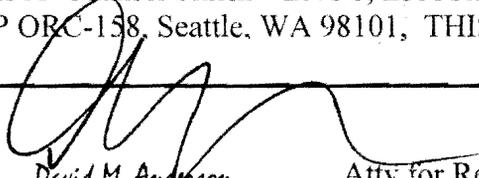
By: David M. Anderson

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Attorney for AVISTA
RECYCLING, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Email and U.S. Mail to EPA Counsel Shirin VENUS, EPA Region 10, 1200 Sixth Ave., Suite 900, MAILSTOP ORC-158, Seattle, WA 98101, THIS 9th Day of March, 2011.



David M. Anderson Atty for Respondent
David M. Anderson