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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REB.11
2008 APR -3 PM 2:33
REGIONAL HEARING
CLERK

April 1, 2008

DHL Express Overnight

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

**Re: RCRA-02-2008-7103/In the Matter of Macy's Retail Holdings, Inc.
Answer and Request for Hearing**

Dear Clerk:

Please find enclosed for filing the original and one copy of the Answer and Request for Hearing with respect to the referenced matter. This Answer and Request for Hearing is filed before April 7, 2008, the deadline established therefore in an Order dated January 29, 2008, issued by Helen S. Ferrara, Regional Judicial Officer for U.S. EPA Region 2.

Kindly stamp the enclosed copy showing the filing date and return it in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Yours very truly,

Rachelle Stern
Senior Counsel

Enclosures

cc: Carl Howard, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
BEFORE THE ADMINISTRATOR**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2008 APR -3 PM 2:33
REGIONAL HEARING
CLERK

In the Matter of:)

Macy's Retail Holdings, Inc.)

Proceeding under Section 3008 of the)
Solid Waste Disposal Act, as amended,)
42 U.S.C. § 6901 *et seq.*)
_____)

EPA DOCKET NO.
RCRA-02-2008-7103

ANSWER AND REQUEST
FOR HEARING

Respondent, Macy's Retail Holdings, Inc. ("MRH"), by its undersigned counsel, hereby answers the Complaint, Compliance Order and Notice of Opportunity for Hearing (the "Complaint") issued by the United States Environmental Protection ("EPA") to MRH on December 28, 2007 and received on January 3, 2006.¹ The numbered paragraphs of this Answer correspond to the numbered paragraphs of the Complaint.

BACKGROUND ALLEGATIONS

1. Respondent admits that it is a corporation organized and existing under the laws of the State of New York and has a corporate address at 7 West Seventh Street, Cincinnati OH 4522.
2. Admitted.
3. Admitted.
4. Admitted.

HAZARDOUS WASTE GENERATION

5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted that Respondent's two New York stores are each "a conditionally exempt small quantity generator (CESQGs) of hazardous waste" and, as to the balance of such paragraph, lacks sufficient information to form a conclusion and therefore denies them.
9. Respondent lacks sufficient information to form a conclusion and therefore denies the averments of this paragraph.

¹ By Order dated January 29, 2008, Helen S. Ferrara, the Regional Judicial Officer for U.S. EPA, Region 2, extended MRH's time to file an answer to April 7, 2008.

10. The averments of this paragraph constitute conclusions of law and thus no response is required. To the extent any of the averments are not conclusions of law they are denied.
11. The averments of this paragraph constitute conclusions of law and thus no response is required. To the extent any of the averments are not conclusions of law they are admitted.
12. Admitted.

HAZARDOUS WASTE NOTIFICATION

13. The averments of this paragraph constitute conclusions of law and thus no response is required.
14. Admitted.
15. Admitted.

EPA INVESTGATORY ACTIVITIES

16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Admitted
24. Admitted.
25. Admitted.
26. Admitted.

RESPONDENT'S RESPONSE TO NOV AND INFORMATION REQUEST LETTER (IRL)

27. Admitted.
28. Respondent lacks sufficient information to form a conclusion and therefore denies the averments of this paragraph.
29. Admitted.
30. Admitted.
31. Admitted.
32. Admitted.
33. Admitted.
34. Admitted except as to the averment stated in the first sentence, which is denied.
35. Admitted.
36. Admitted.

37. Admitted.
38. Admitted.
39. The averments of this paragraph constitute conclusions of law and thus no response is required.
40. Admitted.
41. Admitted.
42. Admitted.
43. Admitted.

COUNT 1 – FAILURE TO MAKE HAZARDOUS WASTE DETERMINATIONS

44. Respondent restates its responses to the allegations set forth in paragraphs 1 through 43.
45. The averments of this paragraph constitute conclusions of law and thus no response is required
46. The averments of this paragraph constitute conclusions of law and thus no response is required.
47. Admitted.
48. Admitted.
49. The averments of this paragraph constitute conclusions of law and thus no response is required.
50. The averments of this paragraph constitute conclusions of law and thus no response is required.
51. The averments of this paragraph constitute conclusions of law and thus no response is required.
52. Denied.
53. Admitted.
54. The averments of this paragraph constitute conclusions of law and thus no response is required.
55. The averments of this paragraph constitute conclusions of law and thus no response is required.

COUNT 2 – FAILURE TO PREVENT AND/OR MINIMIZE RELEASES

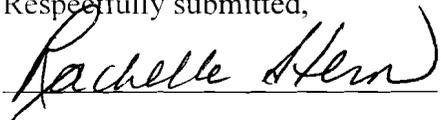
56. Respondent restates its responses to the allegations set forth in paragraphs 1 through 55.
57. The averments of this paragraph constitute conclusions of law and thus no response is required.
58. Denied as to those stores where a spent lamp program had been implemented and admitted as to the Roosevelt Field and Crossgates stores.
59. The averments of this paragraph constitute conclusions of law and thus no response is required.

60. The averments of this paragraph constitute conclusions of law and thus no response is required.
61. . Denied as to those stores where a spent lamp program had been implemented and admitted as to the Roosevelt Field and Crossgates stores.
62. The averments of this paragraph constitute conclusions of law and thus no response is required.
63. The averments of this paragraph constitute conclusions of law and thus no response is required.
64. Respondent lacks sufficient information to form a conclusion and therefore denies the averments of this paragraph. 65.
65. Respondent lacks sufficient information to form a conclusion and therefore denies the averments of this paragraph.
66. Denied as to those stores where a spent lamp program had been implemented and admitted as to the Roosevelt Field and Crossgates stores.
67. Admitted.
68. The averments of this paragraph constitute conclusions of law and thus no response is required.
69. The averments of this paragraph constitute conclusions of law and thus no response is required.

REQUEST FOR HEARING

Respondent hereby requests a hearing pursuant to Section 3008(b) of the Resource Conservation and Recovery Act and 40 C.F.R. § 22.15(c). Respondent intends to request an informal settlement conference.

Respectfully submitted,


Rachelle Stern

CERTIFICATE OF SERVICE

I, Rachelle Stern hereby certify that on this 1ST day of April, 2008, I served a copy of the foregoing Answer and Request for Hearing on the following person by First Class Mail, postage prepaid, addressed as follows:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866



Rachelle Stern