

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 N. FIFTH STREET
KANSAS CITY, KS 66101

06 OCT 17 AM 11:00

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)

G. S. Robins and Company)
St. Louis, Missouri 63102)

Respondent.)

Docket No. EPCRA-07-2006-0221

**HEARING PURSUANT TO 40 C.F.R.
PART 22 REQUESTED**

**ANSWER AND REQUEST FOR HEARING SUBMITTED BY
RESPONDENT G. S. ROBINS AND COMPANY**

COMES NOW Respondent G. S. Robins and Company (“Respondent”) and for its answer to the Complaint filed by the United States Environmental Protection Agency Region 7 (“EPA”) states the following. Unless Respondent specifically admits an allegation in the Complaint, all allegations should be considered denied by Respondent.

1. Respondent asserts that the Complaint speaks for itself, and thus no response to paragraph 1 is necessary.

2. To the extent that paragraph 2 only identifies EPA’s belief, no response is necessary. To the extent that paragraph 2 implies that Respondent violated EPCRA, Respondent asserts that such a conclusion is a legal conclusion to which no response is necessary. Should further response be deemed necessary, Respondent denies paragraph 2.

3. No response to paragraph 3 is required.

4. Respondent admits that it distributes chemicals from the location identified in paragraph 4, but denies that it manufactures chemicals at that location. Respondent admits the remaining allegations in paragraph 4, and also affirmatively states that it is known as “G. S. Robins and Company,” not “G. S. Robbins and Company.”

5. The statutory and regulatory provisions cited in paragraph 5 speak for themselves, thus no response is required.

6. The statutory and regulatory provisions cited in paragraph 6 speak for themselves, thus no response is required.

7. Respondent admits that the inspection referred to in paragraph 7 took place at the facility referenced. Respondent does not have information sufficient to admit or deny the purpose of the inspection, and thus denies the same.

8. Paragraph 8 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in paragraph 8.

9. Respondent admits the allegations in paragraph 9.

10. Respondent admits that it operates its facility located at 126 Chouteau, St. Louis, Missouri under SIC code 5169. Respondent denies the remaining allegations in paragraph 10.

11. Respondent reincorporates its answers to paragraphs 7 through 10.

12. Respondent asserts that the inspection speaks for itself, thus no response to paragraph 12 is required. Also, paragraph 12 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 12.

13. Respondent admits the allegations in paragraph 13.

14. Respondent admits that it did not file a Form R for the calendar year 2003 for Ammonia by July 1, 2004.

15. Paragraph 15 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 15.

16. Respondent denies that EPA is entitled to the relief requested in paragraph 16.

17. Respondent reincorporates its answers to paragraphs 7 through 10.

18. Respondent asserts that the inspection speaks for itself, thus no response to paragraph 18 is required. Also, paragraph 18 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 18.

19. Respondent admits the allegations in paragraph 19.

20. Respondent admits that it did not file a Form R for the calendar year 2004 for Ammonia by July 1, 2005.

21. Paragraph 21 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 21.

22. Respondent denies that EPA is entitled to the relief requested in paragraph 22.

23. Respondent reincorporates its answers to paragraphs 7 through 10.

24. Respondent asserts that the inspection speaks for itself, thus no response to paragraph 24 is required. Also, paragraph 24 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 24.

25. Respondent admits the allegations in paragraph 25.

26. Respondent admits that it did not file a Form R for the calendar year 2003 for Nitric Acid by July 1, 2004.

27. Paragraph 27 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 27.

28. Respondent denies that EPA is entitled to the relief requested in paragraph 28.

29. Respondent reincorporates its answers to paragraphs 7 through 10.

30. Respondent asserts that the inspection speaks for itself, thus no response to paragraph 30 is required. Also, paragraph 30 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 30.

31. Respondent admits the allegations in paragraph 31.

32. Respondent admits that it did not file a Form R for the calendar year 2004 for Nitric Acid by July 1, 2005.

33. Paragraph 33 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations of paragraph 33.

34. Respondent denies that EPA is entitled to the relief requested in paragraph 34.

35. Paragraph 35 contains references to statutory and regulatory provisions that speak for themselves. Additionally, paragraph 35 contains legal conclusions to which no response is required. Finally, Respondent denies that EPA is entitled to the relief requested.

36. Respondent denies that EPA is entitled to the relief requested.

37. Respondent denies that EPA is entitled to the relief requested.

38. Paragraph 38 contains no allegations, thus no response is required.

39. Paragraph 39 contains no allegations, thus no response is required.

40. Paragraph 40 contains no allegations, thus no response is required.

41. Paragraph 41 contains no allegations, thus no response is required. Respondent requests a hearing regarding this Complaint.

42. Paragraph 42 contains no allegations, thus no response is required. Respondent requests a hearing regarding this Complaint.

43. Paragraph 43 contains no allegations, thus no response is required.

44. Paragraph 44 contains no allegations, thus no response is required.

45. Paragraph 45 contains no allegations, thus no response is required. Respondent states that it has been in contact with EPA, and that an informal conference has been held.

46. Paragraph 46 contains no allegations, thus no response is required.

47. Paragraph 47 contains no allegations, thus no response is required.

48. Paragraph 48 contains no allegations, thus no response is required.

AFFIRMATIVE AND OTHER DEFENSES

1. Respondent asserts that EPA has failed to make a claim pursuant to which relief can be granted.

2. Respondent asserts that EPA's Complaint is barred in whole or in part by applicable statutes of limitations and/or the doctrine of laches.

3. Respondent asserts that certain factors contained in the relevant statutes and/or penalty policies preclude or mitigate the relief sought by EPA.

4. Respondent reserves the right to assert any and all defenses available to it, even if not set forth herein.

Date: October 16, 2006

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT G. S.
ROBINS AND COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of October, 2006, a copy of the foregoing was served via U.S. Mail on the following:

Chris Dudding
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
901 N. 5th St.
Kansas City, KS 66101



A handwritten signature in black ink, appearing to read "Brian W. Fesby", is written over a solid horizontal line.