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July 9, 2007

Regional Hearing Clerk (E-131)
U. S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: The Matter of Ken's Metal Finishing
Docket No. RCRA-o5-2007-0007

Dear Sir or Madame:

Enclosed for filing in the above matter please find the Answer and Request For Hearing of Ken's Metal Finishing, Inc. and the Answer and Request For Hearing of Kenneth LaCroix.

Sincerely,



Daniel Stauner

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

DOCKET NO. RCRA-05-2007-0007

**Ken's metal Finishing, Inc.
2333 Emerson Avenue North
Minneapolis, MN 55411**

U. S. EPA ID #: MND 006 258 164

and

**Kenneth LaCroix
13880 Sunnyslope Dr.
Maple Grove, MN 55331**

ANSWER AND REQUEST FOR HEARING OF KEN'S METAL FINISHING, INC.

Ken's Metal Finishing, Inc., for its answer to the Complaint and Compliance order in the above matter states as follows:

1. Paragraphs 1 through 6, 52, 54, 55, 60, 61, 63, through 66, 68, 69 and 72 state legal conclusions or the contents of statutes or rules to which no responsive pleading is required.
2. Admits the allegations of paragraphs 8 through 21, 25 through 30, 32, 36, 38 through 51, 57, 59 and 70.
3. In response to paragraph 22, states that respondent generates less than 100 kg of hazardous waste in a month.
4. In response to paragraph 23, states that respondent is a very small quantity generator as defined in the applicable rules.
5. In response to paragraphs 31 and 33, respondent states that the stipulation was not executed because it contained a provision for a penalty which respondent was not able to pay.

6. Respondent lacks information sufficient to admit or deny the contents of paragraphs 34 and 35

7. The matters alleged in paragraph 56 lack sufficient specificity for respondent to determine exactly what wastes are being alleged except as specifically here after admitted in this paragraph. Respondent admits the allegations of paragraph 56 (h). Respondent affirmatively alleges that some of the items that are alleged waste are in fact raw materials that are used periodically by respondent and are not stored wastes.

8. In response to paragraph 58, respondent admits the allegations of 58 (a) and 58 (l). Respondent affirmatively alleges that the wastes alleged in paragraph 58 (c) were removed from the Facility on October 21, 2003, as evidenced by State Manifest Document No. 8901512. Responded further alleges that some of items listed in are in fact unused raw materials and are not wastes.

9. In response to paragraph 67, respondent realleges paragraphs 7 and 8 as if fully set forth here.

10. In response to paragraph 71 states that respondent is a very small quantity generator. The remaining allegations of said paragraphs are admitted.

11. In response to the allegations of paragraph 73 admits the allegations of subparts (a) and (b) and affirmatively alleges that there are no storage containers that are currently open or leaking. Denies the allegations of subpart (c) and affirmatively alleges that the hydrochloric acid tank is in use and does not constitute waste. Admits the allegations of subpart (d). The allegations of subparts (e), (f) and (k) are not sufficiently specific to allow respondent to determine the truth or falsity of the allegations. Affirmatively alleges that the materials identified in subparts (g) through (j) are raw materials and not wastes. Admits the allegations of subpart (l) to the extent that old floor planks with some spilled materials crystallized on the planks are stored in an open drum. Denies the allegations of subpart (m) and (n) to the extent the items referenced therein are not wastes but raw materials. Admits so much of the allegations of subparts (o) and (p) as allege that spills have occurred that have discolored the flooring, but

denies that there have been significant accumulations. In response to subpart (q) (1) admits that there have been spills but denies that there is a significant buildup of material and denies that there is a hole in the basement floor to the soil. In response to subpart (q) (2) admits that there have been spills in the black oxide room and there is pitting in the concrete floor in the room but denies that such pitting would allow materials to reach the soils. In response to the allegations of paragraph (q) (3) admits that the roof of the Facility is leaking, and states that the remaining matters therein are speculative. In response to the allegations of subpart (q) (5) admits that the structure described therein exists and states that the remaining matters therein are speculative.

12. In response to the allegations of paragraphs 74 through 75, states that the complaint identifies as wastes raw materials that have been stored at the Facility for future use in the ordinary course of the business of respondent and as such do not constitute wastes. Such other materials as have been stored at the Facility that constitute waste are very small quantities.

13. In response to the proposed civil penalties, states that respondent does not have sufficient assets or income to pay such penalty.

REQUEST FOR HEARING

Respondent requests a hearing on the matters alleged in complaint and this answer.

Date: July 9, 2007

HANLON & STAUNER, P.L.L.P.

BY 
Daniel W. Stauner (#153308)
Attorneys for Respondent
PO Box 41907
Plymouth, MN 55441-0907
(763) 536-1415

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

DOCKET NO. RCRA-05-2007-0007

**Ken's metal Finishing, Inc.
2333 Emerson Avenue North
Minneapolis, MN 55411**

U. S. EPA ID #: MND 006 258 164

and

**Kenneth LaCroix
13880 Sunnyslope Dr.
Maple Grove, MN 55331**

ANSWER AND REQUEST FOR HEARING OF KENNETH LACROIX

Kenneth La Croix, for his answer to the Complaint and Compliance order in the above matter states as follows:

1. Paragraphs 1 through 6, 52, 54, 55, 60, 61, 63, through 66, 68, 69 and 72 state legal conclusions or the contents of statutes or rules to which no responsive pleading is required.
2. Admits the allegations of paragraphs 8 through 21, 25 through 30, 32, 36, 38 through 51, 57, 59 and 70.
3. In response to paragraph 22, states that Ken's Metal Finishing generates less than 100 kg of hazardous waste in a month.
4. In response to paragraph 23, states that Ken's Metal Finishing is a very small quantity generator as defined in the applicable rules.
5. In response to paragraphs 31 and 33, respondent states that the stipulation was not executed because it contained a provision for a penalty which Ken' Metal Finishing was not able to pay.

6. Respondent lacks information sufficient to admit or deny the contents of paragraphs 34 and 35

7. The matters alleged in paragraph 56 lack sufficient specificity for respondent to determine exactly what wastes are being alleged except as specifically here after admitted in this paragraph. Respondent admits the allegations of paragraph 56 (h). Respondent affirmatively alleges that some of the items that are alleged waste are in fact raw materials that are used periodically by Ken's Metal Finishing and are not stored wastes.

8. In response to paragraph 58, respondent admits the allegations of 58 (a) and 58 (l). Respondent affirmatively alleges that the wastes alleged in paragraph 58 (c) were removed from the Facility on October 21, 2003, as evidenced by State Manifest Document No. 8901512. Responded further alleges that some of items listed in are in fact unused raw materials and are not wastes.

9. In response to paragraph 67, respondent realleges paragraphs 7 and 8 as if fully set forth here.

10. In response to paragraph 71 states that Ken's Metal Finishing is a very small quantity generator. The remaining allegations of said paragraphs are admitted.

11. In response to the allegations of paragraph 73 admits the allegations of subparts (a) and (b) and affirmatively alleges that there are no storage containers that are currently open or leaking. Denies the allegations of subpart (c) and affirmatively alleges that the hydrochloric acid tank is in use and does not constitute waste. Admits the allegations of subpart (d). The allegations of subparts (e), (f) and (k) are not sufficiently specific to allow respondent to determine the truth or falsity of the allegations. Affirmatively alleges that the materials identified in subparts (g) through (j) are raw materials and not wastes. Admits the allegations of subpart (l) to the extent that old floor planks with some spilled materials crystallized on the planks are stored in an open drum. Denies the allegations of subpart (m) and (n) to the extent the items referenced therein are not wastes but raw materials. Admits so much of the allegations of subparts (o) and (p) as allege that spills have occurred that have discolored the flooring, but

denies that there have been significant accumulations. In response to subpart (q) (1) admits that there have been spills but denies that there is a significant buildup of material and denies that there is a hole in the basement floor to the soil. In response to subpart (q) (2) admits that there have been spills in the black oxide room and there is pitting in the concrete floor in the room but denies that such pitting would allow materials to reach the soils. In response to the allegations of paragraph (q) (3) admits that the roof of the Facility is leaking, and states that the remaining matters therein are speculative. In response to the allegations of subpart (q) (5) admits that the structure described therein exists and states that the remaining matters therein are speculative.

12. In response to the allegations of paragraphs 74 through 75, states that the complaint identifies as wastes raw materials that have been stored at the Facility for future use in the ordinary course of the business of Ken's Metal Finishing and as such do not constitute wastes. Such other materials as have been stored at the Facility that constitute waste are very small quantities.

13. In response to the proposed civil penalties, states that neither respondent or Ken's Metal Finishing have sufficient assets or income to pay such penalty.

REQUEST FOR HEARING

Respondent requests a hearing on the matters alleged in complaint and this answer.

Date: July 9, 2007

HANLON & STAUNER, P.L.L.P.

BY 
Daniel W. Stauner (#153308)
Attorneys for Respondent
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