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August 6, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Stuart N. Keith, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2008 AUG 12 PM 2:21
REGIONAL HEARING
CLERK

**RE: In the Matter of National Realty and Development Corp. (NRDC) Equity Partners
Docket Number RCRA-02-2008-7108**

Dear Ms. Maples and Mr. Keith:

I represent National Realty & Development Corp., and Lord & Taylor, LLC in connection with the referenced matter.

On or about July 14, 2008, NRDC was served with a copy of the Complaint in this matter. Attached for filing is the original and one copy of the Answer to the Complaint and a request for a Hearing.

In addition, this letter constitutes a request for an informal settlement conference.

Very truly yours,



LEWIS GOLDSHORE

att.

cc: Dore LaPosta, Director; Division of Enforcement and Compliance Assistance (w/att.); Thomas Killeen, Chief, Hazardous Waste Compliance Section (w/att.); Michael Hastry, Chief, Bureau of Hazardous Waste Compliance (w/att.); National Realty & Development Corp. (w/att.); Lord & Taylor, LLC (w/att.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

.....
In The Matter of:

**ANSWER TO COMPLAINT,
COMPLIANCE ORDER AND
NOTICE OF OPPORTUNITY
FOR HEARING**

National Realty and Development Corp.
(NRDC) Equity Partners,

Docket No. RCRA-02-02008-710

Respondent,

Proceeding Under Section 3008 of the
Solid Waste Disposal Act, as amended.
.....

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2000 AUG 12 PM 2: 21
REGIONAL HEARING
CLERK

Respondent, National Realty and Development Corp. (NRDC) Equity Partners¹, by way of Answer to the Complaint, Compliance Order and Notice of Opportunity for Hearing, says:

ANSWER TO COMPLAINT

Background Allegations

1. Respondent admits the allegations set forth in paragraph 1.
2. Respondent admits the allegations set forth in paragraph 2.
3. Respondent admits the allegations set forth in paragraph 3.
4. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent admits the allegations set forth in paragraph 4.

1

The references to "National Realty & Development Corp. (NRDC) Equity Partners" in the caption and in the body of the Complaint should be deleted. The Respondent for the twenty-three (23) Lord & Taylor stores should be identified as the operating entity, "Lord & Taylor, LLC". See Complaint, paragraph 2. The Respondent for the forty-five (45) commercial office/retail facilities should be identified as the property manager, "National Realty & Development Corp." See Complaint, paragraph 3. The references to "Respondent" as used in this Answer to Complaint shall be deemed to mean "Lord & Taylor, LLC" when answering allegations relating to the twenty-three (23) Lord & Taylor stores and/or "National Realty & Development Corp.", when answering allegations relating to the forty-five (45) commercial office/retail facilities.

Hazardous Waste Generation

5. Respondent admits the allegations set forth in paragraph 5.
6. This paragraph makes no allegations against Respondent and, therefore, no response is required.
7. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 7.
8. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 8.
9. Respondent denies the allegations set forth in paragraph 9.
10. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 10.
11. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent admits the allegations set forth in paragraph 11.

Hazardous Waste Notification

12. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 12.
13. Respondent admits the allegations set forth in paragraph 13.

EPA Investigatory Activities

14. Respondent admits the allegations set forth in paragraph 14.
15. Respondent admits the allegations set forth in paragraph 15.
16. Respondent denies the allegations set forth in paragraph 16.
17. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 17.
18. Respondent denies the allegations set forth in paragraph 18.
19. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 19.

NOV and Information Request Letter (IRL)

20. Respondent admits the allegations set forth in paragraph 20.

21. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 21.

22. Respondent admits the allegations set forth in paragraph 22.

23. Respondent admits the allegations set forth in paragraph 23.

24. Respondent denies the allegations set forth in paragraph 24.

25. Respondent admits the allegations set forth in paragraph 25.

COUNT 1 - Failure to Make Hazardous Waste Determinations

26. Respondent repeats each of the responses contained above in paragraphs 1 through 25, with the same force and effect as if fully set forth below.

27. This paragraph makes no allegations against Respondent and, therefore, no response is required.

28. This paragraph makes no allegations against Respondent and, therefore, no response is required.

29. Respondent denies the allegations set forth in paragraph 29.

30. Respondent admits the allegations set forth in paragraph 30.

31. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 31.

32. Respondent admits the allegations set forth in paragraph 32.

33. Respondent denies the allegations set forth in paragraph 33.

34. This paragraph makes no allegations against Respondent and, therefore, no response is required.

35. Respondent admits the allegations set forth in paragraph 35.

36. This paragraph sets forth a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies the allegations set forth in paragraph 36.

37. This paragraph makes no allegations against Respondent and, therefore, no response is required.

AFFIRMATIVE DEFENSES

Respondent hereby reserves the right to assert any and all affirmative defenses in response to the Complaint and Compliance Order including, but not limited to, the equitable doctrines of waiver, estoppel, laches and/or unclean hands.

PROPOSED CIVIL PENALTY

Respondent hereby requests that the proposed civil penalty be withdrawn.

COMPLIANCE ORDER

Respondent hereby requests a stay of the Compliance Order in light of Respondent's request for a hearing pursuant to 40 C.F.R. §22.15.

REQUEST FOR HEARING

Respondent hereby requests a hearing upon the issues raised by the Complaint and the Answer.

REQUEST FOR AN INFORMAL SETTLEMENT CONFERENCE

Respondent hereby requests an informal settlement conference.

RESPONDENT:

Lord & Taylor, LLC
National Realty & Development Corp.

By: Lewis Goldshore
Lewis Goldshore, Esq.
Goldshore, Cash & Kalac
3150 Brunswick Pike, Suite 150
Lawrenceville, New Jersey 08648
(609) 637-9840

cc: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

Thomas Killeen, Chief
Hazardous Waste Compliance Section
Bureau of Hazardous Waste Management
New York State Department of Environmental Compliance
625 Broadway
Albany, New York 12233-7251

Michael Hastry, Chief
Bureau of Hazardous Waste Compliance and Enforcement
Central Field Office, New Jersey Department of Environmental Protection
300 Horizon Center
PO Box 407
Trenton, NJ 08625-0407

R. Joseph Guidos, Executive Vice President
Property Operations
National Realty & Develop. Corp.
3 Manhattanville Rd.
Purchase, New York 10577-2117

John M. Manos
Vice President - Legal
Lord & Taylor, LLC
424 Fifth Avenue
New York, New York 10018

CERTIFICATE OF SERVICE

This is to certify that on August 6, 2008, I caused to be mailed, by certified mail, return receipt requested, a original and a true and correct copy of the foregoing "ANSWER TO COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING," bearing Docket Number RCRA-02-2009-7108 hereinafter referred to as the "Answer" to:

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

and a true and correct copy thereof to:

Stuart N. Keith, Esq.
Office of Regional Counsel
Environmental Protection Agency, Region 2
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New York, NY 10007-1866


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
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