

October 31, 2011

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Ms. Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region I

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REGIONAL HEARING CLERK

Mail Code ORA18-1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: *U.S. EPA v. Rhodes Technologies, Inc.*, RCRA 01-2011-0124

Dear Ms. Santiago:

Please find enclosed Respondent, Rhodes Technologies, Inc.'s Request for a Hearing on the Compliance Order portion of U.S. EPA's Complaint, Compliance Order and Notice of Opportunity for Hearing in the above captioned matter.

We are not filing an answer at this time. As you are aware, the parties requested an extension through December 5, 2011 for that answer. We reserve our rights to file an answer within the extended time allotted. We are filing this request for a hearing to preserve our rights to contest the Compliance Order in the event that respondent files an answer in the additional time period granted by the Regional Judicial Officer as requested by the parties to provide time for settlement discussions.

We also are reserving our rights, to contest, at the appropriate time in the answer, the specific factual and legal allegations in the Complaint that we dispute, that relate to the Compliance Order. We file the present pleading to protect our rights to do so, at the appropriate juncture.

Very truly yours,



Chris Wiest

Enclosure

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cc: Steven J. Viggiani
James P. Doyle
Andrew L. Kolesar

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of: :

Rhodes Technologies, Inc. : **Request for Hearing on Compliance**
498 Washington Street : **Order and Reservation of Rights on**
Coventry, RI 02816 : **Answer**

Proceeding under Section 3008(a) of : **Docket No. RCRA-01-2011-0124**
the Resource Conservation and Recovery
Act, 42 U.S.C. § 6928(a) :

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OFFICE OF
REGIONAL COMPLIANCE CLERK

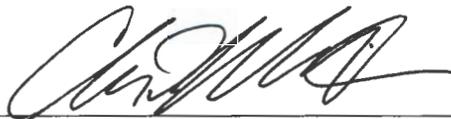
REQUEST FOR HEARING ON COMPLIANCE ORDER AND RESERVATION OF RIGHTS ON ANSWER PURSUANT TO THE PARTIES JOINT MOTION REGARDING EXTENSION OF TIME

Respondent, Rhodes Technologies, Inc. (“Rhodes”) by and through counsel, requests a public hearing, pursuant to 42 U.S.C. § 6928(b) on the Compliance Order portion of the Complainant’s *Complaint, Compliance Order, and Notice of Opportunity for Hearing*, set forth in Paragraphs 68 through 77 of that *Complaint, Compliance Order, and Notice of Opportunity for Hearing*. Respondent files this request to protect its rights under RCRA regarding the Compliance Order portion of the *Complaint, Compliance Order, and Notice of Opportunity for Hearing* including the rights afforded under 42 U.S.C. § 6928(b) and 40 C.F.R. § 24.05(a) (providing that the initial administrative order becomes a final order unless the respondent requests a hearing within thirty (30) days after service of the order).

Rhodes requests this public hearing without waiving its rights to file an answer on the Complaint portion of the *Complaint, Compliance Order, and Notice of Opportunity for Hearing*. The parties have filed a Joint Motion to Extend Time to Answer (on or before December 5, 2011) to provide time for the Parties to conduct settlement negotiations. This Request for Hearing is not intended to be, and is filed with the understanding that it is not an answer to the *Complaint, Compliance Order, and Notice of Opportunity for Hearing*. However, at the time

that an answer is filed, which will set forth in detail the factual allegations and legal conclusions that Respondent disputes, Respondent hereby incorporates this Request for a Hearing on the Compliance Order by reference, as if fully set forth in that answer.

Respectfully Submitted,



Andrew L. Kolesar (Washington DC Bar
429421; OH Bar 0067927)
Christopher Wiest (OH Bar 0077931)
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Andrew.kolesar@thompsonhine.com
Counsel for Rhodes Technologies, Inc.

CERTIFICATE OF SERVICE

I certify that I have served the original and one copy of the foregoing upon Wanda Santiago, Regional Hearing Clerk, and Steven J. Viggiani, Senior Enforcement Counsel, via overnight mail service, this 31st Day of October, 2011.

