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October 22, 2007


Ms. Tina Artemis
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Re: TSCA-08-2007-0016

Dear Ms. Artemis:

On behalf of Mr. Ellingson, please find enclosed for filing the original and one copy of Respondent's Answer and Request for hearing in the above matter. A copy has also been forwarded to Mr. Baird at the Region 8 Enforcement Program. Thank you for your attention to this matter and,

Best regards,



James A. Billion

Enc.
cc. Client

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 OCT 25 AM 11:17

FRAN DEJON VIII
HEARING CLERK

IN THE MATTER OF:

)
The City of Flandreau,
1005 W. Elm Avenue
Flandreau, SD 57028-0343

) ANSWER AND PETITION
FOR HEARING

) Docket No. **TSCA-08-2007-0016**
Respondent.
)

Respondent, the City of Flandreau, South Dakota, by and through its attorney, William J. Ellingson, makes and files its ANSWER and PETITION FOR HEARING in the above captioned matter, and in doing so states and alleges as follows:

1. Respondent denies all allegations set forth in paragraphs 1-27 of the Complaint, and requests a hearing.
2. In the event allegations are substantiated, Respondent opposes the Proposed TSCA Penalty on the following grounds:
 - a. The nature, circumstances, extent and gravity of the alleged violations are lesser in degree than reflected in the proposed penalty.
 - b. The Respondent's: ability to pay; the effect the proposed penalty would have on its ability to business; prior violations and degree of culpability are not accurately reflected under the proposed penalty for the alleged violations.

WHEREFORE, this Respondent requests a Hearing be regularly scheduled in this matter.

Dated this 22nd day of October, 2007.



William J. Ellingson

Attorney for Respondent
Ellingson Law Office
P.O. Box 324
Flandreau, SD 57028

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a true and correct copy of the foregoing ANSWER was served upon the Mr. Richard Baird, Senior Enforcement Attorney, Legal Enforcement Program, U.S. EPA Region 8 1595 Wynkoop Street, 8ENF-L Denver, Colorado, 80202-1129, on this the 22nd day of October, 2007, by United States mail, First Class with sufficient postage prepaid thereon.

ELLINGSON LAW OFFICE


William J. Ellingson

Attorney for Respondent
P.O. Box 324
Flandreau, SD 57028