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US EPA - REGION IX
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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

In the Matter of

EIKI WORLD, INC.

Respondent

Docket Num: RCRA-9-2013-0001

ANSWER

Proceeding under §3008(a) of the Resource
Conservation and Recovery Act. 42 USC
6928(a)

COMES NOW RESPONDENT EIKI WORLD, INC., a California

Corporation and answers the complaint as follows:

1. Respondent admits the allegations of paragraphs 1, 2, 5, 6, 7, 8, 9, 14, 17, 18, 19, 28, 29, 32

2. Respondent admits the allegations of paragraph 3 that it is a California

Corporation and that its office is located in Los Angeles, but denies the remaining

Corporation and that its office is located in Los Angeles, but denies the remaining allegations of the paragraph.

3. Respondent denies the allegations of paragraphs 11, 13, 15, 20-27, 30, 31

4. Respondent lacks sufficient information to admit or deny the allegations of paragraphs 4, 10, 12, 33 and therefore denies the allegations of those paragraphs based on said lack of information.

4. Respondent admits and denies the allegations paragraph 16 as is consistent with the remainder of this answer.

DEFENSES

5. As a first and separate Affirmative Defense, Respondent alleges that the complaint fails to state facts sufficient to constitute a violation or claim against Respondent.

6. As a second and separate Affirmative Defense, Respondent alleges that the Statute of Limitations in which to bring the herein action pursuant to §3008 (a)(1) of the Resource Conservation and Recovery Act has expired.

7. As a third and separate Affirmative Defense, Respondent alleges there was an Accord and Satisfaction with a third party exporter with regard to the same facts, transactions, and CRTs as alleged herein.

8. As a fourth and separate affirmative defense Respondent alleges that the acts

and conduct complained of, were the actions of third parties, over who this answering Respondent has no control and is not responsible.

9. As a fifth and separate affirmative defense Respondent alleges that the petitioner delayed in bringing this action which has acted to the detriment of Respondent and therefore this action should be barred by the equitable doctrine of laches.

10. As a sixth and separate affirmative defense Respondent alleges that the penalties sought herein are excessive in that the harm or risk of harm does not justify such penalties.

11. As a seventh and separate affirmative defense Respondent alleges that the penalties sought herein are excessive in light of the fact that the party that actually exported the CRTs in question was levied, and paid a fine constituting a fraction of the fine sought against Respondent.

12. Respondent alleges that has at this time it has insufficient information to form a belief as to whether it his additional defenses and therefore reserves the right to amend this answer and assert additional defense.

13. Respondent requests a Public Hearing upon the issues raised in the Complaint.

WHEREFORE respondent prays that:

1. The complaint be dismissed;
2. EPA take nothing by way of this complaint;
3. That respondent be awarded costs of suit;
4. For a Public Hearing; and
5. For such other and further relief that may be warranted.

Dated: November 29, 2012

Kenneth I. Gross & Assoc.

by 

Kenneth I. Gross, Esq.
Attorneys for Respondent

1
2 **PROOF OF SERVICE**
3 **C.C.P. §1013A(3)**
4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action. My business address is 849 S. Broadway St., Ste 504, Los
7 Angles, CA 90014

8 On November 29, 2012 I served the foregoing document described as ANSWER on the
9 interested parties in this action.

10 [x] by placing true copies thereof enclosed in a sealed envelope and addressed as follows:

11 Regional Hearing Clerk
12 Mail Code: ORC-1
13 U.S. Environmental Protection Agency, Region IX
14 75 Hawthorne St.
15 San Francisco, CA 94105

16 Rebecca Sugeran
17 Mail Code: ORC-3
18 U.S. Environmental Protection Agency, Region IX
19 75 Hawthorne St.
20 San Francisco, CA 94105

21 **BY MAIL**

22 [x] By depositing in the U.S. Mail at Los Angeles, California, postage prepaid.

23 [] As following: I am readily familiar with this firm's practice of collection and processing
24 correspondence for mailing. Under those practices in would be deposited in the U.S. Mail on the
25 same day as posted at Los Angeles, California in the ordinary course of business. I am aware that
26 on motion of the party served, service is presumed invalid if the postal cancellation date or
27 postage meter date is more than one day after the date of deposit for mailing as set forth in this
28 affidavit.

Executed on November 29, 2012 at Los Angeles, California.

BY PERSONAL SERVICE

[] I delivered such envelope by hand to the following person:

Executed on 2012 at Los Angeles, California.

BY FACSIMILE TRANSMISSION

[] I transmitted said document to the office of the addressee(s) indicated above to the
following fax number:

Executed on 2012 at Los Angeles, California

I declare under penalty of perjury pursuant to the laws of the State of California that the
foregoing is true and correct.

27
28

Karen Jin