OCT 19 1998

RESP

ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AND COUNSELORS
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MISSOURI 63102-2740
(314) 621-5070
FAX (314) 621-5065

KANSAS CITY, MISSOURI
BELLEVILLE, ILLINOIS
OLATHE, KANSAS

Richard L. Waters

October 15, 1998

Mr. Phillips S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Re: Willert Home Products, Inc.
EPCRA Docket No. VII-97E-377
RCRA Docket No. VII-98-H-0017

Dear Mr. Page:

Please find enclosed a copy of the Answer and our Entry of Appearance on behalf of Willert Home Products in the above matters.

As we discussed by telephone, I will contact you during the week of October 19th, to discuss a time for an informal settlement conference and the use of alternative dispute resolution.

Please contact me if you have any questions regarding this information.

Very truly yours,

Richard L. Waters

Richard L. Waters

RLW/sh
Enclosures
cc: Ms. Sue Hantak (w/o encls.)
Mr. Brian Mitchell (w/encls.)

R00166533
RCRA RECORDS CENTER

ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AND COUNSELORS
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MISSOURI 63102-2740
(314) 621-5070
FAX (314) 621-5065

KANSAS CITY, MISSOURI
BELLEVILLE, ILLINOIS
OLATHE, KANSAS

Richard L. Waters

OCT 19 1998

RESP

October 15, 1998

Ms. Kathy Flippin
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102

Re: Willert Home Products
EPCRA Docket No. VII-97E-377
RCRA Docket No. VII-98-H-0017

Dear Ms. Flippin:

This is to inform you that Willert Home Products has filed its Answers denying the allegations contained in the above two matters, and requesting a settlement conference and hearing with EPA. Mr. Phillip Page is handling the matter on behalf of EPA.

Please contact Mr. Page or myself if you have any questions regarding this information.

Very truly yours,

Richard L. Waters

Richard L. Waters

RLW/sh
Enclosures
cc: Phillip S. Page
Brian Mitchell
Susan Hantak

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OCT 19 1998

RESP

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
Willert Home Products	)	RCRA Docket No. VII-98-H-0017
Saint Louis, Missouri	)	
	)	
Respondent.	)	

ENTRY OF APPEARANCE

I hereby file my appearance in this proceeding on behalf of Willert Home Products, Inc.

Respectfully submitted,

ARMSTRONG, TEASDALE, SCHLAFLY
& DAVIS

John F. Cowling
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 FAX

ATTORNEYS FOR WILLERT HOME
PRODUCTS, INC

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Richard L Waters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
Willert Home Products	)	RCRA Docket No. VII-98-H-0017
Saint Louis, Missouri	)	
	)	
Respondent.	)	

ENTRY OF APPEARANCE

I hereby file my appearance in this proceeding on behalf of Willert Home Products, Inc.

Respectfully submitted,

ARMSTRONG, TEASDALE, SCHLAFLY
& DAVIS

Richard L. Waters
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 FAX

ATTORNEYS FOR WILLERT HOME
PRODUCTS, INC

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Richard L. Waters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OCT 19 1998

RESP

IN THE MATTER OF:	)	
	)	
Willert Home Products	)	RCRA Docket No. VII-98-H-0017
St. Louis, Missouri	)	
	)	ANSWER AND REQUEST FOR A
Respondent.	)	HEARING AND INFORMAL
	)	SETTLEMENT CONFERENCE

ANSWER

COMES NOW, Willert Home Products, Inc., by and through its attorneys and for its answer to Complainant's Complaint, states as follows:

A. PRELIMINARY STATEMENT

1. Respondent states that the statutes and regulations speak for themselves. Respondent admits that it is located at 4044 Park Avenue, St. Louis, Missouri. Respondent denies any other allegations contained in paragraph 1 not specifically admitted.

2. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 2 not specifically admitted.

3. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 3 not specifically admitted.

B. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

4. Respondent denies the allegations contained in paragraph 4.

5. Respondent admits that it operates a facility at 4044 Park Avenue, St. Louis, Missouri 63110, where it manufactures such products as toilet bowl cleaners, pot pourri, air fresheners, moth repellants, ash trays. Respondent denies any other allegations contained in paragraph 5 not specifically admitted.

6. Respondent admits the allegations contained in paragraph 6.

7. Respondent denies the allegations contained in paragraph 7.

COUNT I

FAILURE TO CONDUCT AN ADEQUATE HAZARDOUS WASTE DETERMINATION

8. Respondent realleges its responses to paragraphs 1 through 7 as if fully set forth herein.

9. Respondent denies the allegations contained in paragraph 9.

10. Respondent denies the allegations contained in paragraph 10.

11. Respondent denies the allegations contained in paragraph 11.

COUNT II

FAILURE TO COMPLY WITH REQUIREMENTS OF RCRA PERMIT OR RCRA INTERIM STATUS

12. Respondent realleges its responses to paragraphs 1 through 7 as if fully set forth herein.

13. Respondent denies the allegations contained in paragraph 13.

14. Respondent states that the regulations speak for themselves. Respondent denies any of the allegations contained in paragraph 14 not specifically admitted.

15. Respondent denies the allegations contained in paragraph 15.

16. Respondent denies the allegations contained in paragraph 16.

17. Respondent states that the statutes and regulations speak for themselves. Respondent denies any of the allegations contained in paragraph 17 not specifically admitted.

18. Respondent states that the statutes and regulations speak for themselves. Respondent denies any of the allegations contained in paragraph 18 not specifically admitted.

19. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 19 not specifically admitted.

20. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 20 not specifically admitted.

21. Respondent denies the allegations contained in paragraph 21.

22. Respondent denies the allegations contained in paragraph 22.

23. Respondent denies the allegations contained in paragraph 23.

24. Respondent denies the allegations contained in paragraph 24.

COMPLIANCE ORDER

25. Respondent denies the allegations contained in paragraph 25.

26. Respondent denies the allegations contained in paragraph 26.

D. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

27. Respondent requests a hearing on this matter. Respondent states that the statute and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 27 not specifically admitted.

28. Respondent files its answer in response to the Complaint and request a hearing. Respondent shall file its answer with the Regional Hearing Clerk and states that the regulations

speak for themselves. Respondent denies all the allegations contained in paragraph 28 not specifically admitted.

29. Respondent files its answer in response to the Complaint and requests a hearing. Respondent denies any other allegations contained in paragraph 29 not specifically admitted.

30. Respondent is without sufficient knowledge or information t form a belief as to the truth of the allegations contained in paragraph 30 and, therefore, denies the allegations contained in paragraph 30.

E. SETTLEMENT CONFERENCE

31. Respondent requests that an informal settlement conference be held to discuss this matter.

32. Respondent acknowledges the statement contained in paragraph 32 regarding the answer and request for a settlement conference.

33. Respondent acknowledges the statements contained in paragraph 33 regarding a civil penalty and consent agreement.

34. Respondent files its answer in response to the Complaint and requests a hearing. Respondent denies all allegations contained in paragraph 34 not specifically admitted.

F. EFFECTIVE DATE

35. Respondent acknowledges the statement in paragraph 35 regarding the effective date.

WHEREFORE, having fully answer, respondent Willert Home Products, Inc., prays that this action be dismissed, that respondent be awarded its response costs and for such other relief as the Administrator deems just and proper.

Respectfully submitted,

ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS

By Richard L. Waters

John F. Cowling
Richard L. Waters
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740
(314) 621-5070
(314) 621-5065 (facsimile)

ATTORNEYS FOR WILLERT HOME PRODUCTS, INC.

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Richard L Walters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OCT 19 1998

RESP

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
Willert Home Products, Inc.,	)	EPCRA Docket No. VII-97E-377
	)	
Respondent.	)	

ENTRY OF APPEARANCE

I hereby file my appearance in this proceeding on behalf of Willert Home Products, Inc.

Respectfully submitted,

ARMSTRONG, TEASDALE, SCHLAFLY
& DAVIS

John F. Cowling
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 FAX

ATTORNEYS FOR WILLERT HOME
PRODUCTS, INC

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Richard L. Waters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
Willert Home Products, Inc.,	)	EPCRA Docket No. VII-97E-377
	)	
Respondent.	)	

ENTRY OF APPEARANCE

I hereby file my appearance in this proceeding on behalf of Willert Home Products, Inc.

Respectfully submitted,

ARMSTRONG, TEASDALE, SCHLAFLY
& DAVIS

Richard L. Waters

Richard L. Waters
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 FAX

ATTORNEYS FOR WILLERT HOME
PRODUCTS, INC

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Richard L. Waters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	EPCRA Docket No. VII-97E-377
	)	
Willert Home Products, Inc.,	)	ANSWER AND REQUEST
	)	FOR A HEARING AND INFORMAL
Respondent.	)	SETTLEMENT CONFERENCE

ANSWER

COMES NOW, Willert Home Products, Inc., by and through its attorneys and for its Answer to Complainant's Complaint states as follows:

Jurisdiction

1. Respondent states that the statutes speak for themselves. Respondent denies any other allegations contained in paragraph 1 not specifically admitted.

2. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 2 not specifically admitted.

Parties

3. Respondent admits the allegations contained in paragraph 3.

4. Respondent admits the allegations contained in paragraph 4.

Statutory and Regulatory Framework

5. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 5 not specifically admitted.

6. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 6 not specifically admitted.

7. Respondent denies the allegations contained in paragraph 7.

8. Respondent admits that it owns and operates a facility at 4044 Park Avenue, St. Louis, Missouri. Respondent denies the remaining allegations contained in paragraph 8.

9. Respondent denies the allegations contained in paragraph 9.

10. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 10 not specifically admitted.

11. Respondent denies the allegations contained in paragraph 11.

12. Respondent denies the allegations contained in paragraph 12.

13. Respondent denies the allegations contained in paragraph 13.

14. Respondent denies the allegations contained in paragraph 14.

15. Respondent denies the allegations contained in paragraph 15.

COUNT II

16. Respondent realleges its responses to paragraphs 7 through 15 of Count I as its responses to paragraphs 7 through 15 of Count II.

17. Respondent denies the allegations contained in paragraph 17.

18. Respondent states that the statute and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 18 not specifically admitted.

19. Respondent denies the allegations contained in paragraph 19.

20. Respondent denies the allegations contained in paragraph 20.

21. Respondent denies the allegations contained in paragraph 21.

22. Respondent denies the allegations contained in paragraph 22.

Relief

23. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 23 not specifically admitted.

24. Respondent states that the statutes and regulations speak for themselves. Respondent denies any other allegations contained in paragraph 24 not specifically admitted.

25. Respondent denies the allegations contained in paragraph 25.

26. Respondent admits that a Penalty Calculation was attached to the Complaint. Respondent denies any other allegations contained in paragraph 26 not specifically admitted. Further, Respondent denies the Penalty Calculation incorporated by reference into the Complaint.

27. Respondent denies the allegations contained in paragraph 27.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

28. Respondent requests a hearing on this matter. Respondent states that the regulations speak for themselves. Respondent denies any other allegations contained in paragraph 28 not specifically admitted.

29. Respondent files its Answer in response to the Complaint and requests a hearing. Respondent denies any other allegations contained in paragraph 29 not specifically admitted.

30. Respondent shall file its Answer with the Regional Hearing Clerk and states that the regulations speak for themselves. Respondent denies all allegations contained in paragraph 30 not specifically admitted. Respondent generally denies any other allegations contained in the Complaint not specifically admitted.

31. Respondent shall file its Answer with the Regional Hearing Clerk. Respondent denies any other allegations contained in paragraph 31 not specifically admitted. Respondent generally denies all other allegations contained in the Complaint not specifically admitted.

Informal Settlement Conference

32. Respondent requests that an informal settlement conference be held to discuss this matter.

33. Respondent acknowledges the statement contained in paragraph 33 regarding the answer and request for a hearing.

34. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 34 and, therefore, denies the allegations of paragraph 34.

35 Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 35 and, therefore, denies the allegations of paragraph 35.

WHEREFORE, having fully answered, Respondent Willert Home Products, Inc., prays that this action be dismissed, that Respondent be awarded its costs and for such other relief as the Administrator deems just and proper.

Respectfully submitted,
ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS

By: Richard L. Waters

John F. Cowling
Richard L. Waters
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070 Fax (314) 621-5065

ATTORNEYS FOR WILLERT HOME PRODUCTS, INC.

CERTIFICATE OF SERVICE

A copy of this document was mailed first class, postage prepaid, this 15th day of October, 1998, to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Phillip S. Page
Assistant Regional Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Richard L. Watters