

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY REGION 7

2013 OCT 28 AM 11:57

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
DR. JAMES DIEMER, ) ANSWER  
RESPONDENT. ) DOCKET NO. FIFRA-07-2013-0035  
 )

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ANSWER

Section I - Jurisdiction

COMES NOW the Respondent, Dr. James Diemer and for his Answer to the Complaint and Notice of Opportunity for Hearing states:

1. Denies paragraph 1.
2. Denies paragraph 2.

Section II - Parties

3. Denies paragraph 3.
4. Admits paragraph 4.

Section III – Statutory & Regulatory Background

5. Denies and affirmatively states that the statute speaks for itself.
6. Denies paragraph 6 and affirmatively states that the statute speaks for itself.
7. Denies paragraph 7 and affirmatively states that the statute speaks for itself.
8. Denies paragraph 8 and affirmatively states that the statute speaks for itself.
9. Denies paragraph 9 and affirmatively states that the statute speaks for itself.
10. Denies paragraph 10 and affirmatively states that the statute speaks for itself.
11. Denies paragraph 11 and affirmatively states that the statute speaks for itself.

#### **Section IV – General Factual Allegations**

12. Denies paragraph 12.
13. Admits paragraph 13.
14. Denies paragraph 14.
15. Denies paragraph 15.
16. Denies paragraph 16.
17. Denies paragraph 17.
18. Denies paragraph 18.
19. Denies paragraph 19.
20. Denies paragraph 20.

#### **Violations**

21. Denies paragraph 21.

#### **Count 1**

22. The answers to paragraphs 12 to 20 are re-alleged and incorporated as if fully stated herein.
23. Denies paragraph 23.
24. Denies paragraph 24.
25. Denies paragraph 25.
26. Denies paragraph 26.
27. Denies paragraph 27.
28. Denies paragraph 28.

#### **Section V – Relief Sought**

29. Denies paragraph 29.
30. Denies paragraph 30.

31. Denies paragraph 31.
32. Denies paragraph 32.
33. Denies paragraph 33.
34. Denies paragraph 34.
35. Denies paragraph 35.
36. Denies paragraph 36 and affirmatively states that Respondent does contest the alleged findings and assessments.

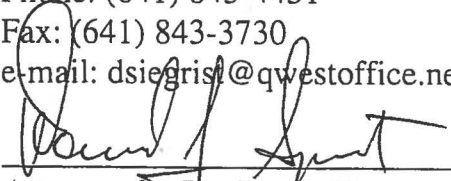
**NOTICE OF OPPORTUNITY FOR HEARING**  
**Section VI – Answer and Request for Hearing**

37. Denies paragraph 37. Respondent hereby requests a hearing to contest all allegations and demands set forth in the Complaint and to contest any penalty proposed.
38. Denies paragraph 38 for lack of information.
39. Denies paragraph 39.
40. Denies paragraph 40, except to admit that Respondent will comply with the Consolidated Rules of Practice.

**Section VII – Settlement Conference**

41. Denies paragraph 41.
42. Denies paragraph 42.
43. Denies paragraph 43.

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Attorney for Dr. James Diemer

Original filed with  
Regional Hearing Clerk  
EPA – Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on Oct 16 and Oct 23, 2013 by:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> U.S. Mail <u>10/16/13</u> | FAX   |
| <input type="checkbox"/> Hand Delivered                       | <input checked="" type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express                      | <input type="checkbox"/> Other: <u>10/23/13</u>       |

Signature: \_\_\_\_\_

