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November 25, 2009
In the Matter of Ampacet Corporation
Docket No. TSCA-02-2009-9243

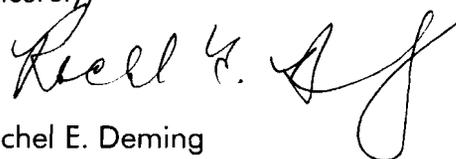
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
NOV 27 11:11:52
REGIONAL HEARING
CLERK

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Dear Sir/Madam:

Enclosed for filing is the original and one copy of the Answer of Ampacet Corporation in the captioned matter. Also enclosed is a Certificate of Service on Complainant.

Sincerely,



Rachel E. Deming

Enclosures
By Federal Express

Copy to: Robert A. DeFalco, Ampacet Corporation

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of
Ampacet Corporation,
Respondent.
Proceeding under Section 16(a) of the
Toxic Substances Control Act.

ANSWER AND
REQUEST FOR HEARING

Docket No. TSCA-02-2009-92

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
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REGIONAL HEARINGS
CLERK

ANSWER

Respondent Ampacet Corporation, by their attorneys, Scarola Ellis LLP, for its

Answer to the Complaint, alleges:

1. Admits the allegations of ¶11.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of ¶12.
3. Denies each and every allegation of ¶13, except to state that this Complaint did serve notice to Respondent of Complainant's preliminary determination that certain violations occurred.
4. Admits the allegations of ¶14.
5. Denies each and every allegation in ¶15, except to state that Respondent leases office space in a building located at 660 White Plains Road, Tarrytown, New York.
6. Admits the allegations of ¶16.
7. Admits the allegations of ¶17.
8. Admits the allegations of ¶18.
9. Denies knowledge or information sufficient for form a belief as to the truth of the allegations in ¶19, except to admit that on or about August 12, 2008,

representatives of the U.S. Environmental Protection Agency ("EPA") inspected certain records at Respondent's facility.

10. Denies knowledge or information sufficient for form a belief as to the truth of the allegations in ¶10.

COUNT 1

2006 Inventory Update

11. With respect to the allegations of ¶11, refers and incorporates its responsive pleading set forth above.

12. Refers to the regulations for the content thereof.

13. Refers to the regulations for the content thereof.

14. Refers to the regulations for the content thereof.

15. Refers to the regulations for the content thereof.

16. Refers to the regulations for the content thereof.

17. Denies that it imported in excess of 25,000 pounds of each of the six substances listed in this ¶17 during calendar year 2005, but admits that Respondent imported in excess of 25,000 pounds of carbon black. Respondent also admits that it imported polyethylene concentrates containing carbon black, calcium carbonate, titanium dioxide, lead chromate, molybdate orange and iron oxide.

18. Admits the allegations in ¶18.

19. Denies each and every allegation in ¶17 except to state that the content of the Master Inventory File speaks for itself. Respondent further states that its imports of either the substances or products containing the substances listed in ¶17 above were partially or fully exempt from the reporting requirements of 40 C.F.R. § 710.45.

20. Denies each and every allegation of ¶120 and states that its imports of either the substances or products containing the substances listed in ¶117 above were partially or fully exempt from the reporting requirements of 40 C.F.R. § 710.45.

21. Denies each and every allegation in ¶121 to the extent that its imports are not chemical substances described in 40 C.F.R. § 710.45.

22. Admits, but states that Respondent did submit a Form U to Complainant for the substances listed in ¶117 on or about September 8, 2008.

23. Denies each and every allegation of ¶123.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Complainant's purported claims are barred by the applicable statutes of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Complainant's purported claims are barred by the doctrines of estoppel and/or equitable estoppel.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Complainant's purported claims are barred by the doctrine of laches.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

The complaint fails to state a claim upon which relief can be granted.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Respondent's alleged violations have not caused any harm to human health, the environment or the regulatory process.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Respondent acted at all times in good faith.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Respondent's conduct was not willful, intentional or deliberate.

PROPOSED CIVIL PENALTY

If any violation is found, the proposed penalty is excessive and inappropriate.

Respondent has an excellent record of compliance with environmental statutes and regulations, including no prior violations of the Toxic Substances Control Act. Respondent has a corporate-wide policy demonstrating commitment to improving the environment not only through full compliance but also through substantial investment in developing sustainable products and processes.

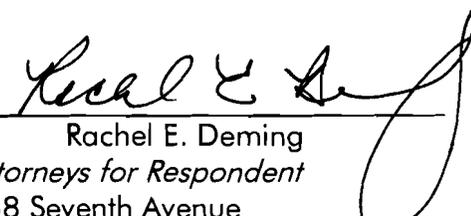
REQUEST FOR A HEARING

Respondent hereby requests an administrative hearing upon on the issues raised by the Complaint and Answer.

Dated: New York, New York
November 25, 2009

SCAROLA ELLIS LLP

By


Rachel E. Deming
Attorneys for Respondent
888 Seventh Avenue
45th Floor
New York, NY 10106
Tel.: (212) 757-0007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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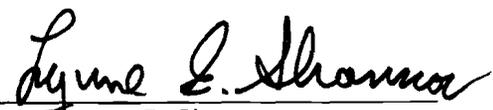
CERTIFICATE OF SERVICE

Docket No. TSCA-02-2009-9243

I, Lynne E. Shannon, hereby certify that on November 25, 2009, I served the
ANSWER TO COMPLAINT AND REQUEST FOR HEARING in the above action by Federal
Express upon:

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007

Dated: New York, New York
November 25, 2009

By 
Lynne E. Shannon