



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
July 29, 2011

REPLY TO THE ATTENTION OF  
E-19J

Honorable Susan L. Biro  
Office of Administrative Law Judges  
U. S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

RE: In The Matter of: *Keith Mirman*  
Docket No.: TSCA-05-2011-0012  
Complaint Date: June 27, 2011  
Total Proposed Penalty: \$92, 675.00

Dear Judge Biro:

Enclosed is a copy of the Respondent's Answer to an Administrative Complaint for *Keith Mirman* in Akron, Ohio.

Please assign an Administrative Law Judge for this case. If you have questions contact me at (312) 886-3713.

Sincerely,

A handwritten signature in blue ink that reads "La Dawn Whitehead". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

La Dawn Whitehead  
Regional Hearing Clerk

Enclosure

cc: David W. Hilkert, Esquire  
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
3800 Embassy Parkway  
Akron, Ohio 44333  
(330) 376-5300

Steven Kaiser, Esquire  
Associate Regional Counsel  
Office Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd., C-14J  
Chicago, Illinois 60604-3590  
(312) 353-3804



BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP

Attorneys & Counselors at Law

*Experience. Service. Excellence.<sup>SM</sup>*

3800 Embassy Parkway Suite 300 Akron, Ohio 44333-8332  
330.376.5300 Toll Free 800.686.2825 Fax 330.258.6559 www.bdblaw.com

Akron  
Boca Raton  
Canton  
Cleveland

David W. Hilkert, Esq.  
P: 330-258-6521  
F: 330-252-5521  
E: dhilkert@bdblaw.com

July 25, 2011

*Via Regular Mail & Certified Mail*

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Re: In the Matter of: Keith Mirman  
Docket No.: TSCA-05-2011-0012

Dear Madame or Sir:

Enclosed please find an original and two (2) copies of the Answer of Mr. Mirman. Please file the Answer at your earliest convenience and return a time stamped copy to me in the enclosed envelope.

Mr. Mirman requests that the matter be scheduled for an informal settlement conference in accordance with page 21 of the Complaint and further requests that if the settlement conference is unsuccessful that the matter be scheduled for a hearing before an administrative law judge.

Thank you for your attention to this.

Sincerely,

David W. Hilkert

DWH:cgp  
Enc.

Cc.: Steven Kaiser, Office of Regional Counsel (w/enc.)

«AK3:1072207\_v1»

RECEIVED  
JUL 29 2011  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) DOCKET NO.: TSCA-05-2011-0012  
)  
Keith Mirman ) ANSWER OF RESPONDENT  
Akron, Ohio ) KEITH MIRMAN  
)  
Respondent. )

RECEIVED  
JUL 29 2011

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Keith Mirman for his answer states as follows:

1. He is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
2. He admits that he is an individual and that he has done business in the state of Ohio as alleged in paragraph 3.
3. He reavers all of his previous admissions and denials in answer to paragraph 14.
4. He admits the allegations contained in paragraphs 15 and 16.
5. He denies for want of knowledge the allegation contained in paragraph 17.
6. He admits entering into leases for certain of his properties, but denies for want of knowledge the allegations contained in paragraphs 18, 19, 20, 21, and 22.
7. He admits the allegations contained in paragraphs 23 and 24.
8. He denies the allegations contained in paragraphs 25 and 26.
9. He reavers all of his previous admissions and denials in answer to paragraph 27.
10. He denies for want of knowledge the allegations contained in paragraphs 28 through 35.
11. He reavers all of his previous admissions and denials in answer to paragraph 36.

12. He denies for want of knowledge the allegations contained in paragraphs 37 through 44.

13. He reavers all of his previous admissions and denials in answer to paragraph 45.

14. He denies for want of knowledge the allegations contained in paragraphs 46 through 53.

15. He reavers all of his previous admissions and denials in answer to paragraph 54.

16. He denies for want of knowledge the allegations contained in paragraph 55 through 62.

17. He reavers all of his previous admissions and denials in answer to paragraph 63.

18. He denies for want of knowledge the allegations contained in paragraph 63 through 71.

19. He admits that the complainant proposes certain penalties which are unnecessary and which are excessive. He denies any allegation in paragraph 72 inconsistent with this statement.

20. He reavers his response to paragraph 72 in answer to paragraph 73, 74 and 75.

WHEREFORE, having fully answered the Complaint, Respondent Keith Mirman prays that this Court declare that no penalties are due and/or that all penalties are abated.

*David W. Hilkert*

David W. Hilkert (#0023486)  
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
3800 Embassy Parkway  
Akron, OH 44333  
Telephone: (330) 376-5300  
Fax: (330) 252-5521  
Email: [dhilkert@bdblaw.com](mailto:dhilkert@bdblaw.com)

*Attorney for Keith Mirman*

RECEIVED  
JUL 29 2011


REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer of Respondent Keith Mirman has been served this 25<sup>th</sup> day of July, 2011, upon:

Steven Kaiser (C-14J)  
Associate Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604

*Attorney for Complainant*

  
\_\_\_\_\_  
David W. Hilkert #0023486

«AK3:1072211\_v1»

**RECEIVED**  
JUL 29 2011  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY