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5 IN THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6 REGION X

7 In Re:

NO. CAA-10-2018-0260

8 **WHEELER ROCK PRODUCTS,**

**ANSWER TO FIRST AMENDED
COMPLAINT**

9 Wapato, Washington
10
11
12

13 Without waiving a request for Informal Settlement Conference or a Request for Formal
14 Hearing, and without waiving personal or subject matter jurisdiction, the respondents, in order
15 to preserve their opportunity to contest the complaint, answer as follows.
16

17 1.1 through 1.6: These allegations are admitted, with the exception of 1.4 and 1.5 in that
18 respondents are without knowledge of the date on which EPA notified the Yakama Nation and
19 Respondents were notified of the First Amended Complaint on April 2, 2018 when it was
20 received.
21

22 2.1 through 2.33: Paragraphs 2.1 to 2.33 state conclusions of law for which no answer is
23 required. Respondents are without knowledge sufficient to admit or deny such statements and
24 therefore deny same.
25

26 3.1 Respondents admit that Wheeler Rock Products is incorporated under the laws of the
27 Yakama Nation. The remainder of 3.1 states a conclusion of law for which no answer is
28 required.
29

1 3.2 states conclusions of law for which no answer is required.

2 3.3 Admitted.

3 3.4 through 3.8 are admitted.

4 3.9 Respondents presently lack sufficient information to admit or deny.

5 3.10 states a conclusion of law for which no answer is required.

6 3.11 to 3.13 are admitted.

7 3.14: Respondent is without sufficient information to admit or deny same.

8 3.15. This is a conclusion of law for which no answer is required.

9 4.1 through 4.8. Respondents lack sufficient information to admit or deny these
10 allegations and reserve the right to supplement their answer.

11 4.9 is Admitted.

12 4.10 through 4.13: Absent an opportunity to review their record and those of the
13 Yakama Nation, respondents lack sufficient information to admit or deny.

14 4.14 through 4.24: Such allegations state conclusions of law for which no answer is
15 required.

16 5.1 through 5.13: Respondents admit that these are correct statements of maximum
17 allowable penalties but deny that such penalties should be imposed.

18 By way of other and further answer and or defense, Respondents reserve the issue of
19 whether complainant possesses jurisdiction over respondents and whether the Yakama Nation
20 is a necessary or indispensable party to this matter.

21 DATED this 17th day of April, 2018.

22 Respectfully submitted,
23 *S/Jack W. Fiander*

J. Fiander, WSBA 13116
Attorney for Wheeler Rock Products

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