

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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OCT 20 2008

In the Matter of:)	
)	Docket No.
Neil R. Kennedy)	
Boardman, Ohio)	TSCA-05-2008-0016
Respondent)	
_____)	

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

RESPONDENT'S ANSWER

With Request for Hearing

1. Respondent admits the allegations contained in paragraph numbered 1 of the Complaint.
2. Respondent admits the allegations contained in paragraph numbered 2 of the Complaint.
3. Respondent admits the allegations contained in paragraph numbered 3 of the Complaint.
4. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 4 of the Complaint.
5. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 5 of the Complaint.
6. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 6 of the Complaint.
7. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 74 of the Complaint.

8. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 8 of the Complaint.
9. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 9 of the Complaint.
10. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 10 of the Complaint.
11. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 11 of the Complaint.
12. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 12 of the Complaint.
13. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 13 of the Complaint.
14. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 14 of the Complaint.
15. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 15 of the Complaint.
16. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 16 of the Complaint.
17. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 17 of the Complaint.
18. Respondent denies any and all allegations contained in paragraph numbered 18 of the Complaint.

19. Respondent admits the allegations contained in paragraph numbered 19 of the Complaint.
20. Respondent admits the allegations contained in paragraph numbered 20 of the Complaint.
21. Respondent admits the allegations contained in paragraph numbered 21 of the Complaint.
22. Respondent admits the allegations contained in paragraph numbered 22 of the Complaint.
23. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 23 of the Complaint.
24. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 24 of the Complaint.
25. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 25 of the Complaint.
26. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 26 of the Complaint.
27. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 27 of the Complaint.
28. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 28 of the Complaint.
29. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 29 of the Complaint.

30. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 30 of the Complaint.
31. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 31 of the Complaint.
32. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 32 of the Complaint.
33. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 33 of the Complaint.
34. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 34 of the Complaint.
35. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 35 of the Complaint.
36. Respondent denies any and all allegations contained in paragraph numbered 36 of the Complaint.
37. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 37 of the Complaint.
38. Respondent denies the allegations contained in paragraph numbered 38 of the Complaint.
39. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 39 of the Complaint.
40. Respondent denies any and all allegations contained in paragraph numbered 40 of the Complaint.

41. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 41 of the Complaint.
42. Respondent denies the allegations contained in paragraph numbered 42 of the Complaint.
43. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 43 of the Complaint.
44. Respondent denies any and all allegations contained in paragraph numbered 44 of the Complaint.
45. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 45 of the Complaint.
46. Respondent denies the allegations contained in paragraph numbered 46 of the Complaint.
47. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 47 of the Complaint.
48. Respondent denies any and all allegations contained in paragraph numbered 48 of the Complaint.
49. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 49 of the Complaint.
50. Respondent denies the allegations contained in paragraph numbered 50 of the Complaint.
51. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 51 of the Complaint.

52. Respondent denies any and all allegations contained in paragraph numbered 52 of the Complaint.

53. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 53 of the Complaint.

54. Respondent denies the allegations contained in paragraph numbered 54 of the Complaint.

55. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 55 of the Complaint.

56. Respondent denies any and all allegations contained in paragraph numbered 56 of the Complaint.

57. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 57 of the Complaint.

58. Respondent denies the allegations contained in paragraph numbered 58 of the Complaint.

59. Respondent denies the allegations contained in paragraph numbered 59 of the Complaint.

60. Respondent disputes the proposed penalties suggested in the Complaint on the basis of economic hardship/inability to pay (detailed summary of hardship to follow)

61. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 61 of the Complaint.

62. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 62 of the Complaint.

63. Respondent is without sufficient knowledge to admit or deny the allegations contained in paragraph numbered 63 of the Complaint.

Respondent further denies any and all allegations not specifically admitted above.

DISPUTED FACTS

1. Respondent disputes that he failed to disclose the possible existence of lead based paint in the subject properties as alleged in the Complaint.

REQUEST FOR HEARING

1. Pursuant to the Consolidated Rules § 22.15(c), Respondent hereby requests a hearing before an Administrative Judge.

Respectfully Submitted,



Damian DeGenova (0062811)
Edward A. Czopur (0083314)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing, Answer, was sent via regular U.S. mail this 17 day of October, 2008 to Counsel for Complainant, Leslie A. Kirby-Miles (C-14J), at U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. The undersigned further certifies that the original and one copy of the foregoing, Answer, were sent via regular U.S. mail this 17 day of October, 2008 to the Regional Hearing Clerk (E-13J), at U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604.



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