

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY DEC 10 PM 1:17
REGION VII

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK.

IN THE MATTER OF)
)
Larry Neff Management and Development,)
Inc.,)
)
Respondent)
_____)

Docket No. TSCA-07-2007-0024

RESPONDENT'S ANSWER TO COMPLAINT

Respondent Larry Neff Management and Development, Inc., for its answer to Complainant's Complaint, states as follows:

1. Respondent denies the allegations set forth in Paragraph 1 of the Complaint.
2. The allegations of Paragraph 2 of the Complaint set forth legal conclusions, and require no response from Respondent.
3. Admitted.
4. Admitted.
5. The allegations of Paragraph 5 of the Complaint set forth legal conclusions, and require no response from Respondent.
6. Admitted.
- 7-8. Respondent denies the allegations set forth in Paragraphs 7 through 8 of the Complaint.
9. Admitted.
10. Admitted.

11. Respondent is without information sufficient to admit or deny the allegations set forth in Paragraph 11, and therefore denies same.

Count 1

12-14. Respondent denies the allegations set forth in Paragraphs 12 through 14 of the Complaint.

15. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 2

16-18. Respondent denies the allegations set forth in Paragraphs 16 through 18 of the Complaint.

19. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 3

20-22. Respondent denies the allegations set forth in Paragraphs 20 through 22 of the Complaint.

23. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 4

24-26. Respondent denies the allegations set forth in Paragraphs 24 through 26 of the Complaint.

27. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 5

28-30. Respondent denies the allegations set forth in Paragraphs 28 through 30 of the Complaint.

31. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 6

32-34. Respondent denies the allegations set forth in Paragraphs 32 through 34 of the Complaint.

35. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Count 7

36-38. Respondent denies the allegations set forth in Paragraphs 36 through 38 of the Complaint.

39. Respondent denies that the penalties assessed are appropriate, and/or they are excessive, and therefore denies and/or appeals all such penalties sought to be imposed.

Relief

40. Respondent denies that the assessment of a civil penalty against Respondent is appropriate or warranted.

41. The allegations of Paragraph 41 of the Complaint set forth legal conclusions, and require no response from Respondent.

42. Respondent denies the allegations set forth in Paragraph 42 of the Complaint.

43-51. The allegations of Paragraphs 43 through 51 of the Complaint set forth legal conclusions, and require no response from Respondent.

**AFFIRMATIVE DEFENSES AND FACTS SUPPORTING
RESPONDENT'S POSITION**

1. The Complaint fails to state a claim upon which relief can be granted.
2. Respondent is entitled to judgment in its favor as a matter of law.
3. Respondent provided all notices required by law.
4. Respondent was in conformance with all regulations required under TSCA.

Wherefore, Respondent prays that claimant's complaint be dismissed in its entirety, and that Respondent be awarded its costs and attorney's fees, and for such other relief as the Hearing Officer deems appropriate. In the alternative, Respondent appeals

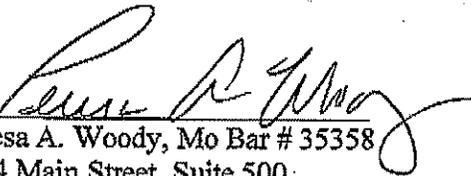
the amount of the penalties as being inappropriate and/or excessive based on the standards set forth, and requests that such penalties be denied or reduced.

Notice of Request for Hearing and Informal Settlement Conference

Respondent requests a hearing in the matter, and further requests an Informal Settlement Conference.

Respectfully submitted,

THE WOODY LAW FIRM PC

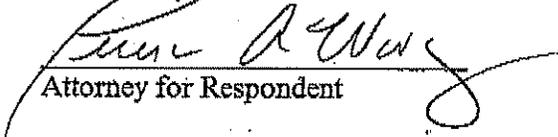
By: 
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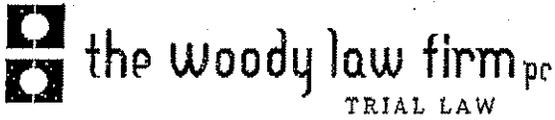
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by United States mail, postage prepaid, and facsimile, this 10th day of December, 2007, on:

Jonathan Meyer
Assistant Regional Counsel
Region VII
U. S. Environmental Protection Agency
901 N. 5th Street
Kansas City, KS 66101


Attorney for Respondent



Teresa A. Woody teresa@woodylawfirm.com

FACSIMILE TRANSMISSION COVER SHEET

FROM: Teresa Woody

NUMBER OF PAGES: 7
(including this one)

DATE: 12/10/07

TIME: _____

RE: LARRY NEFF MANAGEMENT
TSCA - 07 - 2007 - 0024

TO: MS. KATHY ROBINSON

FAX #: 913 - 551 - 7267

TO: MR. JONATHAN MAYER

FAX #: 913 - 551 - 7925

TO: _____

FAX #: _____

TO: _____

FAX #: _____

COMMENT: _____

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Teresa A. Woody teresa@woodylawfirm.com

December 10, 2007

Ms. Kathy Robinson
Regional Hearing Clerk
U. S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, KS 66101

RE: Larry Neff Management and Development, Inc.
No. TSCA-07-2007-0024

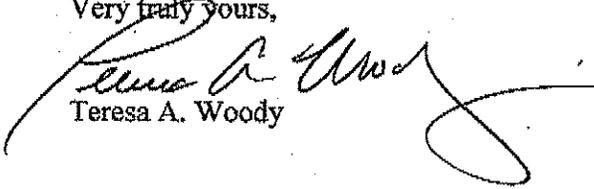
Dear Ms. Robinson:

Attached is Respondent's Answer to Complaint. An original and one copy will follow by mail. I would appreciate it if you would see that it is filed in the above-captioned case.

If you have any questions, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Very truly yours,



Teresa A. Woody

Cc: Jonathan Meyer
Assistant Regional Counsel