

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII

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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.

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

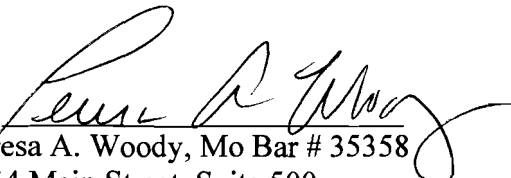
the amount of the penalties as being inappropriate and/or excessive based on the standards set forth, and requests that such penalties be denied or reduced.

**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**

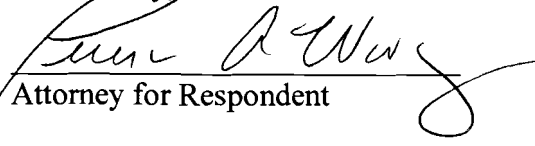
By:   
Teresa A. Woody, Mo Bar # 35358  
1044 Main Street, Suite 500  
Kansas City, MO 64105  
Telephone: (816) 421-4246  
Fax: (816) 221-8449  
[teresa@woodylawfirm.com](mailto:teresa@woodylawfirm.com)

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. 5<sup>th</sup> Street  
Kansas City, KS 66101

  
Attorney for Respondent