

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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PROTECTION AGENCY

\_\_\_\_\_) )  
IN THE MATTER OF: ) Docket No. TSCA-05-2009-0003  
) )  
MEHRAN NICHOLAS VALIYI, ) Proceeding to Assess a Civil  
Indianapolis, Indiana, ) Penalty Under Section 16(a) of  
) the Toxic Substances Control  
Respondent. ) Act, 15 U.S.C. §2615(a)  
\_\_\_\_\_)

APPEARANCE

Bruce D. Brattain and Mario Garcia of the law firm of Brattain & Minnix, enters their appearance for and on behalf of Respondent, Mehran Nicholas Valiyi, in the above entitled proceeding.

Respectfully submitted,

BRATTAIN & MINNIX

By *B. D. Brattain*  
Bruce D. Brattain, #3647-45  
Mario Garcia, #21638-49  
151 N. Delaware St., #760  
Indianapolis, Indiana 46204  
(317) 231-1750  
Attorneys for Respondent

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of same in the United States first-class mail, postage prepaid this 10th day of February, 2009, addressed as follows:

Mary McAuliffe  
Associate Regional Counsel  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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*B. D. Brattain*

\_\_\_\_\_  
Bruce D. Brattain

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 FEB 18 2009

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF: MEHRAN NICHOLAS VALIYI, Indianapolis, Indiana, Respondent. Docket No. TSCA-05-2009-0003 Proceeding to Assess a Civil Penalty Under Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. §2615(a)

RESPONDENT'S ANSWER TO COMPLAINT AND REQUEST FOR HEARING

The Respondent, Mehran Nicholas Valiyi, by counsel, Bruce D. Brattain, requests a hearing in this cause and for his Answer to Complaint, states as follows:

1. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Petitioner's Complaint.

2. Respondent realleges his answers to paragraphs 1-16 of Petitioner's Complaint as if fully set forth herein.

3. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48 of Petitioner's Complaint.

Counts 1 through 33

4. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

5. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 of Petitioner's Complaint.

Counts 34 through 66

6. Petitioner realleges his answers to paragraphs 1-48 of Respondent's Complaint as if fully set forth herein.

7. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119 and 120 of Petitioner's Complaint.

Counts 67 through 99

8. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

9. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155 and 156 of Petitioner's Complaint.

Counts 100 through 132

10. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

11. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191 and 192 of Petitioner's Complaint.

Counts 133 through 165

12. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

13. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227 and 228 of Petitioner's Complaint.

Counts 166 through 198

14. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

15. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 230, 231, 232, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263 and 264 of Petitioner's Complaint.

Counts 199 through 239

16. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

17. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraph 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307 and 308 of Petitioner's Complaint.

Counts 240 through 280

18. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

19. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraph 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351 and 352 of Petitioner's Complaint.

Counts 281 through 321

20. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

21. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379,

380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395 and 396 of Petitioner's Complaint.

Counts 322 through 362

22. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

23. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439 and 440 of Petitioner's Complaint.

Counts 363 through 403

24. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

25. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483 and 484 of Petitioner's Complaint.

Counts 404 through 444

26. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

27. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraph

486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527 and 528 of Petitioner's Complaint.

Counts 445 through 485


28. Respondent realleges his answers to paragraphs 1-48 of Petitioner's Complaint as if fully set forth herein.

29. Respondent is without sufficient information to admit or deny the material allegations set forth in rhetorical paragraphs 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571 and 572 of Petitioner's Complaint.

WHEREFORE, Respondent, Mehran Valiyi, by counsel, prays that Petitioner take nothing by way of its Complaint, that judgment be entered in favor of Respondent, and for all other just and proper relief.

Respectfully submitted,

BRATTAIN & MINNIX

By   
\_\_\_\_\_  
Bruce D. Brattain, #3647-45  
Mario Garcia, #21638-49  
151 N. Delaware St., #760  
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