

**MADDOX, HOLLOMAN & MORAN, P.C.**

ATTORNEYS AND COUNSELORS AT LAW

JAMES M. MADDOX  
SCOTTY HOLLOMAN  
KATHLEEN A. MORAN

PHONE: (575) 393-0505

FAX: (575) 397-2646

FIRM WEBSITE: [www.hobbsnmlaw.com](http://www.hobbsnmlaw.com)

WRITER'S E-MAIL: [sholloman@hobbsnmlaw.com](mailto:sholloman@hobbsnmlaw.com)

MAIL: P.O. BOX 2508  
HOBBS, NEW MEXICO 88241-2508

OFFICE: 205 E. BENDER, STE. 150  
HOBBS, NEW MEXICO 88240-2331

\_\_\_\_\_  
KAREN McREYNOLDS

January 16, 2015

Ms. Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA - Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

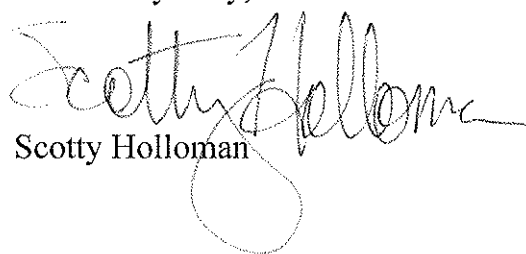
**Re: In the Matter of Nova Mud, Inc., Hobbs, NM**

**No. FIFRA-06-2015-0301**

Dear Ms. Vaughn:

Earlier today we fax-filed the enclosed *Answer to Complaint and Notice of Opportunity for Hearing* in the above-referenced matter. Enclosed for your records are the original and one copy of this Answer as requested.

Yours very truly,

  
Scotty Holloman

SH:kfm

Enclosures: As stated

xc: Client

Jay Przyborski (*via mail and email - przyborski.jay@epa.gov*)

Assistant Regional Counsel (6RC-ER)

U.S. EPA - Region 6

1445 Ross Avenue, Suite 1200

Dallas, Texas 75202-2733

{00284186}

IN THE MATTER OF: )  
 )  
NOVA MUD, INC. ) DOCKET NO. FIFRA-06-2015-0301  
HOBBS, NEW MEXICO )  
 )  
RESPONDENT )  
\_\_\_\_\_ )

**RESPONDENT NOVA MUD, INC.'S ANSWER TO COMPLAINT  
AND NOTICE OF OPPORTUNITY FOR HEARING**

**COMES NOW** Nova Mud, Inc., by and through its attorneys, Maddox, Holloman & Moran, P.C., and for its response to the Complaint and Notice of Opportunity for Hearing states as follows:

1. Respondent admits Paragraph 1.
2. Respondent admits Paragraph 2.
3. Respondent denies Paragraph 3.
4. Paragraph 4 is a legal conclusion, not a statement of fact, and therefore, does not require a response.
5. Paragraph 5 is a legal conclusion, not a statement of fact, and therefore, does not require a response.
6. Paragraph 6 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

7. Paragraph 7 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

8. Paragraph 8 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

9. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 9 of the Complaint, therefore, the same is denied.

10. Respondent denies Paragraph 10, and as explanation states that Ray D. Hardin may have met with an EPA inspector at some point in 2013, but that Respondent does not have operations as to pesticides.

11. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 11 of the Complaint, therefore, the same is denied.

12. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 12 of the Complaint, therefore, the same is denied.

13. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 13 of the Complaint, therefore, the same is denied.

14. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 14 of Plaintiff's Complaint, therefore, the same is denied.

15. Respondent incorporates and restates its responses to Paragraphs 1 through 14 the same as if each were fully set forth herein.

16. Paragraph 16 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

17. Paragraph 17 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

18. Paragraph 18 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

19. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 19 of Plaintiff's Complaint, therefore, the same is denied.

20. Paragraph 20 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

21. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 21 of Plaintiff's Complaint, therefore, the same is denied.

22. Paragraph 22 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

23. Paragraph 23 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

24. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 24 of Plaintiff's Complaint, therefore, the same is denied.

25. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 25 of Plaintiff's Complaint, therefore, the same is denied.

26. Respondent denies Paragraph 26.

27. Respondents incorporate and restate their responses to Paragraph 1 through 26 the same as if each were fully set forth herein.

28. Paragraph 28 is a legal conclusion, not a statement of fact, and therefore, does not

require a response.

29. Paragraph 29 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

30. Paragraph 30 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

31. Paragraph 31 is a legal conclusion, not a statement of fact, and therefore, does not require a response.

32. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 32 of Plaintiff's Complaint, therefore, the same is denied.

33. Respondent is without information or knowledge sufficient to form a belief as to the validity of Paragraph 33 of Plaintiff's Complaint, therefore, the same is denied.

34. Respondent admits that it has not registered with the Administrator, but denies the remainder of Paragraph 34.

35. Respondent denies Paragraph 35.

36. Respondent denies Paragraph 36. Respondent contends that the proposed penalty of \$40,300 is inappropriate in this situation. When Respondent met with an EPA inspector sometime in 2013, in response to the inspector's statement that the EPA would only issue a warning to Respondent, Respondent cooperated with the EPA.

37. Respondent hereby requests a hearing on this matter.

**WHEREFORE**, Respondent prays that a hearing be held on this matter, that this matter be dismissed, and for such other and further relief as may be deemed equitable and just.

Maddox, Holloman & Moran, P.C.

By: 

Scotty Holloman  
P. O. Box 2508  
Hobbs, New Mexico 88241  
(575) 393-0505  
(575) 397-2646 Fax  
sholloman@hobbsnmlaw.com  
Attorneys for Respondent

**Certificate of Service**

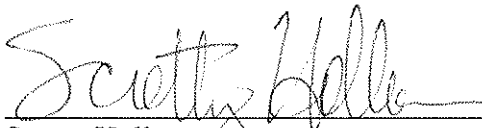
I hereby certify that a true and correct copy of the foregoing Answer to Complaint and Notice of Opportunity for Hearing was served on the following this 16<sup>th</sup> day of January, 2015:

Mailed and faxed:

Ms. Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA - Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
Fax: 214-665-2182

Mailed and emailed:

Jay Przyborski  
Assistant Regional Counsel (6RC-ER)  
U.S. EPA - Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
Email: przyborski.jay@epa.gov

  
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Scotty Holloman