

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, REGION 2**

290 Broadway
New York, NY 10007-1866

January 2, 2024 @ 3:46 pm
USEPA – Region II
Regional Hearing Clerk

IN THE MATTER OF:

Giuseppe Battaglia
302 Sarah Wells Trail
Campbell Hall, New York 10916

Orange Builders, LLC
2 Dikeman Drive
Goshen, NY 10924

Respondents

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

Docket No. CWA-02-2024-3601

MOTION TO WITHDRAW COMPLAINT

Pursuant to 40 C.F.R. § 22.14(d), the United States Environmental Protection Agency (“Complainant” or “EPA”) hereby moves to withdraw the subject complaint without prejudice. The Administrative Complaint (“Complaint”) in this matter was issued under the authority vested in the Administrator of the EPA by Section 309(g) of the Clean Water Act (“Act”), 33 U.S.C. § 1319(g). The Administrator delegated this authority to the Regional Administrator of EPA Region 2, who in turn, has delegated it to the Director, Enforcement and Compliance Assurance Division (“ECAD”) of EPA Region 2.

The Complaint alleges that Giuseppe Battaglia and his company Orange Builders, LLC (collectively “Respondents”) violated Section 301 of the Act by discharging of pollutants consisting of dredge and/or fill material into waters of the United States from point sources without authorization by the Secretary of the Army as provided by Section 404 of the Act, 33 U.S.C. § 1344. The Complaint proposes to assess a penalty of \$25,000. After settlement discussions with the

Respondent Giuseppe Battaglia, the Parties agreed to amicably resolve this matter.

Pursuant to 40 C.F.R. § 22.14(d), “the complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed.” EPA filed a Complaint against Respondents on December 6, 2023. Respondents have not filed an answer. Therefore, Complainant hereby moves to withdraw, without prejudice, the Administrative Complaint, Docket No. CWA-02-2024-3601, against the Respondents Giuseppe Battaglia and Orange Builders, LLC.

Respectfully Submitted,

LAUREN
FISCHER

Digitally signed by
LAUREN FISCHER
Date: 2024.01.02
12:15:00 -05'00'

Lauren Fischer
Office of Regional Counsel

In the Matter of Battaglia
Docket no. 02-2024-360

CERTIFICATE OF SERVICE

I certify that the foregoing "Notice of Withdrawal of Complaint" was sent to the following persons, in the manner specified, on the date below:

Copy by Email and Hand: Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

Original and Copy by Email and Hand: Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

Copy by Certified Mail
Return Receipt Requested: Orange Builders, LLC.
2 Dikeman Drive
Goshen, NY 10924

Giuseppe Battaglia
284 Spring Road
Huntington, NY 11743

Dated: January 2, 2024



A handwritten signature in black ink, appearing to read "Giuseppe Battaglia", is written over a horizontal line.

