

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BLVD.  
LENEXA, KANSAS 66219

IN THE MATTER OF

Tom Villegas  
and  
Amy Villegas,  
Respondents  
Proceeding under Section 309(g) of  
the Clean Water Act, 33 U.S.C.  
§ 1919(g)

Docket No. CWA-07-2022-0104

ANSWER AND REQUEST FOR  
HEARING

Respondents Tom Villegas and Amy Villegas (collectively the “Villegas”), in answer to the United States Environmental Protection Agency (“EPA”) Complaint and Notice of Opportunity for Hearing, admit, deny, and allege as follows:

1. Paragraph 1 of the Complaint is a statement of law to which no admittance or denial is necessary.
2. Paragraph 2 of the Complaint is a statement of law to which no admittance or denial is necessary.
3. Paragraph 3 of the Complaint is a statement of law to which no admittance or denial is necessary.
4. The Villegas admit Paragraph 4 of the Complaint.
5. The Villegas admit Paragraph 5 of the Complaint.
6. Paragraph 6 of the Complaint is a statement of law to which no admittance or denial is necessary.
7. Paragraph 7 of the Complaint is a statement of law to which no admittance or denial is necessary.

8. Paragraph 8 of the Complaint is a statement of law to which no admittance or denial is necessary.

9. Paragraph 9 of the Complaint is a statement of law to which no admittance or denial is necessary.

10. Paragraph 10 of the Complaint is a statement of law to which no admittance or denial is necessary.

11. Paragraph 11 of the Complaint is a statement of law to which no admittance or denial is necessary.

12. Paragraph 12 of the Complaint is a statement of law to which no admittance or denial is necessary.

13. The Villegas admit Paragraph 13 of the Complaint.

14. The Villegas deny Paragraph 14 of the Complaint.

15. The Villegas admit Paragraph 15 of the Complaint.

16. The Villegas deny Paragraph 16 of the Complaint.

17. The Villegas deny Paragraph 17 of the Complaint.

18. The Villegas deny Paragraph 18 of the Complaint.

19. The Villegas deny Paragraph 19 of the Complaint.

20. The Villegas deny Paragraph 20 of the Complaint.

21. The Villegas deny Paragraph 21 of the Complaint.

22. The Villegas deny Paragraph 22 of the Complaint.

23. Paragraph 23 of the Complaint is a statement of law to which no admittance or denial is necessary.

24. The Villegas deny Paragraph 24 of the Complaint.

25. Paragraph 25 of the Complaint is a statement of law to which no admittance or denial is necessary.

26. The Villegas deny Paragraph 26 of the Complaint.

27. The Villegas deny Paragraph 27 of the Complaint.

28. The Villegas deny Paragraph 28 of the Complaint.
29. Paragraph 29 of the Complaint is a statement of law to which no admittance or denial is necessary.
30. The Villegas have insufficient information to admit or deny Paragraph 30 of the Complaint, and therefore, deny the same.
31. Pursuant to Paragraph 31 of the Complaint, the Villegas request a hearing on the Complaint.
32. Paragraph 32 is a statement to which no admittance or denial is necessary.
33. Paragraph 33 is a statement to which no admittance or denial is necessary.
34. Paragraph 34 is a statement to which no admittance or denial is necessary.
35. Paragraph 35 is a statement to which no admittance or denial is necessary.
36. Paragraph 36 is a statement to which no admittance or denial is necessary.
37. Paragraph 37 is a statement to which no admittance or denial is necessary.
38. Paragraph 38 is a statement to which no admittance or denial is necessary.
39. Paragraph 39 is a statement to which no admittance or denial is necessary.

#### **AFFIRMATIVE DEFENSES**

40. The Villegas affirmatively allege that their actions did not cause a “discharge of fill material” as the term is defined in 40 C.F.R. § 232.2.
41. The Villegas affirmatively allege that their actions did not excavate wetlands.

42. The Villegas affirmatively allege that the proposed penalty in the sum of \$299,857 is unreasonable and unwarranted under the facts to be proven at the hearing in this matter.

### REQUEST FOR HEARING

43. The Villegas request a hearing on the Complaint.

Dated: September 1, 2022

TOM VILLEGAS and AMY  
VILLEGAS, Respondents

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By:   
\_\_\_\_\_  
Stephen D. Mossman, #19859  
Andrew R. Spader, #27099

## CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing were served via email on September 1\_\_, 2022, on the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
[r7\\_hearing\\_clerk\\_filings@epa.gov](mailto:r7_hearing_clerk_filings@epa.gov)

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Attorney of Record