

LEANZA & AGRAPIDIS
A PROFESSIONAL CORPORATION
COUNSELORS AT LAW

777 TERRACE AVENUE, 5TH FLOOR
HASBROUCK HEIGHTS, NEW JERSEY 07604
201-288-0500

TELECOPIER 201-288-0576

FRANK M. LEANZA
EVANS C. AGRAPIDIS
MIA M. MACRI
FRANK COVELLO

NEW YORK OFFICE

521 FIFTH AVENUE, 17TH FLOOR
NEW YORK, NEW YORK 10175
212-406-3911

July 29, 2010

REGIONAL HEARING CLERK
United States Environmental Protection Agency
Region 2
290 Broadway - 16th Floor
New York, New York 10007

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2010 JUL 30 AM 11:42
REGIONAL HEARING
CLERK

Re: In the Matter of Raia & Sirignano Development Corp.
Docket No. TSCA-02-2010-9166

Dear Mr. LaPosta:

Enclosed please find an original and one copy of Answer with regard to the above captioned matter.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



FRANK COVELLO

FC:jef
Enclosures

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.
2010 JUL 30 AM 11:12
REGIONAL HEARING
OFFICE

LEANZA & AGRAPIDIS, P.C.
777 Terrace Avenue, Suite 504
Hasbrouck Heights, New Jersey 07604
(201) 288-0500
Attorneys for Respondent: Raia & Sirignano
Development Co.

In the Matter of

**RAIA & SIRIGNANO DEVELOPMENT
CO.**

Respondent.

Proceeding under Section 16(A) of the
Toxic Substances Control Act.

**ANSWER
and
REQUEST FOR HEARING**

DOCKET NO. TSCA-02-2010-9166

Respondent, RAIA & SIRIGNANO DEVELOPMENT CO., by and through their attorneys, Leanza & Agrapidis, P.C., by way of Answer to the EPA's Complaint states:

1. The Respondent admits the allegations in paragraph #1 of the Plaintiff's Complaint.
2. The Respondent admits the allegations in paragraph #2 of the Plaintiff's Complaint.
3. The Respondent denies the allegations contained within paragraph #3 of the Plaintiff's Complaint.
4. The Respondent admits that an inspection was conducted, but does not admit that the EPA had the authority to conduct the inspection, nor that it was properly conducted as set forth within paragraph #4 of the Plaintiff's Complaint.
5. The Respondent neither admits nor denies the allegations contained within paragraph #5 of the Plaintiff's Complaint.
6. The Respondent admits the allegations contained within paragraph #6 of the Plaintiff's Complaint.

7. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #7 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

8. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #8 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

9. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #9 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

10. The Respondent admits the allegations contained within paragraph #10 of the Plaintiff's Complaint.

11. The Respondent admits the allegations contained within paragraph #11 of the Plaintiff's Complaint.

12. The Respondent admits the allegations contained within paragraph #12 of the Plaintiff's Complaint.

13. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #13 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

14. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #14 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

15. The Respondent leaves the legal application and interpretation of the statutes cited

in paragraph #15 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

16. The Respondent admits the allegations contained within paragraph #16 of the Plaintiff's Complaint.

17. The Respondent admits the allegations contained within paragraph #17 of the Plaintiff's Complaint.

18. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #18 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

19. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #19 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

20. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #20 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

21. The Respondent admits the allegations contained within paragraph #21 of the Plaintiff's Complaint.

22. The Respondent admits the allegations contained within paragraph #22 of the Plaintiff's Complaint.

23. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #23 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

COUNT 1

LEAD WARNING STATEMENT

24. The Respondent repeats and incorporates by reference each answer above as if set forth more fully at length herein.

25. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #25 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

26. The Respondent admits the allegations contained within paragraph #26 of the Plaintiff's Complaint.

27. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #27 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

28. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #28 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

29. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #29 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

COUNT 2

STATEMENT DISCLOSING KNOWN LEAD-BASED PAINT

30. The Respondent repeats and incorporates by reference each answer above as if set

forth more fully at length herein.

31. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #31 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

32. The Respondent admits the allegations contained within paragraph #32 of the Plaintiff's Complaint.

33. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #33 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

34. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #34 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

35. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #35 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

COUNT 3

LIST OF RECORDS

36. The Respondent repeats and incorporates by reference each answer above as if set forth more fully at length herein.

37. The Respondent leaves the legal application and interpretation of the statutes cited in paragraph #37 of to the sound discretion of the court/trier of the law in this matter, denies any

wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

38. The Defendant admits the allegations contained within paragraph #38 of the Plaintiff's Complaint.

39. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #39 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

40. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #40 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

41. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #41 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

COUNT 4

LESSEES RECEIPT OF INFORMATION

42. The Defendant repeats and incorporates by reference each answer above as if set forth more fully at length herein.

43. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #43 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

44. The Defendant admits the allegations contained within paragraph #44 of the Plaintiff's Complaint.

45. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #45 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

46. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #46 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

47. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #47 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

COUNT 5

LESSOR, AGENT AND LESSEE CERTIFICATION STATEMENT

48. The Defendant repeats and incorporates by reference each answer above as if set forth more fully at length herein.

49. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #49 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

50. The Defendant admits the allegations contained within paragraph #50 of the Plaintiff's Complaint.

51. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #51 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

52. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #52 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

53. The Defendant leaves the legal application and interpretation of the statutes cited in paragraph #53 of to the sound discretion of the court/trier of the law in this matter, denies any wrongdoing and reserves the right to dispute the application and/or interpretation of said statutes.

WHEREFORE, the Defendant requests a hearing in this matter and the opportunity to challenge and/or mitigate proposed civil penalties, and/or seeks dismissal of the Complaint. Moreover, Defendant seeks to continue its informal settlement process that was commenced in this action.

LEANZA & AGRAPIDIS, P.C.
Attorneys for : Raia & Sirignano Development Co.

By: 
FRANK COVELLO

Dated: July 29, 2010