

January 4, 2024 @ 7:00 am
USEPA – Region II
Regional Hearing Clerk

Regional Hearing Clerk

U.S. Environmental protection agency

290 Broadway, 16th floor (Room 1631)

New York, New York 10007-1866

Response to complaint

Hello I wish to contest the allegations in the complaint and the penalty proposed. Also NYSDOT should be named as a defendant in this matter as they did the work stated in the complaint. Furthermore I want to counter sue EPA for \$20,000 for harassment of my family by sending the complaint to their house not mine causing me mental trauma as my father is elderly and has almost had a stroke over this case, trespassing and lying on a federal report (fraud) all performed by Stephanie Andreescu. Lastly I am currently unemployed due to this matter as the village of Goshen lied about the details of this matter to the police, army corps and EPA.

Best regards,

Giuseppe Battaglia

284 Spring road

Huntington NY, 11743

631-742-8213



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

December 5, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7018 2290 0000 4961 3400

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

Orange Builders, LLC
2 Dikeman Drive
Goshen, New York 10924

Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of: Giuseppe Battaglia and Orange Builders, LLC
Docket No. CWA-02-2024-3601

Dear Mr. Battaglia:

Enclosed is an Administrative Complaint ("Complaint") which the U.S. Environmental Protection Agency ("EPA") is issuing to you as a result of our determination that you and Orange Builders, LLC, (collectively referred to as "you") have failed to comply with Section 301(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1311(a). This Complaint is filed pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of \$25,000 be assessed against you for this violation.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed is a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, which the Agency follows in cases of this kind. Please note the requirements for an Answer at 40 C.F.R. § 22.15. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint to the EPA Regional Hearing Clerk at the following address:**

Internet Address (URL) • <http://www.epa.gov>

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Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor (Room 1631)
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint, you may be judged to have defaulted (See, § 22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed without further proceedings. Whether or not you request a formal hearing, you may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty.

EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or affect what you may choose to say in an Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the Consolidated Rules of Practice, including Subpart I thereof.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

Lauren Fischer, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
Fischer.Lauren@epa.gov

Offer of Settlement

In an effort to promptly settle this matter, we are enclosing, for your consideration, a proposed Consent Agreement and Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order"). If, at the close of the public comment period on the Complaint, no adverse public comments are received and no information contrary to the information set forth in the Complaint comes to our attention in any other fashion, we would be prepared to enter into a Consent Agreement and Final Order on the terms enclosed. Under the terms of the Consent Agreement and Final Order you would be obligated to pay a penalty of \$20,000 in accordance with the terms of the Consent Agreement and Final Order. **If you wish to resolve this matter without further proceedings, please sign the enclosed Consent Agreement and Final Order and return it to EPA within twenty-five (25) calendar days of your receipt of this letter. Do not submit payment to EPA until after you receive an executed Consent Agreement and Final Order.** If we do not receive the Consent Agreement and Final Order, signed by you or your authorized representative, within this twenty-five (25) day period, our offer of settlement is withdrawn and we will thereafter seek the full amount of the penalty proposed in the Complaint.

If you have any questions on the enclosed Consent Agreement and Final Order, please contact Lauren Fischer at fischer.lauren@epa.gov. We urge your prompt attention to this matter.

Sincerely,

**KATHLEEN
ANDERSON**

Digitally signed by
KATHLEEN ANDERSON
Date: 2023.12.05
11:37:44 -05'00'

Kate Anderson, Acting Director
Enforcement and Compliance Assurance Division

Enclosures:

- Administrative Complaint
- Proposed Consent Agreement and Final Order
- Consolidated Rules of Practice
- Small Business Information Sheet and SEC Notice

cc: S. Andreescu – EPA, WD-WMB-WPS
M. Finocchiaro – EPA, WD-WMB-WPS
B. Orzel – U.S. Army Corps of Engineers, New York District
(by e-mail: brian.a.orzel@usace.army.mil)
S. Wohl – Mayor, Village of Goshen
(by e-mail: scottwohl@yahoo.com)
J. Russo – Principal, Lanc & Tully Engineering and Surveying, P.C.
(by e-mail: jdr@lanctully.com)
A. Turi, Jr. – Board of Commissioners Chairman, Goshen Fire District
J. Matta – President, Eastgate Corporate Park, LLC
(by e-mail: jmatta@masterworkhome.com)

Giuseppe Battaglia
284 Spring Road
Huntington, NY 11743

Karen



9589 0710 5270 0985 0391 60

Retail



10007

RDC 99

U.S. POSTAGE PAID
FCM LETTER
GOSHEN, NY 10924
DEC 21, 2023

\$8.56

R2305K134781-2

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U.S. Environmental Protection Agency
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