



October 24, 2019



VIA FEDEX

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA-Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, MA 02109-3912

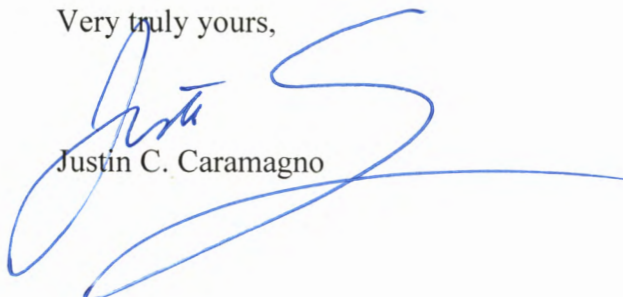
RE: Terravecchia Building & Restoration, Inc., TSCA-01-2019-0062

Dear Ms. Santiago:

Enclosed please find Respondent's Answer and Request for Hearing in connection with the above-referenced matter.

Thank you.

Very truly yours,

  
Justin C. Caramagno

Enclosures

cc: Peter DeCambre, Esq.  
Joe Terravecchia

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1- NEW ENGLAND



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In the Matter of:	)	Docket No.:
	)	TSCA-01-2019-0062
	)	
TERRAVECCHIA BUILDING	)	ANSWER TO COMPLAINT
& RESTORATION, INC.	)	
20 Penhallow Street	)	
Portsmouth, NH 03801	)	
	)	
Respondent.	)	
	)	
Preceding under Section 16(a) of the	)	
Toxic Substances Control Act,	)	
42 U.S.C. § 2615 (a).	)	

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**ANSWER TO COMPLAINT AND REQUEST FOR HEARING**

Respondent, Terravecchia Building & Restoration, Inc., (“Terravecchia” or “Respondent”), through the undersigned attorney, presents its answer to the Administrative Complaint (“Complaint”) issued by the United States Environmental Protection Agency Region 1 (“EPA” or “Complainant”), and respectfully states, alleges and prays as follows:

1. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph, and the allegation are therefore denied.
2. Respondent admits to the allegations contained in this paragraph.

**I. STATUTORY AND REGULATORY AUTHORITY**

3. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

4. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

5. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

6. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

7. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

8. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

9. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

10. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

11. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

12. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

13. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

14. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

15. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

16. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

17. This paragraph sets forth legal conclusions to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

## **II. GENERAL ALLEGATIONS**

18. Respondent admits to the allegations contained in this paragraph.

19. Respondent admits to the allegations contained in this paragraph.

20. Respondent admits to the allegations contained this paragraph.

21. Respondent admits to the allegations contained in this paragraph.

22. Respondent admits to the allegations contained in this paragraph.

23. Respondent admits to the allegations contained in this paragraph.

24. Respondent admits to the allegations contained in this paragraph.

## **III. VIOLATIONS**

25. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in this paragraph.

### **COUNT ONE**

#### *Failure to Obtain Firm Certification*

26. Answers provided in response Paragraphs 1-25 above are incorporated by reference as if fully set forth herein.

27. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

28. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

29. Respondent admits to the allegations contained in this paragraph.

30. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

## **COUNT TWO**

### *Failure to Cover Ground with Plastic Sheeting*

31. Answers provided in response to Paragraphs 1-30 above are incorporated by references as if fully set forth herein.

32. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

33. Respondent admits only that the ground was not covered with plastic sheeting or other impermeable material in the immediate area where he was removing aluminum siding. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

34. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

### **COUNT THREE**

#### *Failure to Retain Compliance Records*

35. Answers provided in response to Paragraphs 1-34 above are incorporated by references as if fully set forth herein.

36. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

37. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

### **IV. PROPOSED PENALTY**

38. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

39. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

40. This paragraph sets forth a legal conclusion to which no response is required. To the extent further response is required; Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

**V. REQUEST FOR HEARING**

41. Respondent respectfully requests a hearing in connection with the material facts and the appropriateness of the proposed penalty as referenced in the Complaint. While Respondent may have technically violated 15 U.S.C. §2615 there are many facts and circumstances that warrant a reconsideration of the proposed penalty. Mr. Terravecchia has absolutely no prior violation or infraction at either the State or Federal level in the 30 years he has been in business. Mr. Terravecchia and Terravecchia Building & Restoration Inc., have always conducted business conscientiously and professionally with the highest regard for both safety and the environment. We hereby request a formal hearing at the first opportunity.

Respectfully submitted on this 24<sup>th</sup> October 2019.

COUNSEL FOR RESPONDENT  
TERRAVECCHIA BUILDING & RESTORATION, INC.,  
LAW OFFICES OF JUSTIN C. CARAMAGNO, P.A.

By: 

Justin C. Caramagno, NH Bar No.: 4142  
402 The Hill, Deer Street  
Portsmouth, NH 03801  
Phone: 603-431-5504  
Fax: 603-431-5481  
[justin@nhlawoffices.com](mailto:justin@nhlawoffices.com)



CERTIFICATE OF SERVICE

I hereby certify that the forgoing Answer to the Administrative Complaint and Request for hearing has been provided to the following persons on the date noted below:

Original and one copy via  
Fedex:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA-Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, MA 02109-3912

One Copy via Fedex:

Peter DeCambre, Sr. Enforcement Counsel  
U.S. EPA Region 1  
5 Post Office Square, Suite 100 (OES 04-3)  
Boston, MA 02109

Dated this 24<sup>th</sup> day of October 2019.

LAW OFFICES OF JUSTIN C. CARAMAGNO, P.A.

By: 

Justin C. Caramagno, NH Bar No.: 4142  
402 The Hill, Deer Street  
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Phone: 603-431-5504  
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