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U.S. Environmental
Protection Agency-Reg 2
2014 OCT 29 AM 10:36
REGIONAL HEARING
CLERK

by Federal Express No. 771659571198

October 28, 2014

Karen Maples, Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

Re: Answer to Complaint Docket No. CWA-02-2014-3402
United Talmudical Academy of Kiryas Joel, Respondent
Beth Rachel Girls School
Israel Zupnick Drive, Village of Kiryas Joel, NY
NPDES Tracking Number: NYU006986

Dear Ms. Maples:

Enclosed please find an original and one copy of the Respondent's Answer for service upon the U.S. Environmental Protection Agency in the above captioned matter.

Please feel free to call me to discuss any questions you may have concerning the above.

Respectfully submitted,



JOSEPH S. SCARMATO

Cc: Kara E. Murphy, Esq., Asst. Regional Counsel
Mr. Elozer Gruber

JSS/jms

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. Environmental
Protection Agency-Reg 2
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CLERK

IN THE MATTER OF:

UTA OF KJ, INC.,
P.O. Box 477, Monroe, New York 10949
55 Forest Road, Monroe, New York 10950

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

Docket No. CWA-02-2014-3402

RESPONDENT

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

**ANSWER WITH
AFFIRMATIVE DEFENSES**

United Talmudical Academy of Kiryas Joel, Inc.
Beth Rachel Girls School Israel Zupnick
Drive, Kiryas Joel, New York 10950
NPDES Tracking No. NYU00698

The Respondent, United Talmudical Academy of Kiryas Joel, Inc. by and through its attorneys, Joseph S. Scarmato, PLLC, as and for their Answer with Affirmative Defenses to the Complaint, sets forth the following:

1. Denies having knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 (a)-(g), 21, of the Petitioner's Complaint.
2. Admits each and every allegation contained within paragraph "22 & 23" of the Petitioner's Complaint.

**AS AND FOR A RESPONSE TO THE
FIRST CAUSE OF ACTION**

3. The Respondent repeats, reiterates and realleges the admissions and denials contained within paragraphs "1" and "2" as if fully set forth herein.
4. Denies having knowledge or information sufficient to form a belief as to the truth of each

and every allegation contained within paragraphs 24, 25, 27, 29, 34, 35, & 36, of the Petitioner's Complaint.

5. Admits each and every allegation contained within paragraph "28" of the Petitioner's Complaint.

6. Denies each and every allegation contained within paragraph "26, 30, 31 & 33" of the Petitioner's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Petitioner's Complaint fails to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

The alleged violations were de minimis in nature and no damage was caused to the Navigable Waters of the United States of America.

THIRD AFFIRMATIVE DEFENSE

The Respondent achieved no economic benefit or savings by virtue of the alleged violations.

FOURTH AFFIRMATIVE DEFENSE

The Respondent acted promptly to mitigate any and all alleged violations.

FIFTH AFFIRMATIVE DEFENSE

Any alleged breach of the Respondent is an Excused Breach due to contingencies beyond the Respondent's control.

RESPONDENT'S REQUEST FOR A FORMAL HEARING

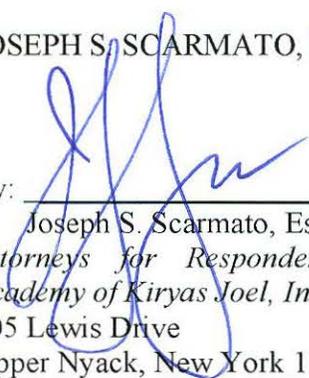
The Respondent hereby requests a hearing upon the issues raised by the Complaint and on the proposed penalty assessment pursuant to 40 C. F. R. Sect. 22.15(c).

WHEREFORE, the Respondent United Talmudical Academy of Kiryas Joel, Inc., respectfully demands that judgment be entered as follows:

- A. Dismissing the Petitioner's Complaint in its entirety;
- B. A formal hearing on the issues raised by the Complaint and on the proposed penalty assessment;
- C. For such other and further relief as the Court deems just and proper.

Dated: Upper Nyack, New York
October 28, 2014

JOSEPH S. SCARMATO, PLLC

By: 

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Academy of Kiryas Joel, Inc.*
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To: Kara E. Murphy, Esq.
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