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May 22, 2014

United States Environmental Protection Agency  
**Attention:** Lydia Guy  
Regional Hearing Clerk (3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

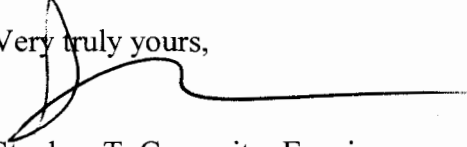
**Re: E.P.A. vs. Madonna Enterprises, Inc., Whitehall Township**  
**Docket No.: CAA-03-2014-0092**

Dear Lydia:

I am enclosing my client's, Madonna Enterprises, Inc., Answer to the Complaint. Kindly note my appearance on behalf of Madonna Enterprises, Inc. I am enclosing a return envelop and would request a time stamped copy.

With warm regards, I remain,

Very truly yours,

  
Stephen T. Carpenito, Esquire  
Supreme Court I.D. # 68860

cc: Jennifer J. Nearhood, Esquire

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200 Mahantongo Street, Suite 44  
P.O. Box 570  
Pottsville, Pennsylvania 17901

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THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

IN RE: )  
 )  
 Madonna Enterprises, Inc., )  
 et al., )  
 )  
 )

Administrative Complaint and Notice  
 of Opportunity for Hearing  
 Docket: CAA-03-2014-0092

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ANSWER TO COMPLAINT  
 BY MADONNA ENTERPRISES, INC.

1. Admitted in part and Denied in part. It is admitted that violations have been levied against the Parties. However, it is denied that any such violation occurred. If such did, then it is the fault of another party other than Madonna Enterprises, Inc.
2. Admitted.
3. Admitted in part. It is denied that Madonna Enterprises falls under said statute.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.

14. Denied. This definition is not accurate as far as it is defined in the relevant statute.
15. Admitted.
16. Admitted in part.
17. Denied. Madonna Enterprises, Inc., is a duly organized business corporation engaging in a wide variety of construction related services.
18. Admitted.
19. Denied. The location in question does not meet the definition set forth. Denied. This is a legal conclusion and strict proof is demanded at trial.
20. Neither Admitted or Denied. This is directed to a party other than Madonna Enterprises, Inc.
21. Denied. The contract between Whitehall and Madonna is specific and any attempt to “generalize” it is denied.
22. Denied. This is a legal conclusion and strict proof is demanded at trial.
23. Denied. Madonna Enterprises, Inc., does not meet said definition. Denied. This is a legal conclusion and strict proof is demanded at trial.
24. Neither Admitted or Denied. This is directed to a party other than Madonna Enterprises, Inc. However, by way of further answer the contract between the parties speaks for itself.
25. Denied. This is a legal conclusion and strict proof is demanded at trial. By way of further answer the contract between the parties speaks for itself.
26. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
27. Denied. There was no violation of the law and the work done was in strict conformance with the specification of Whitehall.

28. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, the EPA had already alleged that “nobody” was at the site when the inspection occurred.
29. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
30. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
31. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law. Further, there is no evidence that any such substances was placed there by Madonna Enterprises, Inc.
32. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
33. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
34. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
35. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
36. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
37. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. By way of further answer, however, nothing taken to the lab was on site due to any action by Madonna Enterprises, Inc.

38. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
39. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation.
40. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
41. Denied.
42. Denied. Mr. Madonna is the only employee of Madonna Enterprises, Inc. Any person spoken to may have been an independent contractor.
43. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law. Further, there is no evidence that any such substances was placed there by Madonna Enterprises, Inc.
44. Denied. There were no such materials placed there by Madonna Enterprises, Inc. Further, it is specifically denied that Mr. Madonna was the boss of this individual. Mr. Madonna is not a party to this action.
45. Denied. This conversation did not take place as indicated by the EPA.
46. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
47. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.

48. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
49. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
50. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
51. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
52. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
53. Admitted.
54. Admitted.
55. Denied. It is denied that any RACM material was present. By way of further answer if such material was located on site it was placed there by others than Madonna Enterprises, Inc.
56. Admitted in part. The conversation took place, but it is denied that Madonna Enterprises, Inc., was responsible.
57. Admitted.

58. Denied. Madonna Enterprises, Inc., does not recall that part of the conversation and strict proof is demanded at trial.
59. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
60. Neither Admitted or Denied. Madonna Enterprises does not have sufficient knowledge to respond to this allegation. However, it is denied that any such activity was being performed in violation of the law.
61. Denied. Madonna Enterprises, Inc., was not involved in such activity. By way of further answer if such material was located therein then Madonna Enterprises, Inc., was not the cause of the same, nor did it know that such material may have been RACM.
62. Denied. Madonna Enterprises, Inc., was not involved in such activity. By way of further answer if such material was located therein then Madonna Enterprises, Inc., was not the cause of the same, nor did it know that such material may have been RACM.

#### **COUNT I**

63. See responses to all paragraphs above.
64. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
65. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
66. Denied. See responses to these specific allegations above.
67. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.

68. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law. By way of additional answer any notification requirement was the responsibility of a third party.
69. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.

## **COUNT II**

70. See responses to all paragraphs above.
71. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
72. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
73. Denied. See responses to these specific allegations above.
74. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.

## **COUNT III**

75. See responses to all paragraphs above.
76. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
77. Denied. See responses to these allegations in the paragraphs above. No knowing violation of the law occurred by the work of Madonna Enterprises, Inc.
78. Denied. See responses to these allegations in the paragraphs above. No knowing violation of the law occurred by the work of Madonna Enterprises, Inc.
79. Denied. See responses to these allegations in the paragraphs above. No knowing



violation of the law occurred by the work of Madonna Enterprises, Inc.

80. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.

**COUNT IV**

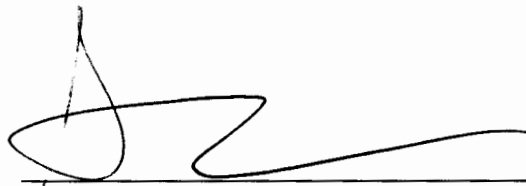
81. See responses to all paragraphs above.
82. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.
83. Denied. See responses to these allegations in the paragraphs above. No knowing violation of the law occurred by the work of Madonna Enterprises, Inc.
84. Denied. This is a legal conclusion for which no response is necessary. By way of further answer there were no violations of the law.

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**COUNT VI**

Madonna Enterprises, Inc., did not knowingly violate any laws of the United States Government as alleged in the Complaint. Madonna Enterprises, Inc., requests a hearing on this matter.

DATE: 5-07-14



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