



October 24, 2019

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Office of Regional Hearing Clerk

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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Office of Regional Hearing Clerk

In the Matter of:)
)
)
 TERRAVECCHIA BUILDING)
 & 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).)

Docket No.:
TSCA-01-2019-0062

ANSWER TO COMPLAINT

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 24th 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

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

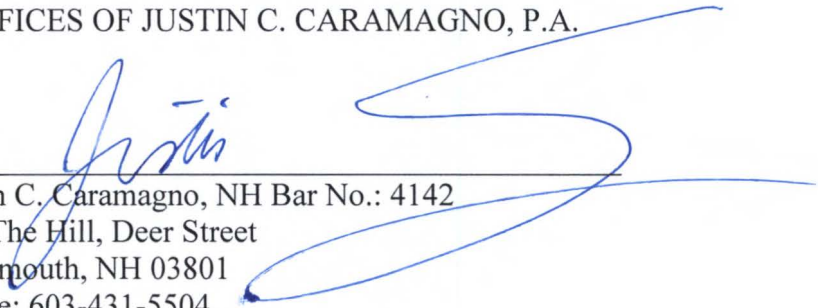
One Copy via Fedex:

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

Dated this 24th day of October 2019.

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

By:


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402 The Hill, Deer Street
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