



# Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Stephanie Andreescu Austin Jepsky (in-training)	Time In	10:38 AM	Start Date	January 17, 2023		
		Time Out	2:09 PM	End Date	January 17, 2023		
Inspector's Organization	U.S. EPA Region 2						
Organization Requesting Inspection (if different)							
Inspection Type	CWA Section 404 Inspection	Inspection Status	Original				
Site Name	Battaglia Property and eastern corner of Dikeman Firehouse Property						
Site Address*	6 Dikeman Drive (Parcel ID: 122-1-2.2) & 10 Dikeman Drive (Parcel ID: 122-1-2.3)						
City*	Goshen	County*	Orange	State*	NY	Zip Code*	10924
Latitude/Longitude*	41.3911, -74.3398		Estimated Size of Site (acres)	3+ acres			
Is there a home on the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Inspector Signature	<i>Stephanie Andreescu</i> Digitally signed by STEPHANIE ANDREESCU Date: 2023.02.17 17:32:42 -05'00'			Date	2/17/23		
Supervisor Signature	MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2023.02.21 08:51:47 -05'00'			Date	2/21/23		



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Site Name	Battaglia Property and eastern corner of Dikeman Firehouse Property	Start Date	January 17, 2023
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Inspection Purpose	Initial site visit		
<b>Opening Conference</b>			
<input checked="" type="checkbox"/> Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Credentials were presented to Mr. Giuseppe (Joe) Battaglia, the owner/president of Orange Builders, LLC			
<input checked="" type="checkbox"/> Opening Conference			
Name of person authorizing access if applicable			
Mr. Battaglia authorized access via phone and e-mail prior to the inspection. Access was initially requested to be limited to a wetland area depicted on a survey provided by Mr. Battaglia located on 6 Dikeman Drive.			
Notes from Opening Conference			
I asked Mr. Battaglia about the delineation process for the wetland delineation figure he provided for the 6 Dikeman Drive property, which shows one wetland area located in the northern corner of the parcel. He stated that his wetland delineator was at the site for two full days. When I asked about any surveys for the the 2 Dikeman Drive property, Mr. Battaglia stated that the property had not been surveyed or delineated yet. I told Mr. Battaglia that we were interested in looking at areas associated with the ditch and that we were concerned about potential ditching and sidecasting in wetlands. Mr. Battaglia stated that he did not dig the ditch and that it was there when he purchased the property in 2020. He stated that the ditch only became visible when he cut the grass (Phragmites).			
<input checked="" type="checkbox"/> Access Issues if Any			
Describe			
Access was initially requested to be limited to a wetland area depicted on a survey provided by Mr. Battaglia located on 6 Dikeman Drive. During the course of the inspection, Mr. Battaglia gave EPA verbal permission to access the remainder of the property.			
While a Stop Work Order issued by the Village of Goshen also indicated ditching on 2 Dikeman Drive, EPA was not allowed access onto that parcel. EPA viewed this property from the road.			
<b>Inspection Observations and Sample Collection</b>			
Site Owner* (Name, title and contact information)			
Orange Builders, LLC (6 Dikeman Drive) and Goshen Fire District (10 Dikeman Drive)			
Additional Persons Present at Inspection			
Robert Kozlowski (Village of Goshen Police); Scott Birney (Village of Goshen DPW); Andrew Contarino (Village of Goshen Building Department); Joe Battaglia (Property Owner/Representative of 6 Dikeman Drive and 2 Dikeman Drive)			
General Site Characteristics (layout of property, etc.)			
6 Dikeman Drive is a 3-acre rectangular parcel bordered by 2 Dikeman Drive (122-1-2.1) to the east, Dikeman Drive to the north, Dikeman Firehouse property/10 Dikeman Drive (122-1-2.3) to the west and another private parcel to the south (13-1-10.12). 6 Dikeman Drive is undeveloped and dominated by grasses and forbs. The property slopes towards Dikeman Drive.			
Site Overview (Past inspections, site description, permits, etc.)			
On May 30, 2000, the U.S. Army Corps of Engineers (Corps) issued a letter regarding the discharge of fill material into waters of			



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<p>the United States for the construction of a new Village of Goshen fire station located at what is now 10 Dikeman Drive. The letter authorized the filling of a maximum of 1.33 acres of wetlands under a Nationwide Permit 26. Mitigation for the wetland impact was 1.84 acres of wetland creation and enhancement on 2 Dikeman Drive and 6 Dikeman Drive.</p> <p>The Village of Goshen issued a Stop Work Order for 6 Dikeman Drive and 2 Dikeman Drive on June 10, 2021 for "Damage to Federal &amp; State Protected Wetlands" among other violations.</p> <p>EPA had not conducted any previous inspections at the 6 Dikeman Drive or 2 Dikeman Drive properties.</p>			
<p>Scope of Inspection (Areas inspected or not inspected)</p> <p>EPA inspected areas around a ditch that had been dug on the 6 Dikeman Drive and 10 Dikeman Drive properties. From the road, EPA visually inspected areas on the 2 Dikeman Drive property.</p>			
<p>Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)</p> <p>Overcast, 33 degrees</p>			



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**Field Work Conducted**

The purpose of the inspection was to document the potential discharge of dredged/fill material into wetlands without proper authorization from the Corps.

Data recorded during the inspection included GPS points; soils, vegetation, and hydrology data from three sampling locations; photographs; and handwritten notes.

EPA started the inspection by speaking with representatives from the Village of Goshen Police Department, Building Department, and Department of Public Works (DPW). Mr. Battaglia did not allow these individuals to access his properties. Representatives provided EPA with DPW photographs of ditching at 2 Dikeman Drive and 6 Dikeman Drive taken on June 9, 2021; a letter from the Department of Transportation (DOT); and a police report from June 5, 2021 with associated photographs.

EPA started field work by observing a ditch located on Goshen Fire District property. An 18" culvert located under the access roads/driveways to the firehouse hydrologically connects wetlands located on the eastern corner of Dikeman Firehouse Property and 6 Dikeman Drive to presumed wetlands on the northern side of the access roads. The culvert was nearly fully submerged at the time of the inspection. The ditch was approximately 3'6" wide and water depth was approximately 18" near the culvert. The ditch measured approximately 115 feet from the culvert along Dikeman Drive to a 90 degree turn, then measures an additional 70 feet perpendicular to Dikeman Drive (southwest direction). Near the 90 degree turn, the ditch measured approximately 6'8" wide.

EPA observed sidecasted material in areas surrounding the ditch and noted indicators of hydric soil in the piles of material. Common reed, a hydrophytic plant, was observed to be the dominant vegetation near the ditch. Soft rush, cattail, and reed canary grass were also observed in surrounding areas.

EPA took a soil sample, SS#1, near the ditch and sidecasted material (see attached map). At this location, EPA observed indicators of wetland hydrology, hydrophytic vegetation, and hydric soils. Vegetation consisted of 100% coverage of reed canary grass. The water table was measured at 8" below the ground surface. Ponding surface water was observed in other locations on the property. EPA determined that this location was in a wetland.

EPA walked with Mr. Battaglia towards the back of the property where EPA observed a hillside seep. Near this location, EPA dug two exploratory holes, SS#2 and SS#3 (see attached map). Vegetation around SS#2 consisted of nearly 100% coverage of reed canary grass, a hydrophytic plant. While there was standing water in the vicinity, soils at SS#2 did not appear to be hydric. At SS#3, the water table was approximately 7" below the ground surface and soils were observed to be hydric. Due to seasonal conditions, vegetation was generally not able to be identified.

From the road, EPA was able to observe that a second ditch had been dug on the 2 Dikeman Drive property and that sidecasted material lay nearby. EPA did not access this property. Areas surrounding the ditch was dominated by cattail, a hydrophytic plant.

**Closing Conference**

**Documents Received and/or Requested During the Inspection**

Representatives from the Village of Goshen's Police Department, Building Department, and DPW provided EPA with DPW photographs of ditching at 2 Dikeman Drive and 6 Dikeman Drive taken on June 9, 2021; a letter from the Department of Transportation (DOT); and a police report from June 5, 2021 with associated photographs.

**Compliance Assistance Provided (If any)**

EPA advised Mr. Battaglia to have the entire site delineated (or re-delineated) by a wetland professional as the delineation he provided to EPA appeared to undermap wetlands on the 6 Dikeman Drive property. EPA also advised that he submit the delineation to the Corps of Engineers for a Jurisdictional Determination and obtain the appropriate permits needed for development of 6



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Dikeman Drive and 2 Dikeman Drive if he intended to develop that property as well.			
<b>Observations Relayed to Site Owner/Operator</b>			
<p>EPA told Mr. Battaglia that the delineation he provided to EPA appeared to undermap wetlands on the 6 Dikeman Drive property.</p> <p>During the inspection, EPA pointed out sidecasted material to Mr. Battaglia.</p> <p>EPA also pointed out some of the things we look for when we are delineating a wetland. EPA explained that we were collecting information on plants, soils, and hydrology and what indicators of wetlands we were documenting.</p>			
<b>Actions Taken by Owner/Operator During the Inspection (If any)</b>			
N/A			
<b>Potential Issues of Concern Including Regulatory Citations</b>			
<p>EPA observed ditching and sidecasting within a wetland area at 6 Dikeman Drive. From the road, EPA was also able to observe that ditching had occurred in a potential wetland on 2 Dikeman Drive.</p> <p>EPA also has concerns that wetlands at 6 Dikeman Drive are currently undermapped, which may lead to violations of Section 404 of the Clean Water Act if the property is developed according to plan and without the necessary authorizations.</p>			
<b>Attachments*</b>			
<input checked="" type="checkbox"/> Maps and Sketches <input checked="" type="checkbox"/> Photographs (including location) and Photo Log <input type="checkbox"/> Other			
Map of GPS points; photograph log			
<b>Additional Notes</b>			

**EPA CWA 404 Inspection Photolog  
Battaglia Property – 6 Dikeman Drive  
Goshen, NY**

**January 17, 2023**



**Date:** 1/17/2023  
**Time:** 11:06 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 1 – P1170542

**Description:**

Ditch on Goshen Fire District property.  
Photograph taken from culvert location



**Date:** 1/17/2023  
**Time:** 11:22 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 2 – P1170543

**Description:**  
Sidecasted soil displaying a depleted matrix.



**Date:** 1/17/2023  
**Time:** 11:37 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 3 – P1170544

**Description:**

Ditch

Photo taken from 90 degree turn

Photo facing Goshen Fire District property



**Date:** 1/17/2023  
**Time:** 11:37 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 4 – P1170545

**Description:**

Ditch

Photo taken from 90 degree turn

Photo facing back of 6 Dikeman Drive property



**Date:** 1/17/2023  
**Time:** 11:47 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 5 – P1170546

**Description:**

Ditch

Photo taken from end of ditch

Photo facing Dikeman Drive



**Date:** 1/17/2023  
**Time:** 11:48 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 6 – P1170547

**Description:**  
Sidecasted material from ditch



**Date:** 1/17/2023  
**Time:** 11:48 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 7 – P1170548

**Description:**  
Sidecasted material from ditch  
displaying redoximorphic  
features



**Date:** 1/17/2023  
**Time:** 11:51 AM  
**Photographer:** S. Andreescu  
**Photo ID:** 8 – P1170549

**Description:**

Sidcasted material from ditch displaying redoximorphic features



**Date:** 1/17/2023  
**Time:** 12:06 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 9 – P1170550

**Description:**  
SS1 soil profile



**Date:** 1/17/2023  
**Time:** 12:09 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 10 – P1170551

**Description:**  
SS1 soil pit



**Date:** 1/17/2023  
**Time:** 12:31 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 11 – P1170552

**Description:**  
Hillside seep



**Date:** 1/17/2023  
**Time:** 12:31 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 12 – P1170553

**Description:**  
SS3 Soil Profile



**Date:** 1/17/2023  
**Time:** 12:44 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 13 – P1170554

**Description:**  
SS3 Soil Pit



**Date:** 1/17/2023  
**Time:** 12:46 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 14 – P1170555

**Description:**

Area surrounding SS3 Soil Pit



**Date:** 1/17/2023  
**Time:** 12:53 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 15 – P1170556

**Description:**

Pile of sidecasted material  
located approximately 15' from  
ditch



**Date:** 1/17/2023  
**Time:** 1:08 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 16 – P1170557

**Description:**

(1/4) Panorama from road, 2  
Dikeman Drive



**Date:** 1/17/2023  
**Time:** 1:08 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 17 – P1170558

**Description:**

(2/4) Panorama from road, 2  
Dikeman Drive



**Date:** 1/17/2023  
**Time:** 1:08 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 18 – P1170559

**Description:**  
(3/4) Panorama from road, 2  
Dikeman Drive, 6 Dikeman Drive



**Date:** 1/17/2023  
**Time:** 1:08 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 19 – P1170560

**Description:**

(4/4) Panorama from road, 2  
Dikeman Drive, 6 Dikeman Drive



**Date:** 1/17/2023  
**Time:** 1:09 PM  
**Photographer:** S. Andreescu  
**Photo ID:** 20 – P1170561

**Description:**

Sidecasted material on 2  
Dikeman Drive, viewed from the  
road



NYS ITS GIS Program Office

1/17/2023 GPS Point

Orange County Stream

Approximate Parcel Boundary

Battaglia Property CWA Section 404 Inspection  
 6 Dikeman Drive, Orange County, NY  
 41.3904, -74.3400

