

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

Filed June 24, 2021 @ 4:21 pm
USEPA – Region II
Regional Hearing Clerk

-----X	:	
In the Matter of	:	
	:	
McFar Contractors Inc.,	:	<u>CONSENT AGREEMENT</u>
	:	<u>AND</u>
	:	<u>FINAL ORDER</u>
	:	
Respondent	:	Docket No.
	:	TSCA-02-2021-9269
	:	
Proceeding under Section 16(a) of the Toxic Substances Control Act	:	
-----X	:	

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended ("TSCA" or "the Act") and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (hereinafter "Consolidated Rules of Practice"). Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the Administrator of EPA to enforce against persons who violate TSCA and its implementing regulations. That provision provides, in relevant part, that "[a]ny person who violates a provision of section 2614 or 2689 of

this title [Sections 15 and 49 of TSCA, 15 U.S.C. §§ 2614 and 2689, respectively] shall be liable to the United States for a civil penalty... ." Complainant in this proceeding, the Director of the Enforcement and Compliance Assurance Division ("Complainant") of EPA, Region 2, has been delegated the authority to prosecute this proceeding.

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3) of the Consolidated Rules of Practice, is an appropriate means of resolving this matter without further litigation.

EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is McFar Contractors, Inc.
2. Respondent is incorporated in the State of New York.
3. Respondent's primary place of business is located at 99 Cottage Place, Mineola, New York 11501.
4. Respondent is engaged in the business of residential renovation.
5. Respondent is a "firm" as that term is defined at 40 C.F.R. § 745.83.
6. Respondent is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Subchapter IV of TSCA, 15 U.S.C. §§ 401 – 412, 15 U.S.C. §§ 2681 – 2692, and set forth at 40 C.F.R. Part 745, specifically the requirements on Residential Property Renovation at 40 C.F.R. Part 745, Subpart E [the "Renovation, Repair and Painting ("RRP")] Rule.
7. It is unlawful under Section 409 of TSCA, 15 U.S.C. § 2689, for a firm conducting renovations in Target Housing subject to the requirements of 40 C.F.R. Part 745 to violate any requirement of the RRP Rule.

8. The RRP Rule was promulgated to ensure that renovation activities in target housing¹ are, at a minimum, conducted by properly trained individuals and in a safe and proper manner to minimize lead exposure to the public, housing occupants and the environment.

9. The RRP Rule requires that firms conduct renovations (as defined in 40 C.F.R. § 745.83) in target housing in accordance with the work practice standards therein, unless (1) the firm has first made or obtained a determination in writing that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to, or in excess of, 1.0 milligrams/per square centimeter (mg/cm²) or 0.5% by weight as described at 40 C.F.R. Section 745.82, or (2) the renovation is, itself, a minor repair and maintenance activity as defined at 40 C.F.R. § 745.83.

10. On or about December 22, 2017, EPA received from the New York City Department of Health and Mental Hygiene (“NYCDOHMH”) a referral based on an inspection that NYCDOHMH had conducted that day at a residential property located at 75 Bank Street in Manhattan. The referral indicated that construction dust had been found both inside an apartment and in various common areas. In addition, sampling taken on several dust samples at the site were well above the threshold levels for acceptable lead content.

11. EPA conducted a search of the New York City Department of Buildings (“DOB”) website which revealed that a permit for renovations at the above address had been issued to McFar Contractors Inc., 99 Cottage Place, Mineola, New York 11501.

12. On January 22, 2018, EPA sent an Information Request Letter (“IRL”) to Respondent requesting information regarding the renovations conducted by Respondent at the 75

¹ “Target Housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 USC Section 2681(17) and 40 C.F.R. Section 745.223.

Bank Street address and Respondent's compliance with the RRP Rule. On February 5, 2018, Respondent, submitted a response to EPA's IRL.

13. Based on the information obtained from the NYCDOHMH referral and the IRL response, EPA determined that Respondent violated the RRP Rule in the course of renovations conducted in target housing at the 75 Bank Street address.

14. Respondent violated the RRP Rule in the course of renovations conducted in target housing at the 75 Bank Street address as follows: (a) by failing to obtain lead-safe firm certification prior to engaging in renovations, under 40 C.F.R. § 745.89(a), as required by 40 C.F.R. § 745.81(a)(2)(ii); (b) by failing to provide the owner of the unit(s) with the EPA-approved lead hazard pamphlet (Renovate Right) as required by 40 C.F.R. § 745.84(a)(1); (c) by failing to contain the work area so that no dust or debris leaves the work area while the renovation is being performed, as required by 40 C.F.R. § 745.85(a)(2); and (d) by failing to clean the work area until no dust, debris, or residue remains after the renovation has been completed as required by 40 C.F.R. § 745.85(a)(5).

15. Each of Respondent's alleged failures to comply with the RRP Rule constitute independent violations of TSCA § 409, 15 U.S.C. § 2689, for which penalties may be separately assessed under TSCA §16(a), 15 U.S.C. § 2615(a).

16. On December 1, 2020, EPA sent Respondent a letter (via email) setting out the alleged violations and extending an offer to meet. EPA and the Respondent held informal pre-filing settlement conferences, during which the parties agreed to enter into this Consent Agreement.

17. During the course of the settlement process, Respondent on February 5, 2021 and February 18, 2021, submitted financial information and documentation regarding its financial condition and demonstrating an inability to pay the proposed penalty in this matter.

CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. Respondent shall hereinafter maintain compliance with all applicable statutory provisions of TSCA, 15 U.S.C. § 2601 *et seq.* and its implementing regulations.
2. Respondent certifies that, as of the date of execution of this CA/FO, it is in compliance with the statutory provisions of Subchapter IV of TSCA, 15 U.S.C. §§ 401 – 412, 15 U.S.C. §§ 2681 – 2692, and the implementing regulations codified at 40 C.F.R. Part 745.
3. Respondent further certifies, under penalty of law, that:

The financial information and documentation it submitted to EPA via email on February 5, 2021 and February 18, 2021 regarding Respondent's financial condition is accurate, complete, and not misleading. Respondent understands that EPA has relied on the accuracy of this financial information and documentation submitted by Respondent during the negotiation of the settlement. Respondent is aware that the submission of false or misleading information or documentation to the United States government may subject a person to separate civil and/or criminal liability. Respondent understands that EPA retains the authority to seek and obtain appropriate relief if EPA obtains evidence that the information or documentation provided and/or representations made to EPA regarding Respondent's finances is false or, in any material respect, inaccurate.
4. For the purposes of this Consent Agreement, Respondent: (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations described in the "Findings of Fact and Conclusions

of Law” section, above; and (b) neither admits nor denies the specific factual allegations contained in the “EPA Findings of Fact and Conclusions of Law” section, above.

5. Respondent shall pay, either by cashier’s or certified check, electronically by Fedwire, or online, a civil penalty in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)** due on or before 30 calendar days from the date of signature of the Final Order at the end of this document.

a. If Respondent chooses to make payment by check, then such check shall be made payable to “Treasurer of the United States of America” and shall be mailed by one of the following two methods:

STANDARD DELIVERY
 United States Environmental Protection Agency
 Fines & Penalties
 Cincinnati Finance Center
 P.O Box 979077
 St. Louis, MO 63197-9000

or

SIGNED RECEIPT CONFIRMATION DELIVERY (FedEx, DHL, UPS, USPS, Certified, Registered, etc.)
 United States Environmental Protection Agency
 Government Lockbox 979077
 1005 Convention Plaza
 SL-MO-C2-GL
 St. Louis, MO 63101

The check shall be identified with the case name and docket number: *In the Matter of McFar Contractors Inc.*, Docket No. TSCA-02-2021-9269.

b. If Respondent chooses to make payment electronically through Fedwire, Respondent shall provide the following information to its remitter bank when the payment is made:

1) Amount of Payment;

- 2) SWIFT address: **FRNYUS33, 33 Liberty Street, New York, NY 10045;**
- 3) Account Code for Federal Reserve Bank of NY receiving payment: **68010727**
- 4) ABA number: **021030004;**
- 5) Field Tag 4200 of the Fedwire message should read: **D68010727**
Environmental Protection Agency;
- 6) Name of Respondent: **McFar Contractors Inc.;** and
- 7) Case Docket Number **TSCA-02-2021-9269.**

c. If Respondent chooses to make on-line payments, Respondent shall go to www.pay.gov and enter SFO 1.1 in the search field on the tool bar on the Home Page; select Continue under “EPA Miscellaneous Payments – Cincinnati Finance Center;” and open the form and complete the required fields. Once payment has been effected, Respondent shall email proof of payment to lareau.meghan@epa.gov and wise.milton@epa.gov with *In the Matter of McFar Contractors, Inc.*, TSCA-02-2021-9269 as the subject line

6. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States, including the United States Environmental Protection Agency, and a charge to cover costs of processing and handling delinquent claims.

a. Interest. Forty C.F.R. § 13.11(a)(1) provides for assessing the annual rate of interest that is equal to the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) on installment payments. The Treasury current value of fund rate is two percent (2%) per annum.

b. Handling Charges: Pursuant to 31 U.S.C. §3717(e)(1), a monthly handling charge of fifteen dollars (\$15.00) shall be assessed for each thirty (30) day calendar day period or any portion thereof, following the date the payment was to have been made, in which payment of the amount remains in arrears.

c. Late Payment Penalty Charge: A late penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days, 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

7. Failure to pay the full amount of the penalty, according to the above provisions, will result in the referral of this matter to the United States Department of Justice and/or the United States Department of Treasury for collection and/or other appropriate action.

8. Respondent has agreed to implement a Compliance Plan addressing the following broad categories of compliance with TSCA and the RRP regulations codified at 40 C.F.R. Part 745:

- a. Maintaining & Renewing EPA RRP Firm certification(s);
- b. Obtaining, Maintaining & Renewing RRP certifications for individual renovators, which are issued by EPA-accredited training providers as a course completion certificate upon completion of the course;
- c. Training of Respondent employees who perform RRP work. Such training shall include the lead-safe work practices of 40 C.F.R. Part 745.85(a), and instructions on how to fill the Forms and checklist included in the RRP Compliance Packet, which is attached to the Compliance Plan and incorporated by reference into this CA/FO, for each job performed by Respondent;
- d. Creation and retention of records of compliance;
- e. Compliance with lead-safe work practice standards for renovation projects;

- f. Compliance with post-renovation cleaning verification requirements; and
- g. Management of general contractor/subcontractor roles for RRP Rule projects.

Respondent will also utilize a “RRP Compliance Packet” which consists of Forms and checklists in conjunction with each renovation job in order to ensure proper Lead Safe Work Practices and recordkeeping. EPA has approved the Compliance Plan and RRP Compliance Packet, appended to this CA/FO as Attachments 1 and 2, respectively, and incorporated herein.

9. Respondent shall implement the Compliance Plan, including use of the RRP Compliance Packet, at all target housing and child-occupied facilities at which Respondent performs renovations subject to the provisions of 40 C.F.R. Part 745. Implementation of the Compliance Plan and use of the RRP Compliance Packet is intended as an adjunct to the requirements of 40 C.F.R. Part 745 and an aid to compliance therewith. Adherence to the provisions of the Compliance Plan and use of the RRP Compliance Packet and compliance with the provisions of this Consent Agreement with regard to the implementation of the Compliance Plan and use of the RRP Compliance Packet shall not be a substitute for compliance with the provisions of 40 C.F.R. Part 745 nor a defense to the failure to do so.

10. Respondent shall submit reports to EPA documenting its implementation of the Compliance Plan and use of the RRP Compliance Packet (hereinafter “CP Reports”) in accordance with the following terms:

- a. Respondent shall prepare quarterly CP Reports to EPA for a period of one year commencing on September 30, 2021. Each quarterly CP Report shall be submitted by Respondent and received by EPA no later than 15 days from the end of the preceding quarter.

b. Each report shall summarize renovation activities performed and state the number of renovations undertaken during the preceding quarter. The Report shall also include the following:

- (1) The complete address of any renovation job conducted or underway at the time of the report and the areas renovated or to be renovated (e.g., apartment number(s) common area, exterior);
- (2) The type of building (e.g., residential home, multi-family apartment building, school building, conversion to housing);
- (3) The specific renovation work performed;
- (4) The original date of construction of the building(s);
- (5) If a multi-family building, provide the number of floors and number of apartments per floor;
- (6) Whether the Renovation Site was/will be occupied at the time of the renovation;
- (7) The name, address and telephone number of the individual who was/will be the on-site certified renovator for the work and include a copy of his/her RRP training certificate;
- (8) The name, address and telephone number of each subcontractor specifying the type of work each subcontractor performed or will perform at each renovation;
- (9) The name, address, and telephone number of the building owner; and
- (10) The scheduled dates of work, including start date and projected finish date.

c. In the event that no work subject to the provisions of 40 C.F.R. Part 745 is undertaken in a given quarter, Respondent shall so state in the CP Report for that quarter.

d. The CP Reports shall be sent to the following addressee:

Meghan LaReau
Enforcement Officer
Lead Paint and Pesticides Compliance Section
Pesticides and Toxic Substances Compliance Branch
U.S. Environmental Protection Agency – Region 2
2890 Woodbridge Avenue – MS 225
Edison, New Jersey 08837
LaReau.meghan@epa.gov

e. Each CP Report shall contain the following certification signed by an appropriate corporate official:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant potential penalties for submitting false information, including the possibility of fines and imprisonment.

11. Respondent shall be subject to stipulated penalties for the failure to (1) provide the required substantive content in the CP Report or (2) submit the required CP Reports in a timely manner as follows:

- a. 1 – 30 days delinquent: \$500 per day
- b. 30 – 60 days delinquent: \$750 per day
- c. Each day past 61 days: \$1,000 per day

All Stipulated penalties are due and payable within thirty (30) calendar days of Respondent's receipt from EPA of a written demand for payment of the penalties. Payment of the stipulated penalties shall be made in the same manner as prescribed in Paragraph 5 of the Consent Agreement Section, above, for payment of the civil penalty. Stipulated penalties shall accrue as

provided above, regardless of whether EPA has notified Respondent of the violation or has made a demand for payment but need only be paid upon demand.

12. Following receipt of the CP Report EPA will either:

a. accept the CP Report(s); or

b. reject the CP Report(s) and notify Respondent, in writing, of deficiencies in the CP Report, granting Respondent an additional thirty (30) days in which to correct any deficiencies and to resubmit the CP Report to EPA. If the identified deficiency(ies) in the CP Report is/are the result of a failure of substantive compliance, then EPA will provide Respondent with an opportunity to respond and/or correct the deficiencies. If EPA, after allowing Respondent thirty (30) days to correct any deficiencies, finds the same type of deficiencies remain, then EPA may seek stipulated penalties in accordance with paragraph 11, above.

13. If in the future EPA believes that any of the information in the documentation or CP Reports certified to, pursuant to paragraph 10(e), above, is inaccurate, EPA will advise Respondent of its belief and its basis for such and will afford Respondent an opportunity to respond to EPA. If EPA still believes the certification(s) is (are) mostly inaccurate, EPA may, in addition to seeking stipulated penalties pursuant to paragraph 11, above, for non-compliance, initiate a separate criminal investigation pursuant to 18 U.S.C. § 1001 et seq. or any other applicable law.

14. EPA Region 2's Director of the Enforcement & Compliance Assurance Division, may, in her sole discretion, reduce or eliminate any stipulated penalty due if Respondent has in writing demonstrated to EPA's satisfaction good cause for such action. If, after review of Respondent's written submission, EPA determines that Respondent failed to comply with the

terms and conditions of this CA/FO and concludes that the demanded stipulated penalty(ies) is due and owing and EPA has not waived or reduced the demanded stipulated penalty(ies), EPA will notify Respondent, in writing, of its decision regarding the stipulated penalty(ies).

Respondent shall then, within thirty (30) days of receipt thereof, pay the stipulated penalty amount(s) indicated in EPA's notice. EPA may also in its discretion, *sua sponte*, decide not to demand stipulated penalties.

15. Delays:

a. If any unforeseen event occurs which causes or may cause delays in the submission of the CP Report(s) as required herein, Respondent shall notify EPA in writing within (14) days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of delay, the precise cause of the delay, the measures taken by Respondent to prevent or minimize delay, and any proposed adjustments to the timetable for the submission of the CP Reports caused by the delay. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular event involved and may constitute a waiver of Respondent's right to request an extension of its obligation under this Consent Agreement based on such event.

b. If the parties agree that the delay or anticipated delay in the submission of the CP Report has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period of no longer than the Delay resulting from such circumstances.

c. In the event that EPA does not agree that a delay in submitting the CP Report has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays shall not be excused.

d. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent.

16. Any responses, documentation, and communication (other than the CP Report) submitted in connection with this Consent Agreement shall be sent to:

Meghan LaReau
Enforcement Officer
Lead Paint and Pesticides Compliance Section
Pesticides and Toxic Substances Compliance Branch
U.S. Environmental Protection Agency – Region 2
2890 Woodbridge Avenue – MS 225
Edison, New Jersey 08837
LaReau.meghan@epa.gov

Unless the above-named EPA contact is later advised otherwise in writing, EPA shall address any future written correspondence (including any correspondence related to payment of the penalty) to Respondent at the following address:

Penny Mendelsohn
McFar Contractors Inc.
99 Cottage Place
Mineola, New York 11501
penny@mcfarcontractors.com

17. Full payment of the penalty described in paragraph 5 of the Consent Agreement section, above, shall only resolve Respondent's liability for federal civil penalties for the violations described in paragraphs 13 - 15 in the above Findings of Fact and Conclusions of Law. Full payment of this penalty shall not in any case affect the right of EPA or the United States to

pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

18. Nothing in this document is intended nor shall be construed to waive, prejudice or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent if Respondent makes any material misrepresentations or provides materially false information herein or in any document submitted pursuant to this Consent Agreement.

19. The civil penalty and any stipulated penalties provided for herein are “penalt[ies]” within the meaning of 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal, state or local law.

20. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms.

21. Respondent consents to the issuance of the accompanying Final Order.

22. Respondent agrees that all terms of settlement are set forth herein.

23. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

24. Respondent hereby waives any rights it may have to seek or to obtain any hearing pursuant to Subpart D of 40 C.F.R. Part 22 or other judicial proceeding on the Findings of Fact and Conclusions of Law herein or to seek review of this Consent Agreement and the accompanying Final Order.

25. Respondent agrees not to contest the validity or any term of this Consent Agreement and Final Order in any action brought: a) by the United States, including EPA, to

enforce this Consent Agreement or Final Order; or b) to enforce a judgment relating to this Consent Agreement and Final Order. Any failure by Respondent to perform fully any requirement herein will be considered a violation of this Consent Agreement and Final Order and may subject Respondent to a civil judicial action by the United States to enforce the provisions of this Consent Agreement and Final Order.

26. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA and the regulations promulgated thereunder.

27. Each party hereto agrees to bear its own costs and fees in this matter.

28. This Consent Agreement shall be fully binding upon the parties and their officers, directors, employees, successors and/or assigns.

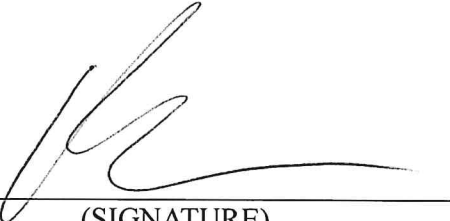
29. The signatory for Respondent certifies that: (a) he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms, conditions and requirements set forth in this Consent Agreement, and (b) he or she is duly and fully authorized to bind Respondent to comply with and abide by all the terms, conditions and requirements of this Consent Agreement.

30. Respondent consents to the use of electronic signatures in this matter and to service upon it of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk via electronic mail to the addressee identified in paragraph 16,

below. Receipt of the fully executed CA/FO by said designated representative shall constitute Respondent's receipt and acceptance of said CA/FO.

RESPONDENT McFar Contractors Inc.:

BY:


(SIGNATURE)

NAME:

Penny Mendelsohn
(PLEASE PRINT)

TITLE:

Vice President of Operations

DATE:

6/16/2021

COMPLAINANT:

for Dore LaPosta, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____

In the Matter of McFar Contractors Inc., Docket No. TSCA-02-2021-9269

FINAL ORDER

The Acting Regional Administrator of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of *In the Matter of McFar Contractors Inc.*, Docket Number TSCA-02-2021-9269. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into, and issued as this Final Order. This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk of EPA - Region 2 (40 C.F.R. § 22.31(b)).

Walter Mugdan
Acting Regional Administrator
U.S. Environmental Protection Agency –
Region 2
290 Broadway, 26th Floor
New York, New York 10007-1866

Date: _____

In the Matter of McFar Contractors Inc., Docket No. TSCA-02-2021-9269

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing fully executed Consent Agreement and Final Order, bearing docket number TSCA-02-2021-9269, in the following manner to the respective addressees below:

By Email:

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

Maples.Karen@epa.gov

By Email:

Penny Mendelsohn
McFar Contractors Inc.
99 Cottage Place
Mineola, New York 11501

penny@mcfarcontractors.com

Dated: _____