

June 26, 2024 @ 9:49 am
USEPA – Region II
Regional Hearing Clerk

Exhibit 1

EPA Pre-Filing Letters



MAY 18 2017

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article Number: 7016 2070 0001 1397 4796

Ashad Ajim, Owner
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434

RE: Opportunity to Settle Prospective Federal Enforcement Action Under the Toxic Substances Control Act and Its Implementing Regulations (Lead-Based Paint)

Dear Ashad Ajim:

Based on information gathered from public records and your response, dated May 27, 2016, to the March 5, 2016 Information Request Letter (IRL) issued by the United States Environmental Protection Agency, Region 2 (EPA), the EPA has reason to believe that A&I Developers, Inc. (hereinafter "A&I") may have violated the requirements for Residential Property Renovation, codified at Title 40 of the Code of Federal Regulations (C.F.R.) Part 745, Subpart E, the Renovation, Repair, and Painting Rule (RRP Rule).

The RRP Rule was promulgated to ensure that firms and their employees are trained to conduct renovation activities in a safe and proper manner to minimize lead exposure to the public, occupants of target housing and the environment. 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 zero-bedroom dwelling. (40 C.F.R. §745.103) The EPA believes that A&I may have violated the RRP Rule while conducting renovations at 2020 Honeywell Avenue, Bronx, NY, in 2015 and 2016.

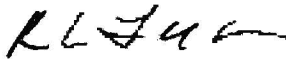
Firms are required to conduct renovations in target housing in accordance with the RRP Rules work practice standards, unless (1) the firm has first made or obtained a determination in writing that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm^2) or 0.5% by weight (40 C.F.R. § 745.82), or (2) the renovation is a minor repair and maintenance activity that disrupts 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where no prohibited or restricted work practices are used and where the work does not involve window replacement or demolition of painted surface areas (40 C.F.R. § 745.83). It is unlawful under Section 409 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2689, for a firm conducting renovations in target housing subject to 40 C.F.R. Part 745 to violate any requirement of the RRP Rule.

Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), a violator may be subject to civil penalty of up to \$37,500 per violation per day for each violation. The EPA currently anticipates issuing an administrative Complaint naming A & I as a Respondent, and seeking a civil penalty for violations of TSCA. With this letter, however, the EPA offers the opportunity for you to meet with the EPA in an effort to achieve settlement in an expedited timeframe. Pursuant to 40 C.F.R. § 22.13(b), the parties may enter into and finalize a settlement of this matter without the issuance of a formal Complaint. During this discussion, the EPA will explain in greater detail the nature of the violations, the remedies available to the EPA under these circumstances, and the possible civil penalty for these violations. You will also have an opportunity to present evidence, if any, to rebut or refute EPA's findings and conclusions about noncompliance, and you may discuss any mitigating factors you deem relevant to such possible violations, the penalties that might be sought for such violations, and/or any other circumstances you wish to bring to EPA's attention that bear on such matters and on your lead-based paint activities. The EPA will have an attorney present, and you may bring an attorney as well. Note that any settlement would include your company agreeing to pay a monetary penalty and would be subject to approval by EPA management.

Any and all information that you provide to EPA in response to this letter is not governed by the requirements of the Federal Rule of Evidence 408 and may subsequently be utilized by EPA as it sees fit. If you do not respond to this letter, EPA may proceed with enforcement action as authorized by Section 16(a) of TSCA, 15 U.S.C. § 2615(a), including the assessment of the appropriate civil penalties. The penalty sought would likely be greater than the amount that might be negotiated in a settlement.

Please contact me, Karen L. Taylor, Esq. at (212) 637-3637 or Taylor.Karen@epa.gov, within twenty (20) working days of receipt of this letter to schedule a meeting to discuss this matter.

Sincerely,



Karen L. Taylor, Esq.
Assistant Regional Counsel
Office of Regional Counsel

Enclosures – Violations Summary

Violations Summary

Ashad Ajim, Owner
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434

While conducting renovations at 2020 Honeywell Avenue, Bronx, NY, A&I Developers, Inc. is believed to have failed to comply with the following:

1. Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from EPA, under 40 C.F.R. § 745.89(a) pursuant to 40 C.F.R. § 745.81(a)(2)(ii)
2. Failure to provide the owner of multi-unit target housing with the EPA-approved lead hazard information pamphlet, under 40 C.F.R. § 745.84(b)(1)
3. Failure to establish and maintain records or to make available such records, under 40 C.F.R. § 745.87(b)
4. Failure to ensure all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator, under 40 C.F.R. § 745.89 (d)(1)
5. Failure of a firm to ensure a certified renovator was assigned to each renovation and performed all required duties, under 40 C.F.R. § 745.89 (d)(2)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**Ashad Ajim, Owner
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434**



9590 9403 0968 5223 1628 03

016 2070 0001 1397 4796

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

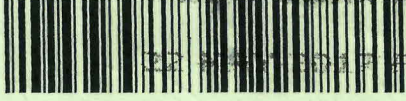
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

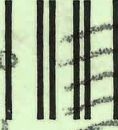
3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING#



9590 9403 0968 5223 1628 03



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-40

United States
Postal Service

**Karen L. Taylor, Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866**

A&I Developers, Inc. - Show Cause Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 09 2017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number: 7016 3560 0000 4262 9168

Mr. Ashad Ajim, Owner
A&I Developers, Inc.
265 Sunrise Highway Ste 1-304
Rockville Centre, NY 11570

RE: Opportunity to Settle Prospective Federal Enforcement Action Under the Toxic Substances Control Act and Its Implementing Regulations (Lead-Based Paint)

Dear Mr. Ajim:

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Sincerely,



Karen L. Taylor, Esq.
Assistant Regional Counsel
Office of Regional Counsel

Enclosures – Violations Summary

cc: Mr. Ashad Ajim, Owner
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434

Violations Summary

Mr. Ashad Ajim, Owner
A&I Developers, Inc.
265 Sunrise Highway Ste 1-304
Rockville Centre, NY 11570

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4. Failure to ensure all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator, under 40 C.F.R. § 745.89 (d)(1)
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
**Mr. Ashad Ajim, Owner
A&I Developers, Inc.
265 Sunrise Highway Ste 1-304
Rockville Centre, NY 11570**



9590 9402 1702 6053 0031 62

2. Article Number (Transfer from service label)

7016 3560 0000 4262 9168

COMPLETE THIS SECTION ON DELIVERY

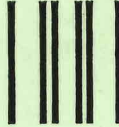
- A. Signature X *Mojai* Agent
 Addressee
- B. Received by (*Printed Name*) *Mojai* C. Date of Delivery *8/12/17*
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

USPS TRACKING#



9590 9402 1702 6053 0031 62



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

Mailed
on
August
9, 2017

Karen L. Taylor
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866

A&I Developers, Inc. SCL

