

Attachment 11

EPA Request for Information



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAR 05 2016

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7015 1520 0002 8556 5154

Mr. Ashad Ajim
A&I Developers Inc.
159-20 115th Road
Jamaica, New York 11434

RE: Request for Information by U.S. Environmental Protection Agency (EPA), Region 2

Dear Mr. Ajim:

It has come to our attention from an inspection done on 02/24/2016, by the New York City Department of Health, that renovations were conducted by your firm, or on your behalf, at **2020 Honeywell Avenue, Bronx, New York**. Our records indicate that this address meets the definition of target housing; therefore, any renovations are regulated under the Renovation, Repair, and Painting Rule (RRP Rule), section 402(c) of the Toxic Substances Control Act (TSCA). Please note that *target housing* is defined in the Rule to mean *any* housing constructed prior to 1978 with few exceptions (see 40 CFR 745.103). Vacant homes and apartments *are covered* by these regulations.

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children. The RRP Rule requires that *firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools (target housing) be certified by EPA and that they use certified renovators who are trained by EPA-accredited training providers to follow lead-safe work practices*. Failure or refusal to comply with the RRP Rule is a prohibited act under TSCA § 409, 15 U.S.C. § 2689, that could result in the assessment of a fine.

The term *renovation firm* includes skilled contractors and subcontractors, including *sole proprietorships, owners of residential properties, and property management companies* who use their own employees to conduct regulated activities that disturb lead-based paint in target housing.

Several enclosures have been included with this letter:

- A list of questions regarding the above mentioned renovation activities. Your answers to these questions will be evaluated by the U.S. Environmental Protection Agency (EPA) to determine your level of compliance with the Renovation, Repair, and Painting (RRP) Rule;
- An affidavit, which must be completed and returned along with your response and any documents that you provide;

- EPA Form 7740-4, TSCA Inspection Confidentiality Notice. Please sign and return this form with your response. This form is to acknowledge your right to claim information collected by the EPA as confidential if it relates to trade secrets or to commercial or financial matters that you consider to be confidential business information (CBI). It does not mean that you have made such a claim; and
- A compliance assistance package to provide you with more information about the RRP Rule requirements.

The above information should be submitted within **twenty (20) business days of receipt of this letter**. Please note that detailed instructions for submitting the requested information can be found on the enclosed list of questions.

If you have any questions, you may contact Beverly Solley at 732-321-4373, email solley.beverly@epa.gov (or "the EPA Region 2 Lead Team at 732-321-6671"). The following website includes useful information about the RRP Rule: <http://www.epa.gov/lead/>. Additional information about the RRP Rule requirements can be found in the official regulation text which is available by searching 40 CFR 745 Subpart E at <http://www.ecfr.gov>.

Thank you for your cooperation in this matter.

Sincerely,



John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosures

**Questions Regarding Renovations conducted at:
2020 Honeywell Avenue, Bronx, New York 10460**

Please provide a written response including the following information and any other information that you believe to be relevant:

1. Please provide a complete description of the renovation work done by your firm or by firms on your behalf (e.g., by subcontractors). In addition to a scope of work, please indicate:
 - *The original date of construction for the building your firm was contracted to renovate;*
 - *The start and end dates for each phase of work;*
 - *Identify any emergency conditions that contributed to the need for renovation;*
 - *The approximate square footage (interior- footage by room, exterior- total) of painted surfaces disturbed by the renovation;*
 - *The type of areas that were renovated (e.g., two-bedroom apartments, studio apartments, common hallways, stairs, lobbies, exterior surfaces, etc.); and*
 - *Describe any demolition or window replacement activities.*
2. Has your firm obtained certification from EPA to perform renovations as defined in 40 CFR 745.83?
 - *If so, please enclose a copy of the firm's EPA lead-safe certification with your response.*
3. Was a certified renovator (as defined in 40 CFR 745.83) assigned to the job?
 - *If so, please enclose a copy of the renovator's EPA renovator certification with your response.*
4. Did your firm establish records documenting that a certified renovator was assigned?
 - *If so, please provide a copy of records documenting that a certified renovator was assigned.*
5. If a certified renovator was assigned, did s/he perform on-the-job training for uncertified workers?
 - *If so, did your firm establish records that a certified renovator performed on the job training?*
 - *If so, please provide a copy of records documenting that a certified renovator performed this training.*
6. Please provide copies of any written contracts or purchase orders issued to you or to your firm for each entity that **hired your firm** to perform the renovation work. Please include the names and addresses of these entities.
7. Please provide a list of subcontractors that **you or your firm hired** to perform renovation work along with the following information for each subcontractor:
 - *addresses of the sub-contractors;*
 - *copies of written contracts and/or purchase orders issued by you or your firm;*
 - *copies of subcontractor's EPA RRP firm certificates; and*
 - *RRP training certificates issued by EPA-accredited training providers for certified renovators assigned to the renovation.*
8. Did your firm provide the "Renovate Right" pamphlet to the owner of the property prior to the start of renovation activity?
 - *If so, please provide a copy of the receipt acknowledging that the pamphlet was received by the owner.*
9. Did you firm provide the "Renovate Right" pamphlet to the occupants of the property or notify occupants by posting informational signs prior to the start of renovation activity?
 - *If so, please provide a copy of the receipt acknowledging that the pamphlet was received or other documentation demonstrating that the occupants were notified.*
10. Did your firm establish records documenting that lead-safe work practices were followed?
 - *If so, please provide a copy of records documenting that lead-safe work practices were followed.*
11. Provide copies of any information relating to lead paint in the renovated property, including but not limited to:
 - *Pre/post renovation test results for lead-based paint and/or lead in dust; and*
 - *Lead-based paint-related violation notices from state or local agencies.*

12. Was post-renovation clean. verification performed?
 - *If so, did your firm establish records documenting that the certified renovator performed post renovation cleaning verification?*
 - *If so, please provide a copy of records documenting that the certified renovator performed post renovation cleaning verification.*
13. Upon completion of renovation, did your firm provide documentation of compliance with the RRP Rule to the owner/occupant of the residential dwelling (e.g., a copy of the Record Keeping Checklist or similar form)?
 - *If so, please provide a copy of all documentation provided.*
14. Indicate whether or not this work was conducted in Federally-assisted housing or was paid for in full or in part with Federal funds. Please identify any agencies involved, if applicable.
15. Please provide proof of payment for services rendered.
16. What is the firm's annual (most recent tax year) gross pre-tax income?
17. How long (since what year) has your firm been in business?
18. How many individuals are employed by your firm?

Please note that **all the above questions must be answered**. Failure to answer each question fully will result in a determination that your response to the Information Request Letter is incomplete. If information is not known or is not applicable, you should state this in your answer.

Please be advised that failure to provide the information requested may result in the issuance of a subpoena pursuant to Section 11 of TSCA, 15 U.S.C. § 2610(c), to obtain the requested information. EPA reserves the right to further pursue this matter and to inspect your place of business to ensure compliance with federal lead-based paint regulations. In addition, be advised that knowingly making any false statement or omission may result in penalty and/or imprisonment pursuant to TSCA, 18 U.S.C. § 1001. Please submit all of the public (non-confidential) information and documents requested within **twenty (20) business days** to the following address:

Beverly Solley
U.S. Environmental Protection Agency
Region 2 Lead Team
2890 Woodbridge Ave MS 225
Edison, New Jersey 08837

If any of the information that you are submitting is Confidential, as described in the enclosure, "TSCA Inspection Confidentiality Notice" (EPA Form 7740-4), please state that in a cover letter to be included with the confidential information and follow these instructions:

- All information to be claimed "confidential" must be clearly identified as such by means of a stamp or similar marking **on each page**.
- The confidential information should be placed in an envelope and sealed. The outside of this envelope should be labeled as follows:

Mark Bean, Document Control Officer
Confidential information – to be opened by addressee only

- The sealed envelope should be placed in a mailer envelope and sent to:

Mark Bean
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue MS 105
Edison, NJ 08837

- The mailer envelope should NOT indicate that the contents are confidential. No confidential information should be sent to Beverly Solley, who was identified in the enclosed cover letter. It is recommended that all confidential information be sent to EPA using a traceable delivery service. Do not send confidential information through electronic mail.

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 2**

**Mr. Ashad Ajim
A&I Developers Inc.
159-20 115th Road
Jamaica, New York 11434**

AFFIDAVIT OF COMPLETENESS AND ACCURACY

I/We, the undersigned affiant(s), first being duly sworn, upon an oath, depose and say:

1. Attached hereto are _____ pages of photocopies of documents or records requested by the Environmental Protection Agency (EPA) which are being produced along with this affidavit in response to the Information Request. These attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of: _____, the address of which is: _____.
2. The records involved (of which the attached pages are true copies) were received and/or kept in the usual course of regularly conducted business of the entity listed in paragraph 1 above and were relied upon by me and others for the purpose of conducting everyday affairs. I further attest that these records were prepared at or near the time of the events to which they relate.
3. I have made a diligent search and inquiry for all records which are described in the Information Request to which this affidavit responds. Furthermore, I have no knowledge of any other documents or records coming within the description set forth in the said Information Request which have not been copied and submitted along with this affidavit.
4. All responses to the inquiries contained in the aforementioned Information Request are true, complete and accurate. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

Signature: _____

Date: _____

Print Name: _____

Title: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this

_____ day of _____, _____.

Notary Public

In and for the State or Territory of _____



US ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION			4. FACILITY NAME
DATE 03/02/2016	INSPECTOR NO.	DAILY SEQ. NO.	A&I Developers Inc
2. INSPECTOR'S NAME: Mark Bean			5. ADDRESS 159-20 115th Road Jamaica, New York 11434
3. INSPECTOR'S ADDRESS US-EPA Region 2 MS-105 2890 Woodbridge Avenue Edison, NJ 08837-5602			6. NAME OF CHIEF EXECUTIVE OFFICER
			7. TITLE

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

- Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
- The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

**Mark Bean, TSCA CBI Coordinator
 USEPA-Region 2
 2890 Woodbridge Avenue
 Edison, NJ 08837**

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

Certification

I acknowledge that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE		If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.
I have received and read the notice.		
SIGNATURE		NAME
NAME		TITLE
TITLE	DATE SIGNED	ADDRESS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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.

16-163

1. Article Addressed to:

Mr. Ashad Ajim
 A&I Developers Inc.
 159-20 115th Road
 Jamaica, New York 11434

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input type="checkbox"/> Agent
X <i>Ashad Ajim</i>		<input type="checkbox"/> Addressee
B. Received by (<i>Printed Name</i>)	C. Date of Delivery	
	3/7/16	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes		
If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	

2. Article Number

(Transfer from service label)

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