



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

REGIONAL HEARING
CLERK

2015 MAR -9 AM 8:50

U.S. Environmental
Protection Agency-Reg 2

MAR 04 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7012 2210 0001 2356 0668

Manuj N. Prasad, Owner
Total Perfection Construction, Inc.
89-34 197th Street
Hollis, New York 11423

Re: Total Perfection Construction, Inc., Docket No. TSCA-02-2015-9274

Dear Mr. Prasad:

Enclosed is a fully executed copy of the Expedited Settlement Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please contact Dr. Meghan Tierney at (732) 906-6832, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

**REGIONAL HEARING
CLERK**
2015 MAR -9 AM 8:50
**U.S. Environmental
Protection Agency-Reg 2**

IN THE MATTER OF:)	Docket No.
)	TSCA-02-2015-9274
)	
Total Perfection Construction, Inc.,)	EXPEDITED SETTLEMENT
Respondent.)	AGREEMENT AND
)	FINAL ORDER
)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges Total Perfection Construction, Inc., (“Respondent” or “Total Perfection”) failed to comply with Section 402 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2682.
2. Total Perfection conducted residential renovation or repairs at 5 4th Place, Brooklyn, New York, during February 2013.
3. The aforementioned residential housing property in paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Renovation, Repair, and Painting Rule of TSCA.
4. Respondent was required obtain firm certification as required by 40 C.F.R. § 745.89(a) pursuant to 40 C.F.R. § 745.81(a)(2)(ii). Respondent did not do this.
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (one thousand dollars) is in the public interest.
6. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b), and 40 C.F.R. § 22.18(b)(2).
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Residential Property requirements (40 C.F.R. § 745 Subpart E); (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as described in paragraph 4, above; (3) neither admits nor denies the factual finding contained therein; (4) consents to

¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

the assessment of the penalty; and (5) waives any right to contest the findings contained herein.

8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violation described in paragraph 4, above, has been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
9. The civil penalty of \$1,000 (one thousand dollars) has been paid in accordance with the Instructions for Making a Payment that was provided to the Respondent.
10. A copy of the check or other information confirming that payment was made in accordance with the Instructions for Making a Payment shall simultaneously be sent to:

**Meghan Tierney
U.S. EPA Region 2
2890 Woodbridge Avenue, MS 225
Edison, New Jersey 08837**

and

**Karen Maples
Office of Regional Hearing Clerk
U.S. EPA Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866**

11. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims cited herein. Respondent will also provide, if it has not already done so, within thirty days a written statement outlining actions taken to correct the violations cited above.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA or 40 C.F.R. Part 22.
15. Each party shall bear its own costs and fees, if any.

16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED, **TOTAL PERFECTION CONSTRUCTION, INC.**

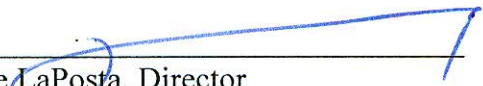
Name (print): MANUJ PRASAD

Title (print): PRESIDENT

Signature: Manuj Prasad

Date 02/13/15

APPROVED BY EPA:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date FEBRUARY 23, 2015

In the Matter of Total Perfection Construction, Inc.
Docket Number TSCA-02-2015-9274

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Expedited Settlement Agreement in the case of In the Matter of Total Perfection Construction, Inc., bearing Docket No. TSCA -02-2015-9274. Said Expedited Settlement Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). 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 authority of Section 16(a) of TSCA 15 U.S.C. § 2615(a).

DATED: February 26, 2015
New York, New York

Helen Ferrera

Helen Ferrera
Regional Judicial Officer
U.S. Environmental Protection Agency-Region 2
290 Broadway
New York, New York 10007-1866

In the Matter of Total Perfection Construction, Inc.
Docket Number TSCA-02-2015-9274

CERTIFICATE OF SERVICE

This is to certify that on the 4 day of March 2015, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2015-9274, by certified mail, return receipt requested, to:

**Manuj Prasad, Owner
Total Perfection Construction, Inc.
89-34 197th Street
Hollis, New York 11423**

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Expedited Settlement Agreement and Final Order.

