



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

NOV 19 2013

REGIONAL HEARINGS
CLERK

2013 NOV 19 P 3:23

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Naftali Moskovits, President
Abatement Solutions, LLC
5314 16th Avenue, #138
Brooklyn, New York 11204

Re: **In the Matter of Abatement Solutions, LLC**
Docket Number TSCA-02-2014-9269

Dear Mr. Moskovits:

Enclosed please find a fully executed Final Order issued by the Regional Judicial Officer.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl R. Howard".

Carl R. Howard
Assistant Regional Counsel

Enc.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 NOV 19 P 3:23
REGIONAL HEARING
CLERK

IN THE MATTER OF:)

) Docket No.
) TSCA-02-2014-9269

Abatement Solutions, LLC)
Respondent.)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges **Abatement Solutions, LLC** ("Respondent") failed to comply with Section 402 of the U.S. Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2682.
2. Respondent conducted lead-based paint abatement activities at 2007 Newbold Avenue, Bronx, NY, in January 2013.
3. The property listed in paragraph 2, above, was constructed prior to 1978, specifically 1930, as indicated by New York City property records.
4. Respondent, as a firm that performs, offers, or claims to perform lead-based paint abatement activities, in housing constructed prior to 1978, was required to notify EPA prior to the commencement of abatement activities under 40 C.F.R. § 745.227(e)(4). Respondent failed to provide such notice.
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).
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Lead-based Paint Activities requirements (40 C.F.R. § 745 Subpart L); (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 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 were provided to the Respondent.
10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims cited herein.
11. 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.
12. 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.
13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA.
14. Each party shall bear its own costs and fees, if any.
15. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED, **ABATEMENT SOLUTIONS, LLC**

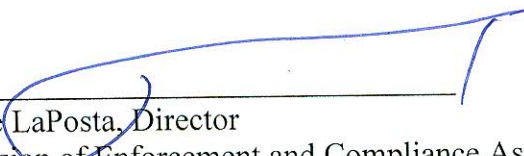
Name (print): Natali Moskowitz

Title (print): President

Signature: 

Date 11/5/13

APPROVED BY EPA:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date NOVEMBER 12, 2013

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of **Abatement Solutions, LLC** bearing Docket No. TSCA -02-2014-9269. 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: November 14, 2013
New York, New York

Helen Ferrara

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

In the Matter of Abatement Solutions, LLC
Docket Number TSCA-02-2014-9269

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing Expedited Settlement Agreement and Final Order, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Certified Mail Return Receipt Requested:

Naftali Moskovits, President
Abatement Solutions, LLC
5314 16th Avenue, #138
Brooklyn, New York 11204

Dated: 11-19-13
New York, New York