

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

September 27, 2022 @ 5:48pm
USEPA – Region II
Regional Hearing Clerk

IN THE MATTER OF:

1st Responders Restoration Corp.
Respondent.

) Docket No.
) TSCA-02-2022-9267
)

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges 1st Responders Restoration Corp., (“Respondent”) failed to comply with Section 402 and 407 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682 and 2687, respectively.
2. Respondent, in October 2021, performed lead abatement activities at 634 Miller Avenue, 2nd Fl. Apt., Brooklyn, New York 11207.
3. The residential housing property identified in Paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Abatement Rule.
4. Respondent was required, pursuant to 40 C.F.R. § 745.227(e)(4)(i-v), to notify EPA of the lead-based paint abatement activity mentioned in Paragraph 2. 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 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 findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the findings contained herein.

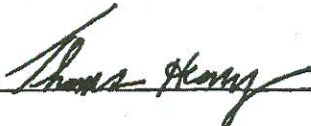
¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

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. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violation cited above.
11. Full payment of the penalty in Paragraph 5 shall only resolve Respondent's liability for federal civil penalties for the violation and facts described in Paragraph 4, above. 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.
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, 1st Responders Restoration Corp.,

Name (print): Thomas Heavey

Title (print): Principal

Signature: 

Date 9-23-22

APPROVED BY EPA:

JOHN
GORMAN

Digitally signed by JOHN
GORMAN
Date: 2022.09.27 13:48:52
-04'00'

9/27/22

Date _____

for Dore LaPosta, Director
Enforcement and Compliance Assurance Division

In the Matter of 1st Responders Restoration Corp.
Docket Number TSCA-02-2022-9267

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 1st Responders Restoration Corp. bearing Docket No. TSCA -02-2022-9267. 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: 9/27/22

New York, New York

**HELEN
FERRARA**

Digitally signed by HELEN
FERRARA
Date: 2022.09.27 14:34:22
-04'00'

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

In the Matter of 1st Responders Restoration Corp.
Docket No. TSCA-02-2022-9267

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER, bearing the above-referenced Docket Number, in the following manner to the respective addressees below:

By E-mail:

Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor (1631)
New York New York 10007-1866
Maples.Karen@epa.gov

By E-mail:

Thomas Heavey, Principal
1461 Shore Parkway, Apt. 2H
Brooklyn, NY 11214
filing.office1@gmail.com

Dated: 9/27/22

Debra L. Ramirez

Digitally signed by Debra L.
Ramirez
Date: 2022.09.27 17:40:54 -04'00'

Pesticides and Toxic Substances Compliance Branch
U.S. Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS-225)
Edison, New Jersey 08837-3679

1st Responders Restoration Corp.

1461 Shore Parkway, Unit 2H

Brooklyn, NY 11214

Tel: 718-314-8975

Email: Filing.office1@gmail.com

September 23, 2022

Demian Ellis
US EPA Region 2
Pesticides and Toxic Substances Compliance Branch
2890 Woodbridge Avenue, MS-225
Edison, NJ 08837

Re: Docket No. TSCA-02-2022-9267
Expedited Settlement Agreement (ESA)
Premises: 634 Miller Avenue
2nd Fl Apt
Brooklyn, NY 11207

Dear Mr. Ellis,

As requested, and as part of the above referenced ESA we are respectfully informing you of our plan to ensure that the EPA is properly notified of all future applicable lead paint abatement jobs performed by our company.

1. We will fully execute and complete the EPA Notification form as soon we are certain our company will be doing the job.
2. We will fax the fully completed EPA Notification to; EPA's fax # 202-566-0471
3. We will mail (with proof of mailing) a hard copy of the notification to;
US EPA LBP Notification,
PO BOX 14417
Washington, DC 20044-4417
4. We will find out how to set up for electronic filing of notifications, if available and start electronically filing notifications, if available.
5. We will follow up on every job filed making sure EPA has received the filing until we are certain a reliable form of notification to the EPA has been established. We will continue to use whichever method of filing that proves to be the most reliable. We will keep a receipt and proof of filing for each job filed.

We feel confident that by using the above plan all our future applicable lead paint abatement jobs will be successfully filed with the EPA.

We hope the above plan is acceptable and met by you with satisfaction. Should you have any questions or suggestions please do not hesitate to let us know.

Sincerely,



Thomas Heavey

1st Responders Restoration Corp.

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

Citizens Bank

057-0012
0115 **517460598-9**
September 23 2022

PAY ***** \$1,000.00 ***** DOLLARS

TO THE ORDER OF * TREASURER OF UNITED STATES OF AMERICA *

MEMO: 1st Responders Restoration Corp.
Expedited Settlement Agreement
Docket # TSCA-02-2022-9267

Drawer: Citizens Bank, N.A.



[Handwritten Signature]
AUTHORIZED SIGNATURE

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