



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 09 2017

U.S. Environmental
Protection Agency
2017 JUN 27 AM 9:00
FEDERAL BUREAU OF INVESTIGATION

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7012 2210 0001 2356 2075

Ndoc Sukaj, President
Pelham Bay Construction LLC
1852 Mayflower Avenue, Suite 2 Rear
Bronx, New York 10461

Re: Pelham Bay Construction LLC, Docket No. TSCA-02-2017-9293

Dear Mr. Sukaj:

Enclosed is a fully executed copy of the Administrative 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 Robert Fitzpatrick at (732) 321-6731, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. Environmental Protection Agency
2017 JUN 27 AM 9:00
OFFICE OF THE REGIONAL ADMINISTRATOR
NEW YORK, NY 10002

IN THE MATTER OF:

Pelham Bay Construction
Respondent.

) Docket No.
) TSCA-02-2017-9293
)

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges Pelham Bay Construction Inc. ("Respondent") failed to comply with Sections 402, 406 and 407 of the U.S. Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2682, 2686 and 2687 respectively.
2. Respondent offered to perform a residential renovation or repairs at a property located at: 135 Eldridge Street, New York, NY 10002 from June 2015 thru December 2015.
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.
4. Respondent was required to obtain initial firm certification from EPA, as required by 40 CFR § 745.81(a)(2)(ii), prior to offering to perform renovations at the residential housing property, as described in paragraph 2. Respondent did not do this.
5. Respondent was required to obtain from the owner of the building, a written acknowledgement that the owner has received the pamphlet, as required by 40 CFR § 745.81(a)(1)(i), the Respondent did not do this.
6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,000 (two thousand dollars) is in the public interest.
7. 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).
8. 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 the assessment of the penalty; and (5) waives any right to contest the findings contained herein.

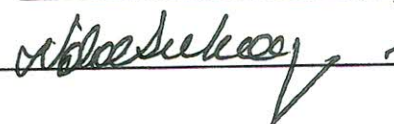
¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

9. 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 violations described in paragraphs 4 and 5, above, have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement. The civil penalty of \$2,000 (two 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 violations cited above.
11. Full payment of the penalty in Paragraph 6 shall only resolve Respondent's liability for federal civil penalties for the violation(s) and facts described in Paragraphs 4 and 5, 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, Pelham Bay Construction


Name (print): Spoc Sutaj

Title (print): PRESIDENT

Signature: 

Date 4/15/17

APPROVED BY EPA:



Date 6/16/17

Kate Anderson, Acting Director
Division of Enforcement and Compliance Assistance

In the Matter of Pelham Bay Construction
Docket Number TSCA-02-2017-9293

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 Pelham Bay Construction, bearing Docket No. TSCA -02-2017-9293. 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: June 6, 2017
New York, New York



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

In the Matter of Pelham Bay Construction LLC
Docket Number TSCA- 02-2017-9293

CERTIFICATE OF SERVICE

This is to certify that on the 9TH day of JUNE 2017, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2017-9293, by certified mail, return receipt requested, to:

**Mr. Ndoc Sukaj, President
Pelham Bay Construction LLC
1852 Mayflower Avenue, Suite 2 Rear
Bronx, New York 10461**

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 Consent Agreement and Final Order.

Cynthia Cook