



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

FEB 19 2015

MAIL RETURN RECEIPT REQUESTED

Article Number: 7011 0470 0002 3745 4423

Miguel Ochoa, President  
8AS Construction  
675 Plattekill Ardonia Road  
Wallkill, New York 12589

Re: 8AS Construction, Docket No. TSCA-02-2015-9266

Dear Mr. Ochoa:

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 Mr. James Crossmon at (732) 452-6409, 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

REGIONAL HEARING  
CLERK

2015 FEB 24 AM 7:03

U.S. Environmental  
Protection Agency-Reg 2





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. EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,000 (two thousand dollars) is in the public interest.
9. 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).
10. 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 paragraphs 4 and 5, 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. Each party shall bear its own costs and fees, if any.
18. 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, **8AS Construction**

Name (print): Miguel Ochoa

Title (print): president

Signature: Miguel Ochoa

Date 1-23-15

APPROVED BY EPA:

Dore LaPosta

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Date 2/12/15

In the Matter of 8AS Construction  
Docket Number TSCA-02-2015-9266

**FINAL ORDER**

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Expedited Settlement Agreement of In the Matter of 8AS Construction, bearing Docket No. TSCA -02-2015-9266. 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 12, 2015  
New York, New York



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




In the Matter of 8AS Construction  
Docket Number TSCA-02-2015-9266

CERTIFICATE OF SERVICE

This is to certify that on the 19<sup>th</sup> day of FEBRUARY 2015, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2015-9266, by certified mail, return receipt requested, to:

**Miguel Ochoa, President  
8AS Construction  
675 Plattekill Ardonia Road  
Wallkill, New York 12589**

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.

  
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