

June 26, 2024 @ 9:49 am  
USEPA – Region II  
Regional Hearing Clerk

**Attachment 3**

Penalty Computation Worksheet

**A&I Developers, Inc.  
159-20 115<sup>th</sup> Road  
Jamaica, NY 11434**

CASE DEVELOPMENT OFFICER: James Crossmon

DOCKET NUMBER: TSCA-02-2017-9289

ADDRESS OF ALLEGED VIOLATIONS: 2020 Honeywell Avenue, Bronx, NY 10460

Counts are based on respondent's Information Request Letter response, as well as inspection information from NYC agencies. The following penalty figures are based on the EPA LBP Consolidated ERPP (August, 2010). Respondent reported 2015 income of > \$1.6 Million and reported 8 employees so the Firm Cert count was taken as significant extent. All other counts were taken as minor extent because work was done in vacant apartments.

Violation Summary:

COUNT	VIOLATION	PENALTY
1	<b>Violation of 40 C.F.R. § 745.89(a) pursuant to 745.81(a)(2)(ii):</b> Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from EPA. (Level 3a, Significant)	\$ 15,868 (x1)
2	<b>Violation of 40 C.F.R. § 745.84(b)(1):</b> Failure to provide the owner of multi-unit target housing with the EPA-approved lead hazard information pamphlet. (Level 1b, Minor)	\$ 2,945 (x1)
3	<b>Violation of 40 C.F.R. §§ 745.86(a) and 745.87(b):</b> Failure to establish and maintain records or to make such records available. (Level 3a, Minor)	\$ 4,667 (x1)
4	<b>Violation of 40 C.F.R. § 745.89(d)(1):</b> Failure to ensure all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. (Level 3a, Minor)	\$ 4,667 (x1)
5	<b>Violation of 40 C.F.R. § 745.89(d)(2):</b> Failure to ensure a certified renovator was assigned to each renovation. (Level 3a, Minor)	\$ 4,667 (x1)
		<b>\$ 32,814*</b>

\*Pending further downward adjustment on the basis of ability to pay (to be supported by analysis of tax returns). Firm does not appear to qualify for the micro business policy based on IRL response annual income: \$1,633,343.00.

### **Count 1: Failure to obtain Firm certification**

Allegation: Violation of 40 C.F.R. § 745.89(a)

Evidence: EPA’s Information Request Letter (IRL) to Respondent asked, “Has your firm obtained certification from EPA to perform “renovations” as defined in 40 CFR 745.83?” Respondent answered, “No”. Additionally, a search of EPA’s Federal Lead-Based Paint Program (FLPP) finds no listing for A & I Developers. In their response to the IRL, A&I Developers indicated that 8 people are employed by the firm.

Circumstance Level: 3a

Total number of violations: 1

Extent Category: Significant

Penalty Per Violation: Significant \$ 15,868

1 Significant violation X \$ 15,868 = \$ 15,868

### **Count 2: Failure to provide the owner of the unit with the EPA-approved lead hazard information pamphlet [Renovate Right]**

Allegation: Violation of 40 C.F.R. § 745.84(b)(1)

Evidence: EPA’s IRL to Respondent asked, “Did your firm provide the ‘Renovate Right’ pamphlet to the owner of the property prior to the start of renovation activity?” Respondent answered, “No”.

Circumstance Level: 1b

Total number of violations: 1

Extent Category: Minor

Penalty Per Violation: Minor \$ 2,945

1 Minor violation X \$ 2,945 = \$ 2,945

### **Count 3: Failure to establish and maintain records of compliance, as could be documented on the Sample Recordkeeping Checklist**

Allegation: Violation of 40 C.F.R. §§ 745.86(a) and 745.87(b)

Evidence: EPA’s IRL to Respondent asked, “Did your firm establish records documenting that lead-safe work practices were followed?” Respondent answered, “No”.

Circumstance Level: 3a

Total number of violations: 1

Extent Category: Minor

Penalty Per Violation: Minor \$ 4,667

1 Minor violation X \$ 4,667 = \$ 4,667

**Count 4: Failure to ensure all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator**

Allegation: Violation of 40 CFR § 745.89(d)(1)

Evidence: EPA's IRL to Respondent asked if uncertified workers received on-the-job training from a certified renovator, to which the Respondent answered, "No".

Circumstance Level: 3a

Total number of violations: 1

Extent Category: Minor

Penalty Per Violation: Minor \$ 4,667

1 Minor violation X \$ 4,667 = \$ 4,667

**Count 5: Failure to ensure a certified renovator was assigned to each renovation**

Allegation: Violation of 40 CFR § 745.89(d)(2)

Evidence: EPA's IRL to Respondent asked, "Was a certified renovator (as defined in 40 CFR 745.83) assigned to the job?" Respondent answered, "No".

Circumstance Level: 3a

Total number of violations: 1

Extent Category: Minor

Penalty Per Violation: Minor \$ 4,667

1 Minor violation X \$ 4,667 = \$ 4,667

**TOTAL PROPOSED PENALTY**

**\$ 32,814**