

Attachment 5

EPA Letters for Failure to File an Answer,
dated February 1, 2019



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 01 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article Number: 7017 1450 0000 0133 5498

Mr. Ashad Ajim
A&I Developers, Inc.
265 Sunrise Highway Ste 1-304
Rockville Centre, NY 11570

Mr. Ashad Ajim
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434

Re: In the Matter of A&I Developers, Inc.
Docket No. TSCA-02-2018-9289

Dear Mr. Ajim:

The United States Environmental Protection Agency ("EPA") is writing to you because the time to respond to the Complaint filed in the above-referenced matter has passed. As you are aware, on September 26, 2018, EPA Region 2, issued a COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") to A&I Developers, Inc. ("A&I Developers"). This Complaint was issued under the authority of Section 16(a), 15 U.S.C. § 2615(a), of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2601 *et seq.* The Complaint asserts five separate counts against A&I Developers, each alleging violations of Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745 Subpart E, *Residential Property Renovation*. The Complaint seeks a total penalty of \$32,814. Enclosed with the complaint was a copy of the rules of procedure governing this proceeding, 40 C.F.R. Part 22 (denominated the "Consolidated Rules of Practice"). These documents were addressed to you in your capacity as an officer for A&I Developers, and were sent by certified mail, return receipt requested. The Complaint and its enclosures were received and accepted by M. Taiu on September 29, 2018 at A&I Developers' Rockville Centre, NY address, as documented by the enclosed return receipt.

Please be advised that your Answer was due on November 1, 2018. Pursuant to 40 C.F.R. Section 22.15(a), and as described on page 9 of the Complaint, any Answer(s) to the Complaint must be filed with the Regional Hearing Clerk within thirty (30) days of receipt. EPA may therefore now move the Regional Judicial Officer for an Order finding you in default. The legal effects of such default are specified in 40 C.F.R. Section 22.17(a):

Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations.

A default order might include the requirement that respondent pay a penalty: "Any penalty assessed in the default order shall become due and payable by respondent without further proceedings 30 days after the default order becomes final under Section 22.27(c)." 40 C.F.R. Section 22.17(d). EPA currently intends to seek a default order against you. If you intend to file an Answer to the Complaint, please contact me by phone at 212-637-3637 or by email at Taylor.Karen@epa.gov.

Sincerely,

Handwritten signature of Karen L. Taylor in black ink.

Karen L. Taylor
Assistant Regional Counsel
Office of Regional Counsel

Enclosures

Complaint
Consolidated Rules of Practice
USPS Return Receipt for Complaint (September 29, 2018)

ENVIRONMENTAL PROTECTION AGENCY
ION 2
BROADWAY
/ YORK, NEW YORK 10007-1866

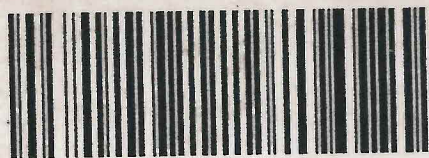


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ALTY FOR PRIVATE USE, \$300

*Refused / MS
PB 2/4/19*

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



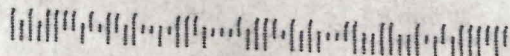
7017 1450 0000 0133 5696

**Mr. Ashad Ajim
A&I Developers, Inc.
159-20 115th Road
Jamaica, NY 11434**

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RETURN TO SENDER
VACANT
UNABLE TO FORWARD

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U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION II
100 BROADWAY
NEW YORK, NEW YORK 10007-1866

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OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



Mr. Ashad Ajim
A&J Developers, Inc.
265 Sunrise Highway Ste 1-304
Rockville Centre, NY 11570

RTS

UNDELIVERABLE
G.M.R.A. - No Authorization To
Receive Mail For This Addressee

-R-T-S- 115705004-1N
RETURN TO SENDER
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RETURN TO SENDER
03/11/19

