

Attachment 8

Declaration of Karen L. Taylor

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

In the Matter of	:	
	:	
A&I Developers, Inc.,	:	
	:	
	:	<u>Honorable Helen Ferrara</u>
	:	Presiding Officer
	:	
Respondent,	:	Docket No. TSCA-02-2018-9289
	:	
Proceeding under Section 16(a) of	:	
the Toxic Substances Control Act.	:	

DECLARATION

I, Karen L. Taylor, Assistant Regional Counsel, Office of Regional Counsel (“ORC”), U.S. Environmental Protection Agency, Region 2 (“EPA”), declare that the following is offered in support of the motion for a default order in the above-captioned proceeding and is true and correct to the best of my knowledge, information and belief:

1. At my direction, on May 18, 2017, an ORC Secretary, Yolanda Majette, sent a pre-filing letter offering the Respondent an opportunity to discuss EPA’s allegations concerning its compliance with Toxic Substances Control Act and its implementing regulations, by certified mail return receipt requested, to Ashad Ajim, Owner, A&I Developers, Inc., (“Respondent” or “A&I Developers”) at the address of the business (159-20 115th Road, Jamaica, NY 11434) (“Jamaica address”). U.S. Postal Service domestic return receipt for the May 18, 2017 letter was signed and returned to EPA, and U.S. Postal Service tracking indicates that the letter was received by an individual (signature illegible) on May 22, 2017. See Memorandum of Law, Exhibit 1.
2. At my direction, on August 9, 2017, an ORC Secretary, Yolanda Majette, sent another pre-filing letter offering the Respondent an opportunity to discuss EPA’s allegations concerning its compliance, by certified mail return receipt requested, to Ashad Ajim, Owner, A&I Developers, Inc., at the process service address listed with the New York Department of State (NYDOS) Division of Corporations for the business (265 Sunrise Highway Ste 1-304, Rockville Centre, NY 11570) (“Rockville address”). U.S. Postal Service domestic return receipt for the August 9, 2017 letter was signed and returned to EPA, and U.S. Postal Service return receipt card indicates that the letter was received by an individual (M. Tain) on August 12, 2017. See Memorandum of Law, Exhibit 1.

3. On September 26, 2018, at my direction, Ms. Majette filed the “Complaint, Compliance Order, and Notice of Opportunity for Hearing” (“Complaint”), including a Certificate of Service, in this matter, upon the Regional Hearing Clerk and caused a copy of the Complaint together with a copy of the Consolidated Rules of Practice (“Consolidated Rules”) to be mailed to the Respondent by certified mail, return receipt requested to both the Jamaica and Rockville addresses. The cover letter to the Complaint advised Respondent that an Answer must be filed within thirty (30) days of the receipt of the Complaint and informed Respondent of its right to request a formal hearing to contest the allegations and/or proposed penalty in the Complaint within thirty (30) days of receipt of the Complaint. In addition, the cover letter to the Complaint advised Respondent that if no Answer or request for an extension of time to Answer was filed, then a default order might be entered against it and the entire proposed penalty might be assessed without further proceedings. See Memorandum of Law, Exhibit 2. A copy of the certificate of service accompanies the Complaint in Exhibit 2.
4. A U.S. Postal domestic return receipt for the Complaint and Consolidated Rules mailed to the Respondent’s Rockville process service address was signed and dated on September 29, 2018 by M. Tain and returned to EPA. See Memorandum of Law, Exhibit 2. The Complaint mailed to the company’s Jamaica business addresses was returned to EPA by the U.S. Postal Service as unclaimed. See Memorandum of Law, Exhibit 2.
5. The Complaint advised Respondent of its right to a Hearing and explained that, in order to avoid being found in default upon motion by Complainant, a written Answer, which may include a request for a Hearing, had to be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 16th Floor, New York, NY 10007-1866, within thirty (30) calendar days of receipt of the Complaint. In addition, the Complaint stated the following:

Respondent’s Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent had any knowledge. 40 C.F.R. Section 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. Section 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding); and (3) whether Respondent requests a hearing. 40 C.F.R. Section 22.15(b).
6. At my direction, on February 1, 2019, Ms. Majette sent, by Certified Mail Return Receipt Requested, a follow-up letters to A&I Development at both the Jamaica and Rockville addresses. EPA’s February 1, 2019 follow-up letter included a copy of the Complaint and Consolidated Rules and alerted the Respondent that the deadline for filing an Answer to the Complaint had passed; stated that EPA intended to seek a default order against the Respondent; set forth the legal effects of such default order; and requested that the Respondent contact EPA if it intended to file an Answer to EPA’s Complaint. The follow-up letter mailed to the Jamaica address was returned to EPA by the U.S. Postal

Service with a “refused” notation. The follow-up letter mailed to the Rockville address was returned to EPA by the U.S. Postal Service with an “undeliverable” notation. See Memorandum of Law, Exhibit 5.

7. At my direction, on March 14, 2019, Ms. Majette sent, by First Class Mail, a follow-up letter to A&I Development at the company’s Jamaica business address. (This letter was not sent by Certified Mail, Return Receipt Requested.) EPA’s March 14, 2019 follow-up letter included a copy of the Complaint and Consolidated Rules and alerted the Respondent that the deadline for filing an Answer to the Complaint had passed; stated that EPA intended to seek a default order against the Respondent; set forth the legal effects of such default order; and, requested that the Respondent contact EPA if it intended to file an Answer to EPA’s Complaint. EPA’s March 14, 2019 follow-up letter was not returned to the EPA. See Memorandum of Law, Exhibit 6.
8. In response to my inquiry, Karen Maples, Regional Hearing Clerk, informed me that no Answer in response to the Complaint in this matter has been filed by or on behalf of Respondent as of June 11, 2024. See Memorandum of Law, Exhibit 7.
9. To date, I have not received a response from the Respondent to the September 26, 2018 Complaint or March 14, 2019 follow-up letter. Moreover, Respondent has not requested an extension of time to Answer the Complaint and I have not to my knowledge been served with an Answer to the Complaint.

Signed & Dated: _____
Karen L. Taylor
Assistant Regional Counsel