



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 01 2019

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Michael Halberstam, Esq.
2314 Avenue O
Brooklyn, NY 11210

Re: In the Matter of Abatement Solutions LLC
Docket No. TSCA-02-2019-9270

Dear Mr. Halberstam:

Enclosed is a copy of the Consent Agreement and Final Order ("CA/FO") in the above referenced proceeding signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that payment is due within thirty (30) days of signature of the Final Order by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in the Consent Agreement.

If you have any questions, please contact the undersigned at 212-637-3195.

Very truly yours,

Gary H. Nurkin
Assistant Regional Counsel
Waste & Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

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: :
In the Matter of : **CONSENT AGREEMENT AND**
: **FINAL ORDER**
: :
Abatement Solutions, LLC : :
: :
Respondent. : :
: :
Proceeding under Section 16(a) of : **Docket No. TSCA-02-2019-9270**
the Toxic Substances Control Act : :
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This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended ("TSCA" or "the Act"), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, set out at 40 Code of Federal Regulations ("C.F.R.") Part 22. Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the Administrator of EPA to enforce against persons who violate TSCA and its implementing regulations. That provision provides, in relevant part, that "[a]ny person who violates a provision of section 2614 or 2689 of this title [Sections 15 and 49 of TSCA, 15 U.S.C. §§ 2614 and 2689, respectively] shall be liable to the United States for a civil penalty... ." Complainant in this proceeding, the Director of the Enforcement & Compliance Assurance Division (Complainant) of EPA, Region 2, has been delegated the authority to prosecute this proceeding.

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3), is an appropriate means of resolving this matter without further litigation. No findings of fact or conclusions of law have been made in or by an administrative or judicial tribunal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Abatement Solutions LLC ("Abatement Solutions" or "Respondent").

2. Abatement Solutions' primary place of business is 5314 16th Avenue, Suite 138, Brooklyn, New York 11204.
3. Abatement Solutions is a firm that engages (and has engaged at all relevant times) in the abatement of lead-based paint and is subject to the regulations and requirements pertaining to lead-based paint activities promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, and set forth at 40 C.F.R. Part 745, Subpart L ("Abatement Rule").
4. Respondent, at all times relevant herein, is and was a "person" as that term is defined at 40 C.F.R. § 745.223.
5. Beginning on or about March 26, 2017, and continuing through March 30, 2017, Abatement Solutions conducted an abatement of lead-based paint at a residence situated at 1690 President Street, Apartment A2, Brooklyn, NY 11213 ("President Street address").
6. The President Street address, at all times relevant herein, was "target housing" as that phrase is defined by Section 401 of TSCA, 15 U.S.C. § 2681 and 40 C.F.R. § 745.223.
7. Respondent's activities at the President Street address constituted "abatement" as that term is defined by 40 C.F.R. § 745.223.
8. On or about April 11, 2017, a representative of the United States Environmental Protection Agency, Region 2 ("EPA") initiated an investigation of the lead-based paint abatement activities Respondent conducted at the President Street address.
9. Based on the EPA investigation, upon information obtained from the New York City Department of Health and Mental Hygiene ("DOH") in relation to inspections conducted by DOH and the New York City Department of Housing Preservation and Development and lead samples the DOH took at the President Street address, and the Respondent's June 23, 2017 Response to an EPA Information Request Letter ("IRL") dated June 13, 2017, EPA determined that the lead-based paint abatement activities performed by Respondent at the President Street address were subject to the requirements of the Abatement Rule.
10. Based on review of the information described in paragraph 9, above, EPA further determined that Respondent failed to comply with certain requirements of the Abatement Rule in its conduct of lead-based paint abatement activities at the President Street address.
11. Respondent failed to notify EPA of lead-based paint activities at the President Street address in violation of 40 C.F.R. § 745.227(e)(4)(i).
12. Respondent's failure to comply with the requirements set forth at 40 C.F.R. Part 745, Subpart L constitutes a violation of TSCA § 409, 15 U.S.C. § 2689, for which penalties may be assessed under TSCA § 16(a), 15 U.S.C. § 2615(a).
13. On April 2, 2019, EPA held a settlement conference with Respondent to discuss EPA's findings regarding Respondent's alleged failures to comply with TSCA and the

