

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

USEPA – Region II
Regional Hearing Clerk

IN THE MATTER OF:

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Docket No.
TSCA-02-2024-9287

ARC Environmental, LLC.
Respondent.

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges ARC Environmental, LLC. (“Respondent”) failed to comply with Sections 402 and 407 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682, and 2687 respectively.
2. Respondent performed over 1,300 lead-based paint inspections in New York City Housing Authority residential developments located in upper Manhattan, NY between December 2021 and December 2022.
3. The aforementioned residential housing properties in paragraph 2, above, were constructed prior to 1978 and are target housing¹ subject to the Lead-based Paint Activities Rule.
4. Respondent was required to obtain initial firm certification from EPA, as required by 40 C.F.R. § 745.226, pursuant to 40 C.F.R. § 745.226, prior to performing the lead-based paint inspections at the residential housing properties, as described in paragraph 2. Respondent did not do this.
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (one thousand dollars) is in the public interest.
6. 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).
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Lead-based Paint Activities requirements (40 C.F.R. § 745, Subpart L); (2) admits that

¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

8. EPA has jurisdiction over Respondent and Respondent's conduct as described 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.
9. 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 violation described above, has been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
10. The civil penalty of \$1,000 (one thousand dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
11. 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 violation cited above.
12. 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.
13. 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.
14. 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.
15. Each party shall bear its own costs and fees, if any.
16. 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, **ARC ENVIRONMENTAL, LLC.**

Name (print): R. Shannon Cavaliere

Title (print): President

Signature: 

Date January 17, 2024

APPROVED BY EPA:

Kathleen Anderson, Acting Director
Enforcement and Compliance Assurance Division