



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

MAR 29 2013

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2013 APR -2 A 9:54
REGIONAL HEARING
CLERK

CERTIFIED MAIL/RETURN RECEIPT

Mr. Steve Varkaris
Crescent Street Construction Corporation
36-44 13th Street
Long Island City, New York 11106

Re: Crescent Street Construction Corporation, Docket Number TSCA-02-2013-9279

Dear Mr. Varkaris:

Enclosed is a copy of the Expedited Settlement and Final Order (“ES/FO”) in the above referenced proceeding signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

If you have any questions, please contact the undersigned at 212-637-3217.

Very truly yours,

Stuart N. Keith
Assistant Regional Counsel
Waste & Toxic Substances Branch

Enclosure

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 APR -2 A 9: 54
REGIONAL HEARING
CLERK

IN THE MATTER OF:

) Docket No.
) TSCA-02-2013-9279
)

Crescent Street Construction Corporation
Respondent.

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges Crescent Street Construction Corporation (“Respondent”) failed to comply with Section 402 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2682.
2. Respondent conducted lead-based paint abatement activities at 265 Hawthorne Street in Brooklyn, New York on April 12th and 13th in 2011.
3. The property listed in paragraph 2, above, was constructed prior to 1978.
4. Respondent, as a firm that performs, offers, or claims to perform lead-based paint abatement activities, in housing constructed prior to 1978, was required to notify EPA prior to the commencement of abatement activities under 40 C.F.R. § 745.227(e)(4). Respondent failed to provide such notice.
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).
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 EPA has jurisdiction over Respondent and Respondent’s conduct as described in paragraph 4, 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.
8. 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 in paragraph 4, above, has been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
9. The civil penalty of \$1,000 (one thousand dollars) has been paid in accordance with the Instructions for Making a Payment that were provided to the Respondent.

10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims cited herein.
11. 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.
12. 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.
13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA.
14. Each party shall bear its own costs and fees, if any.
15. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED, **CRESCENT STREET CONSTRUCTION CORPORATION**

Name (print): STEVE VARKARIS

Title (print): PRESIDENT

Signature: 

Date 3/6/13

APPROVED BY EPA:



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date 3/25/13

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Crescent Street Construction Corporation, bearing Docket No. TSCA -02-2013-9279. Said Expedited Settlement Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under authority of Section 16(a) of TSCA 15 U.S.C. § 2615(a).

DATED: March 26, 2013
New York, New York

Helen Ferrera

Helen Ferrera
Regional Judicial Officer
U.S. Environmental Protection Agency-Region 2
290 Broadway
New York, New York 10007-1866

In the Matter of Crescent Street Construction Corporation,
Docket Number TSCA-02-2013-9279

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing Expedited Settlement Agreement and Final Order, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Certified Mail Return Receipt Requested:

Mr. Steve Varkaris
Crescent Street Construction Corporation
36-44 13th Street
Long Island City, New York 11106

Dated: MAR 29 2013
New York, New York

 Mildred H. Bae