



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

U.S. ENVIRONMENTAL PROTECTION AGENCY
2017 SEP -7 AM 7:40

SEP 05 2017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7011 0470 0002 3745 3198

Akiva Huffman, President
Bluecrest Construction Inc.
318 Hempstead Road # 318
New City, NY 10956

Re: Bluecrest Construction Inc., Docket No. TSCA-02-2017-9269

Dear Mr. Huffman:

Enclosed is a fully executed copy of the Administrative Expedited Settlement Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please contact Robert Fitzpatrick at (732) 321-6731, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Gorman".

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

2017 SEP -7 AM 7:00

IN THE MATTER OF:

Bluecrest Construction Inc.,
Respondent.

) Docket No.
) TSCA-02-2017-9269

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges Bluecrest Construction, Inc. ("Respondent") failed to comply with Sections 402, 406 and 407 of the U.S. Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2682, 2686 and 2687 respectively.
2. Respondent offered to perform a residential renovation or repairs at a property located at: 701 St. Marks Avenue, Brooklyn, NY 11216 in June 2015.
3. The aforementioned residential housing property in paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Renovation, Repair, and Painting Rule.
4. Respondent was required to obtain initial firm certification from EPA, as required by 40 CFR § 745.81(a)(2)(ii), prior to offering to perform renovations at the residential housing property, 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 Residential Property requirements (40 C.F.R. § 745, Subpart E); (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.

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.

9. 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.
10. 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.
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 or 40 C.F.R. Part 22.
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 with the Regional Hearing Clerk.

IT IS SO AGREED, **Bluecrest Construction, Inc.**


Name (print): Akiva Huffman

Title (print): President

Signature: 

Date 5/30/17

APPROVED BY EPA:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date 8/22/17

In the Matter of Bluecrest Construction Inc.
Docket Number TSCA-02-2017-9269

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement in the case of In the Matter of Bluecrest Construction Inc., bearing Docket No. TSCA -02-2017-9269. 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: August 29, 2017
New York, New York



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

In the Matter of Bluecrest Construction Inc.
Docket Number TSCA-02-2017-9269

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of September 2017, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2017-9269, by certified mail, return receipt requested to:

**Mr. Akiva Huffman, President
Bluecrest Construction Inc.
318 New Hempstead Road # 318
New City, NY 10956**

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Consent Agreement and Final Order.

A handwritten signature in cursive script that reads "Cynthia Cook". The signature is written in black ink and is positioned above a horizontal line.