#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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

FEB 1 9 2015

MAIL RETURN RECEIPT REQUESTED

Article Number: 7011 0470 0002 3745 4423

Miguel Ochoa, President 8AS Construction 675 Plattekill Ardonia Road Wallkill, New York 12589

Re: 8AS Construction, Docket No. TSCA-02-2015-9266

Dear Mr. Ochoa:

Enclosed is a fully executed copy of the 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 Mr. James Crossmon at (732) 452-6409, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief

Pesticides and Toxic Substances Branch

Enclosure

REGIONAL HEARING

Protection Agency-Reg 2

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

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8AS Construction,		10		Ś	EXPEDITED SETTLE	MENT		
Respondent.				Ś	AGREEMENT AND			
respondent.				)	FINAL ORDER			
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## EXPEDITED SETTLEMENT AGREEMENT

- The U.S. Environmental Protection Agency ("EPA") alleges 8AS Construction, ("Respondent" or "8AS") 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 conducted residential renovation or repairs at: 25 Lander Street, Newburgh, New York during July 2014.
- The aforementioned residential housing property in paragraph 2, above, was constructed prior to 1978 and is target housing<sup>1</sup> subject to the Renovation, Repair, and Painting Rule of TSCA.
- 4. Respondent was required to become an EPA-certified renovation firm, as per 40 C.F.R. § 745.84, prior to performing, or offering to perform, regulated renovation activities. Respondent failed to obtain EPA certification prior to performing regulated renovations at 25 Lander Street, Newburgh, New York during July 2014.
- 5. Respondent failed to obtain a renovator course completion certificate (proof of training) as required by 40 CFR §745.90(a), pursuant to 40 CFR §745.81(a)(3), prior to performing regulated renovations at 25 Lander Street, Newburgh, New York during July 2014.

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.

- 6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,000 (two thousand dollars) is in the public interest.
- 7. 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).
- 8. EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,000 (two thousand dollars) is in the public interest.
- 9. 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).
- 10. 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 paragraphs 4 and 5, 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.
- 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 violations described in paragraphs 4 and 5, above, have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
- 12. The civil penalty of \$2,000 (two thousand dollars) has been paid in accordance with the Instructions for Making a Payment that was provided to the Respondent.
- 13. 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 violations cited above.
- 14. 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.
- 15. 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.
- 16. 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.

- Each party shall bear its own costs and fees, if any. 17.
- This Agreement is binding on the parties signing below, and in accordance with 40 18. C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED, 8AS Construction

Name (print):	Mi4081	ochoa

Title (print): President

Signature: May Other

Date 1-23-15

APPROVED BY EPA:

ManA Dore LaPosta, Director

Division of Enforcement and Compliance Assistance

Date 2/12/15

### FINAL ORDER

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Expedited Settlement Agreement of In the Matter of 8AS Construction, bearing Docket No. TSCA -02-2015-9266. 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: February 12, 2015
New York, New York

Helen Ferrera

Regional Judicial Officer

U.S. Environmental Protection Agency-Region 2

290 Broadway

New York, New York 10007-1866

## **CERTIFICATE OF SERVICE**

This is to certify that on the 19 Th day of FERRY 2015, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2015-9266, by certified mail, return receipt requested, to:

Miguel Ochoa, President 8AS Construction 675 Plattekill Ardonia Road Wallkill, New York 12589

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 Expedited Settlement Agreement and Final Order.

James Crossmon