



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

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 SEP 28 P 1:25
REGIONAL HEARING
CLERK

SEP 28 2012

CERTIFIED MAIL/RETURN RECEIPT

Lisa Fucina
Dasa Properties, LLC
2163 South Park
Buffalo, New York 14220

Re: Dasa Properties LLC.
Docket No. TSCA-02-2012-9274

Dear Ms. Fucina:

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.

Please note that to the extent you have not complied with the requirements of paragraph 9 of the the ES/FO, you must provide documentation that these requirements have been met.

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

cc: Gerald Chiari, Esq.
14 Lafayette Sq.
Suite 1414
Buffalo, NY 14203

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Dasa Properties, LLC
Respondent.

) Docket No.
) TSCA-02-2012-9274

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges Dasa Properties, LLC ("Respondent" or "DASA") 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. DASA conducted residential renovation or repairs at four different properties located at 31 Sprenger Avenue, 744 Plymouth Avenue, 90 Domedion Avenue, and 207 Minnesota Avenue in Buffalo, New York during December 2010 and January 2011.
3. Each of the aforementioned residential housing properties in paragraph 2, above, was constructed prior to 1978.
4. Respondent, as a firm which offers or claims to perform residential renovations and repairs for compensation on housing constructed prior to 1978, was required, prior to commencing any renovation, to obtain an initial firm certification from EPA, under 40 C.F.R. § 745.89(a) pursuant to 40 C.F.R. § 745.81(a)(2)(ii). Respondent did not do this.
5. Respondent was required to document delivery of the lead hazard information pamphlet to each of the property owners prior to commencing its renovation activities and to maintain records necessary to document compliance with the work practice standards of the Residential Property Renovation regulations as required by 40 C.F.R. § 745.84(a)(2) (i) and 40 C.F.R. § 745.86 at each of the residential housing units it renovated in December 2010 and January 2011 as described in paragraph 2, above. Respondent did not do this.
6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,800 (one thousand eight hundred 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).

8. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Residential Property Renovation 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 findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the allegations 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 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.
10. The civil penalty of \$1,800 (one thousand eight hundred dollars) has been paid in accordance with the Instructions for Making a Payment that was provided to the Respondent.
11. A copy of the check or other information confirming that payment was made in accordance with the Instructions for Making a Payment shall simultaneously be sent to:

**Theresa Bourbon
U.S. EPA Region 2
2890 Woodbridge Avenue MS 225
Edison, New Jersey 08837**

and

**Karen Maples
Office of Regional Hearing Clerk
U.S. EPA Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866**

12. 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 not already provided, within thirty days a written statement outlining actions taken to correct the violations cited above.
13. 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.

future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.

15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA.
16. 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 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED, DASA PROPERTIES, LLC

Name (print): LISA FUCIARIA

Title (print): President

Signature: Lisa Fuciar

Date 9/13/12

APPROVED BY EPA:

[Signature]
Dore LaPosta Director
Division of Enforcement and Compliance Assistance

Date SEPTEMBER 25, 2012

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Dasa Properties LLC, bearing Docket No. TSCA -02-2012-9274. 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: ^{28th} September 28, 2012
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

CERTIFICATE OF SERVICE

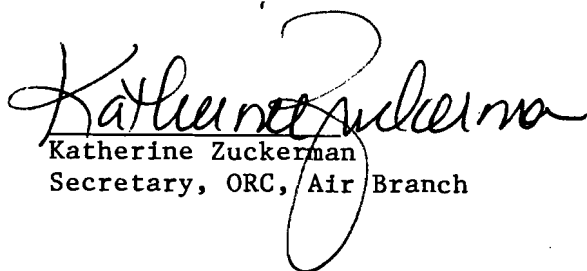
This is to certify that on the 28 day of Sept, 2012, I caused to be mailed a true and correct copy of the foregoing "EXPEDITED SETTLEMENT AGREEMENT" bearing Docket Number TSCA-02-2012-9274 (henceforth referred to as the "ESA"), by certified mail, return receipt requested, to the following addresses listed below. I hand carried the original and a copy of the Complaint to the office of the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2, 290 Broadway, 16th floor, New York, New York 10007-1866.

Lisa Fucina
Dasa Properties, LLC
2163 South Park
Buffalo, New York 14220

and

Gerald Chiari, Esq.
14 Lafayette Sq.
Suite 1414
Buffalo, NY 14203

Dated: Sept 28, 2012
New York, New York


Katherine Zuckerman
Secretary, ORC, Air Branch