



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

U.S. Environmental
Protection Agency-Reg 2
2015 APR 28 AM 9:00
REGIONAL HEARING
CLERK

APR 27 2015

MAIL RETURN RECEIPT REQUESTED

Article Number: 7011 2970 0003 2009 2357

Alexgus Removal Environmental Corp.
C/O Edgard De La Puente
37-34 84th Street, Suite 43
Jackson Heights, NY 11372

Re: Alexgus Removal Environmental Corp., Docket No. TSCA-02-2015-9273

Dear Mr. De La Puente:

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,

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

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

2015 APR 28 AM 9:00

REGIONAL HEARING
CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Alexgus Removal Environmental Corp.
Respondent.

) Docket No.
) TSCA-02-2015-9273
)

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges **Alexgus Removal Environmental Corp.** ("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 151 2nd Avenue, New York, NY 10003, in February 2013.
3. The property listed in paragraph 2 was constructed in approximately 1900, per property records, and is target housing¹ subject to the Lead-Based Paint Abatement Rule of TSCA.
4. Respondent, as a firm that performs, offers, or claims to perform lead-based paint abatement activities in target housing, was required to notify EPA prior to the commencement of abatement activities under 40 C.F.R. § 745.227(e)(4)(i). 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), and 40 C.F.R. § 22.18(b)(2).

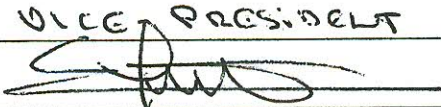
¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

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 findings contained herein; (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) Respondent has submitted information on the abatement activities cited herein and has taken steps designed to ensure that a violation of this requirement described in paragraph 4, above, does not recur 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 penalty claims for the violation 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 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, ALEXGUS REMOVAL ENVIRONMENTAL CORP.


Name (print): Edgardo G DELA PUELTC

Title (print): VICE PRESIDENT

Signature: 

Date 04/13/2015

APPROVED BY EPA:


 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

Date APR 16, 2015

In the Matter of Alexgus Removal Environmental Corp.
Docket Number TSCA-02-2015-9273

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of **Alexgus Removal Environmental Corp.** bearing Docket No. TSCA-02-2015-9273. 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: April 21, 2015
New York, New York

Helen Ferrara

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

In the Matter of Alexgus Removal Environmental Corp.
Docket Number TSCA-02-2015-9273

CERTIFICATE OF SERVICE

This is to certify that on the *27th* day of *April* 2015, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2015-9273, by certified mail, return receipt requested, to:

Alexgus Removal Environmental Corp.
C/O Edgard De La Puente
37-34 84th Street, Suite 43
Jackson Heights, NY 11372

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.

A handwritten signature in black ink, appearing to read "John J. Smith", written over a horizontal line.