



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 11 2019

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REGIONAL COUNSEL
WASTE & TOXIC SUBSTANCES BRANCH

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Article Number: 7018 2290 0000 4960 8093

Joseph Singer, President
SEG-LBP LLC
5318 New Utrecht Avenue
Brooklyn, NY 11219

Re: In the Matter of SEG-LBP LLC
Docket No. TSCA-02-2019-9268

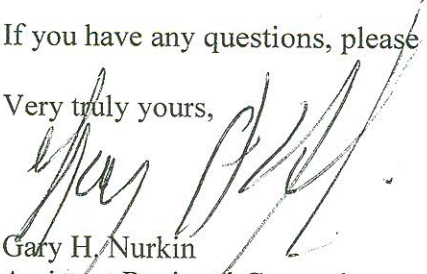
Dear Mr. Singer:

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

Please note that payment is due within thirty (30) days of signature of the Final Order by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in the Consent Agreement.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

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In the Matter of : **CONSENT AGREEMENT AND**
 : **FINAL ORDER**
SEG-LBP, LLC :
 :
Respondent. :
 :
Proceeding under Section 16(a) of : **Docket No. TSCA-02-2019-9268**
the Toxic Substances Control Act :
-----X

This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended, ("TSCA" or "the Act"), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, set out at 40 Code of Federal Regulations ("C.F.R.") Part 22. Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the Administrator of EPA to enforce against persons who violate TSCA and its implementing regulations. That provision provides, in relevant part, that "[a]ny person who violates a provision of section 2614 or 2689 of this title [Sections 15 and 49 of TSCA, 15 U.S.C. §§ 2614 and 2689, respectively] shall be liable to the United States for a civil penalty... ." Complainant in this proceeding, the Director of the Enforcement and Compliance Assurance Division (Complainant) of EPA, Region 2, has been delegated the authority to prosecute this proceeding.

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3), is an appropriate means of resolving this matter without further litigation. No findings of fact or conclusions of law have been made in or by an administrative or judicial tribunal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is SEG-LBP, LLC (“Singer” or “Respondent”).
2. Singer’s primary place of business is 1336 East 23rd Street, Brooklyn, New York 11210.
3. Singer is a firm that engages (and has engaged at all times relevant) in the abatement of lead-based paint and is subject to the regulations and requirements pertaining to lead-based paint activities promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, and set forth at 40 C.F.R. Part 745, Subpart L (“Abatement Rule”).
4. Respondent, at all times relevant herein, is and was a “person” as that term is defined at 40 C.F.R. § 745.223.
5. Beginning on or about January 16, 2017, and continuing through January 26, 2017, Singer conducted an abatement of lead-based paint at a residence situated at 383 Marlborough Road, Brooklyn, NY 11226 (“Marlborough Property”).
6. The Marlborough Property at all times relevant herein, was “target housing” as that phrase is defined by Section 401 of TSCA, 15 U.S.C. § 2681 and 40 C.F.R. § 745.223.
7. Respondent’s activities at the Marlborough Property constituted “abatement” as that term is defined by 40 C.F.R. § 745.223.
8. On or about September 27, 2017, a representative of the United States Environmental Protection Agency, Region 2 (“EPA”) initiated an investigation of the lead-based paint abatement activities Respondent conducted at the Marlborough Property.
9. Based on the EPA investigation, upon information obtained from the New York City Department of Health and Mental Hygiene (“DOH”) in relation to inspections and lead samples the DOH took at the Marlborough Property, and the Respondent’s December 13, 2017 Response to an EPA Information Request Letter (“IRL”) dated October 16, 2017, EPA determined that the lead-based paint abatement activities performed by Respondent at the Marlborough Property were subject to the requirements of the Abatement Rule.
10. Based on review of the information described in paragraph 9, above, EPA further determined that Respondent failed to comply with certain requirements of the Abatement Rule in its conduct of lead-based paint abatement activities at the Marlborough Property.
11. Respondent failed to notify EPA before engaging in lead-based paint abatement activities at the Marlborough Property in violation of 40 C.F.R. §§ 745.227(e)(4)(ii) and (ix).

