

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

West Point Association of Graduates
Respondent.

) Docket No.
) TSCA-02-2023-9271
)

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges West Point Association of Graduates, (“Respondent”) failed to comply with Section 402 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682.
2. Respondent, beginning in March 2020, performed renovation activities at the following address: 1001 Partridge Place, West Point, New York 10996.
3. The construction contract for the renovation was between the West Point Association of Graduates (WPAOG) and Petra Construction Services LLC. WPAG had a full-time engineer as the project manager. WPAOG was on-site every day supervising the project.
4. The residential housing property identified in Paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Renovation, Repair, and Painting (RRP) Rule.
5. Respondent was required, under 40 C.F.R. §745.89(a) pursuant to 40 CFR § 745.81(a)(2)(ii), to obtain initial certification from EPA prior to performing renovations at the residential housing property described in Paragraph 2. Respondent failed to do this.
6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (one 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).

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.

8. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Residential Property Renovation (RRP Rule) 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 findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the findings 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 violation described in Paragraph 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 \$1,000 (one thousand dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
11. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violation cited above or to prevent violations of this nature from occurring in the future.
12. Full payment of the penalty in Paragraph 6 shall only resolve Respondent's liability for federal civil penalties for the violation and facts described in Paragraph 5, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
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.
14. 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.
15. 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.
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 with the Regional Hearing Clerk.

IT IS SO AGREED, **West Point Association of Graduates**

Name (print): Todd Browne

Title (print): President

Signature: x 

Date 8 Mar 2023

APPROVED BY EPA:

For _____
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Date _____