

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for

Stephanie Carr
Name of Case Attorney

6/6/14
Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2014-0037

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Tim Jones New Look Remodeling Co., LLC
201 Velvet St., North, CT 06473

Total Dollar Amount of Receivable \$ 1,000

Due Date: 7/3/14

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100, BOSTON, MA 02109-3912

May 29, 2014

RECEIVED

JUN 03 2014

EPA ORC
Office of Regional Hearing Clerk

VIA HAND-DELIVERY

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency Region 1
Mailcode ORA18-1
5 Post Office Square, Suite 100, Boston, MA 02109-3912

**Re: In the Matter of Tim Jones New Look Remodeling Co. LLC
Docket No. TSCA-01-2014-0037**

Dear Ms. Santiago:

Enclosed for filing is a signed Expedited Settlement Agreement (ESA) resolving the above-captioned matter. The settlement is reached as part of an initiative to improve compliance with the lead-based paint Renovation, Repair and Painting Rule (RRP Rule) in New Haven, Connecticut. Under this initiative, EPA sent letters to approximately 200 renovation and painting contractors in and around New Haven. The letters informed them about the RRP Rule, EPA's plans to conduct inspections in New Haven during June of 2014, and an expedited settlement opportunity to resolve one RRP Rule violation (failure to obtain firm certification) for a flat \$1,000 penalty. Companies that enter into the expedited settlement also must certify compliance with the RRP Rule. The ESA complies with the terms of a pilot program that EPA's Office of Enforcement and Compliance Assurance (OECA) initiated on May 29, 2012, pursuant to a memorandum entitled *Lead-based Paint Expedited Settlement Agreement Pilot Program*. Although that pilot program officially expired on May 29, 2013, OECA approved its use for this initiative. OECA also reviewed the model ESA form that Region 1 developed for this initiative, with which this particular ESA is consistent.

Sincerely,

Stephanie Carr
Senior Enforcement Coordinator
Toxics and Pesticides Unit, OES
U.S. Environmental Protection Agency Region I

Enclosures

cc: Timothy Jones, Owner of Tim Jones New Look Remodeling Co. LLC.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1

RRP Settlement Agreement
Issued under Section 16 of TSCA, 15 U.S.C. § 2615
and 40 C.F.R. § 22.13(b) and 22.18(b)

In the Matter of Tim Jones New Look Remodeling Co. LLC
Docket Number TSCA-01-2014-0037

RECEIVED
JUN 03 2014
EPA ORC
Office of Regional Hearing Clerk

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, Tim Jones New Look Remodeling, of 201 Velvet St., North Haven, CT is a "firm" that failed to comply with the "Renovation, Repair and Painting" ("RRP") Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Section 402(c) and 406(b) of the Toxic Substances Control Act ("TSCA"), §§ 2682(c) and 2686(b), during at least one "renovation" of "target housing" or a "child-occupied facility." The terms "firm," "renovation," "target housing," and "child-occupied facility" are defined at 40 C.F.R. §§ 745.83, or 745.103.

In particular, EPA finds that Respondent failed to comply with the requirement of 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a) to obtain initial firm certification from EPA. Such certification is required for firms that perform, offer, or claim to perform renovations for compensation in target housing or child-occupied facilities, unless the renovation qualifies for an exemption under § 745.82(a) or (b). In violating the RRP Rule, Respondent violated Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.87(a). Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.

For the purpose of this proceeding, Respondent admits it is subject to the RRP Rule and TSCA and that EPA has jurisdiction to bring this action. Respondent also admits that (1) it is a firm that (2) has performed or offered to perform at least one renovation, as defined in 40 C.F.R. § 745.83; (3) for compensation; (4) in pre-1978 target housing or a child-occupied facility; (5) since April 22, 2010; (6) without having firm certification. In addition, Respondent admits that such renovation was not a "minor repair and maintenance activity," as defined in 40 C.F.R. § 745.83, nor subject to the exemptions in 40 C.F.R. § 745.82(a) and (b).

The parties enter into this RRP Settlement Agreement ("Agreement") in order to settle the civil violation alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violation, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$1,000**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent agrees that, within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check, with the docket number and case name noted on it, in the amount of \$1,000, payable to "Treasurer, United States of America," to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall also submit a copy of the check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (ORA18-1), Boston, MA 02109-3912 and Stephanie Carr, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES05-4), Boston, MA 02109-3912. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim.

Respondent waives its right to: (1) contest the findings of violation specified in this Agreement; (2) have a judicial or administrative hearing; (3) appeal any issue of law or fact set forth herein; and (3) appeal the Final Order accompanying this Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that it has corrected all violations of the RRP Rule and is in full compliance with the RRP Rule including, as necessary, obtaining firm certification, renovator certification, and training.

This Agreement settles EPA's civil penalty claims against Respondent for failure to have firm certification. It does not resolve liability for any other violation. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA, or of any other federal statute or regulation.

Nothing in this agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

If Respondent does not sign and return this Agreement by May 16, 2014, this proposed settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for any violations determined appropriate by EPA.

This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with EPA's Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

APPROVED BY Tim Jones New Look Remodeling Co., LLC:

Name (print): Timothy Jones

Title (print): Owner

Signature: Timothy Jones Date: 4/24/14

APPROVED BY EPA:

Joanna Jerison Date: 5/15/14

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA - Region 1 (New England)

IT IS SO ORDERED in the Matter of Tim Jones New Look Remodeling Co., LLC
Docket No. TSCA-01-2014-0031 :

LeAnn Jensen Date: 5/22/14

LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA - Region 1 (New England)

Tim Jones New Look Remodeling Co., LLC
201 Velvet St., North Haven, CT
Docket No. TSCA-01-2014-0037

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Settlement Agreement has been sent to the following persons on the date noted below:

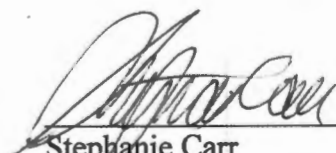
Original and one copy,
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square
Suite 100 (ORA18-1)
Boston, MA 02109-3912

One copy of CAFO
via certified mail, return
receipt requested

Timothy Jones, Owner
Tim Jones New Look Remodeling Co. LLC
201 Velvet St.
North Haven, CT 06473

Dated: May 29, 2014


Stephanie Carr
Senior Enforcement Coordinator
Toxics and Pesticides Unit
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES05-4)
Boston, MA 02109-3912
Tel: (617) 918-1363
FAX: (617) 918-0363
Email: carr.stephanie@epa.gov