

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

IN THE MATTER OF:)	Docket No.TSCA-09-2016-0014
)	
)	
S. J. Amoroso Construction Co., Inc.)	EXPEDITED SETTLEMENT
390 Bridge Pkwy)	AGREEMENT AND
Redwood City, CA 94065)	FINAL ORDER
Respondent)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region IX, through the duly delegated Director of the Enforcement Division, ("Complainant") alleges that S.J. Amoroso Construction Co., Inc. ("Respondent") failed to comply with the Toxic Substances Control Act ("TSCA"), 42 U.S.C. § 2601 *et seq.*, and its implementing regulations at 40 C.F.R. Part 745, Subpart E.
2. Under 40 C.F.R. §745.81(a)(2)(ii), Respondent was required to obtain a firm certification from EPA under 40 C.F.R. §745.89 before offering to perform a renovation for compensation in a child-occupied facility (Starr King Elementary School in San Francisco) in 2014 and failed to do so.
3. Complainant and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (ONE THOUSAND DOLLARS) is in the public interest.
4. Complainant is authorized to enter into this Expedited Settlement Agreement ("Agreement") that simultaneously initiates and concludes this matter pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to TSCA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to any conditions specified in the Agreement and to the assessment of the civil penalty; and (5) waives any right to contest the allegations contained herein or appeal the attached final order.
6. 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 alleged violation has been corrected; and (2) Respondent has submitted proof of payment of the civil penalty with this Agreement.

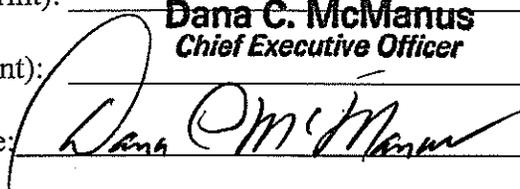
7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. No portion of the civil penalty paid by Respondent pursuant to this Agreement shall be claimed by Respondent or any other person as a deduction from federal, state, or local income taxes.
9. EPA reserves all of its rights to take enforcement action against Respondent for any other past, present, or future violations of TSCA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. The undersigned representative of Respondent and the undersigned representative of Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.
12. This Agreement is binding upon Respondent and its successors and assigns, and in accordance with 40 C.F.R. 22.31(b), is effective upon the filing of the Final Order attached to the Agreement.

IT IS SO AGREED.

FOR RESPONDENT, S.J. AMOROSO CONSTRUCTION CO., INC.

Name (print): Dana C. McManus

Title (print): Chief Executive Officer

Signature: 

Date 3/6/16

FOR COMPLAINANT, EPA REGION IX



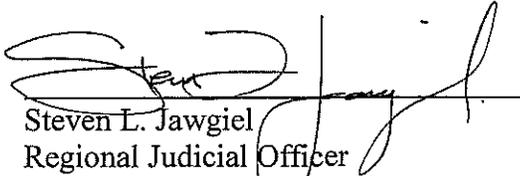
Date 5/18/16

Kathleen H. Johnson
Director
Enforcement Division
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

IT IS SO ORDERED:


Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

Date 05/31/16

Alison Smaalders

From: helpdesk@epacdx.net
Sent: Wednesday, March 09, 2016 4:41 PM
To: Alison Smaalders
Subject: Lead Abatement Firm Application Signed - Initial - R457689
Attachments: LeadFirmCertificationReceipt.html

Alison M. Smaalders,

Your application for Firms Applying for Certification to Conduct Lead-Based Paint Activities and/or Renovations has been signed. A followup notification will be sent when your submission has been reviewed and processed. A receipt for this payment is attached to this email.

Application ID: R457689
Submission Type: Initial

You can follow the status of your application by visiting the E-Enterprise website using the following link: <https://eportal.epa.gov> . Use your CDX user name and password to log in to the E-Enterprise application. Your application status will appear under the "Progress Tracker" section.

If you have any questions, please contact us.

Thank you,
US Environmental Protection Agency



 [Contact Us](#)
Logged in as SJAMOROSO (Log out)

Completion Checklist

User Information



Firm Information



Signature and Payment 

Form Complete

Application Number: R457689

Date/time: 3/9/2016

Your application has been received and will be reviewed by EPA, this may take two to three weeks. Once the review is complete, you will receive an approval package including your certificate by email from flpp.notify@epa.gov. You may wish to add this sender to your 'safe' list as it may be classified as spam by some email programs.

You can follow the status of your application by visiting the E-Enterprise website using the following link: <https://eportal.epa.gov>. Use your CDX user name and password to log in to the E-Enterprise application. Your application status will appear under the "Progress Tracker" section.

CDX Help Desk: 888-890-1995 | (970) 494-5500 for callers from Puerto Rico and Guam

[About CDX](#) [Frequently Asked Questions](#) [Terms and Conditions](#) [Contact Us](#)

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Southwest Construction was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

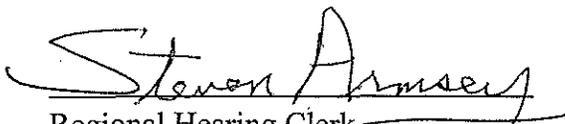
A copy was mailed via CERTIFIED MAIL to:

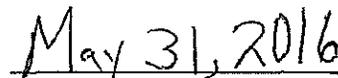
Gilbert Amoroso, President
S.J. Amoroso Construction, Inc.
390 Bridge Pkwy
Redwood City, CA 94065

CERTIFIED MAIL NUMBER: 7015 3010 0000 3883 7639

And an additional copy was hand-delivered to the following U.S. EPA case attorney:

Carol Bussey
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Regional Hearing Clerk
U.S. EPA, Region IX


Date