



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

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)

Docket Number TSCA-01-2014-0004

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, East Coast Pros, LLC, of 11 Wilton Avenue, Norwalk, CT 06851, 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 a "renovation," as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83, of a "child-occupied facility," as defined at 40 C.F.R. § 745.83, at the Educational Building of the First Congregational Church and the L'il Critters Preschool, located at 10 Lewis Street, Norwalk, CT 06851.

EPA finds that Respondent was subject to the RRP Rule and failed to comply with: (1) the information distribution requirements of 40 C.F.R. § 745.84(c)(1)(ii) (by failing to provide the *Renovate Right* pamphlet to the owners of a child-occupied facility); (2) the information distribution requirements of 40 C.F.R. § 745.84(c)(2) (by failing to provide the *Renovate Right* pamphlet to the parents/guardians of children using a child-occupied facility); (3) the records retention requirements of 40 C.F.R. § 745.86(a) (by failing to maintain records showing compliance with TSCA and the RRP Rule); (4) the RRP firm certification requirements of 40 C.F.R. § 745.89(a) (by failing to apply for RRP firm certification); (5) renovator certification requirements of 40 C.F.R. § 745.89(d)(1) (by failing to assign certified renovators to the renovation project); and (6) the work practice requirements of 40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(4)(i) and (ii) (by failing to contain waste from renovation activities to prevent releases of dust and debris). In violating the RRP Rule, Respondent violated sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 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 to \$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 over Respondent. Respondent neither admits nor denies the specific factual allegations stated above, consents to the assessment of the penalty below, and waives any objections it may have to EPA's jurisdiction in this matter.

The parties enter into this RRP Settlement Agreement ("Agreement") in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$3,577**. 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 case name and docket number noted ("In the Matter of East Coast Pros, LLC, Docket No TSCA-01-2014-0004"), for the amount specified above, 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 Maximilian Boal, Enforcement Counsel, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES04-2), Boston, MA 02109-3912.

Respondent consents to the assessment of the penalty and waives its right to: (1) contest the findings of violation specified in this Agreement; (2) a judicial or administrative hearing or appeal on 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 and is in full compliance with the RRP Rule including, as necessary, obtaining renovator and/or firm certification and training.

This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. 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 within 30 days of the date of its receipt, this proposed settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

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. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

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 the 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 EAST COAST PROS, LLC:

Name (print): Ely Aguirre

Title (print): Mr

Signature:  Date: 03-25-14

APPROVED BY EPA:



Date: 4/9/14

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

IT IS SO ORDERED:



Date: 4/16/14

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