



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 21 2012

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

Paul Pelosi
Valiant Home Remodelers
578 Roosevelt Avenue
Carteret, NJ 07008-3018

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 MAR 21 P 2:18
REGIONAL HEARING
CLERK

Re: Valiant Aluminum Products Co., Inc., d/b/a Valiant Home Remodelers
Docket No. TSCA-02-2011-9166

Dear Mr. Pelosi,

Enclosed is a copy of the Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the United States Environmental Protection Agency.

Please note that payment is due within forty-five (45) days of the date on which the Regional Judicial Officer signed the enclosed Consent Agreement and Final Order. Please arrange for payment of this penalty according to the schedule and instructions given in the Order.

Sincerely yours,

Stuart N. Keith
Assistant Regional Counsel
Waste & Toxic Substances Branch
Office of Regional Counsel

Enclosures

cc: Karen Maples
Regional Hearing Clerk

Hon. Susan L. Biro
Chief Administrative Law Judge

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 MAR 21 P 2:18
REGIONAL HEARING
CLERK

-----X
In the Matter of :
 :
 : CONSENT AGREEMENT
Valiant Aluminum Products, Co., Inc., : AND
d/b/a Valiant Home Remodelers, : FINAL ORDER
Respondent. :
 :
 : Docket No.
Proceeding under Section 16(a) of : TSCA-02-2011-9166
the Toxic Substances Control Act. :
-----X

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant") issued a "Complaint and Notice of Opportunity for Hearing" to Valiant Aluminum Products Co., Inc. d/b/a Valiant Home Remodelers ("Respondent") on September 29, 2011, bearing the docket number listed above. The Complaint alleged that Respondent had violated Section 409 of TSCA, 15 U.S.C. § 2689, and the regulations promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, set forth at 40 C.F.R. Part 745, Subpart E, relating to lead-based paint ("LBP") and the Renovation, Repair and Painting Rule ("RRP").

EPA and Respondent agree that settling this matter by entering into this CAFO is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to the provisions of 40 C.F.R. Part 22.

FINDINGS OF FACT

1. Respondent is Valiant Aluminum Products Co., Inc., d/b/a Valiant Home Remodelers.
2. Respondent's primary place of business is located at 578 Roosevelt Avenue, Carteret, New Jersey 07008.
3. On or about July 11, 2011, duly designated representatives of the EPA conducted an inspection of Respondent's renovation activities at 117 Hillcrest Avenue, Edison, New Jersey 08817.
4. The inspection referenced in paragraph 3, above, is hereinafter referred to as "the inspection".
5. As a result of the inspection, EPA determined that Respondent, as a firm performing renovations, had failed to ensure that under 40 C.F.R. § 745.89(d): (1) all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with §745.90; (2) a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in §745.90; (3) all renovations performed by the firm are performed in accordance with the work practice standards in §745.85; and (4) that records be made available to EPA upon request, for a period of 3 years following the renovation that a certified renovator

was assigned to the project, provided on-the-job training for individuals used on the project, and directed these individuals performing the renovation to comply with the appropriate work performance standards in accordance with § 745.86.

6. On January 30, 2012, the parties met for an informal settlement conference.

CONCLUSIONS OF LAW

1. Respondent, as firm that engages in renovations which may involve lead-based paint, which is the subject of this CAFO, is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, and set forth at 40 C.F.R. Part 745, Subpart E.

2. Failure to ensure that under 40 C.F.R. § 745.89(d): (1) all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with §745.90; (2) a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in §745.90; (3) all renovations performed by the firm are performed in accordance with the work practice standards in §745.85; and (4) that records be made available to EPA upon request, for a period of 3 years following the renovation that a certified renovator was assigned to the project, provided on-the-job training for individuals used on the project, and directed these individuals performing the renovation to comply with the appropriate work performance standards in accordance with § 745.86 in target housing are violations of 40 C.F.R. Section 745.89 and Sections 15 and 409 of TSCA, 15 U.S.C. § 2614 and § 2689.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)** to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

Alternatively, payment may be by electronic fund transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- 6) Name of Respondent
- 7) Docket Number

Payment must be received at the above address (or account of EPA) on or before **45 calendar days** after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date"). Promptly after payment has been made, Respondent shall send copies of this payment or furnish reasonable proof that such payment has been made to both:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007

and

Meghan Tierney, Lead Team
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-225
Edison, New Jersey 08837

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt

Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties to resolve (conditional upon full payment of the civil penalty herein) the civil and administrative claims alleged in this matter. Nothing herein shall be read to preclude EPA or the United States from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of the law. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent hereby waives its right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above, or on any allegations arising thereunder. Respondent further waives its right otherwise to contest all such assertions and/or allegations.

7. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator, or

the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

**Valiant Aluminum Products Co., Inc
d/b/a Valiant Home Remodelers**

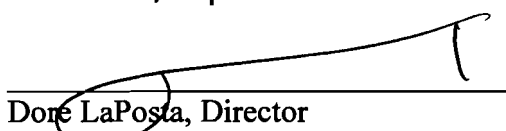
BY:  _____

NAME: Genare Valiant
(PLEASE PRINT)

TITLE: President

DATE: 3/12/2012

COMPLAINANT:


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency, Region 2
290 Broadway
New York, New York 10007

DATE: MARCH 15, 2012

In the Matter of Valiant Aluminum Products Co., Inc.
Docket Number TSCA-02-2011-9166

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Valiant Aluminum Products Co., Inc., bearing Docket Number TSCA-02-2011-9166. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615.

DATE: March 20, 2012

Helen Ferrara

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

In the Matter of Valiant Aluminum Products Co., Inc.
Docket Number TSCA-02-2011-9166

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing Consent Agreement and Final Order, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N. W., Mail Code 1900L
Washington, DC 20460

Copy by Certified Mail Return Receipt Requested:

Mr. Paul Pelosi
Business Manager
Valiant Home Remodelers
578 Roosevelt Avenue
Carteret, New Jersey 07008

Dated: MAR 21 2012
New York, New York

Suitedred N. Baer