

UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 REGION 2

IN THE MATTER OF:

) Docket No.
) TSCA-02-2021-9272
)

CertaPro Painters of West Rochester NY
 Respondent.

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

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges CertaPro Painters of West Rochester, NY, (“Respondent”) failed to comply with Sections 402, 406, and 407 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682, 2686, and 2687, respectively.
2. Respondent performed a residential renovation or repairs in July of 2019 at a property located at: 463 Ogden Parma Town Line Road, Spencerport, New York 14559.
3. The aforementioned residential housing property in Paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Renovation, Repair, and Painting Rule.
4. Respondent was required, pursuant to 40 C.F.R. § 745.84(a)(1)(i), to obtain from the owner, a written acknowledgement that the owner had received the EPA approved lead-hazard pamphlet prior to performing the renovation mentioned in Paragraph 2. Respondent did not do this.
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$200 (two hundred dollars) is in the public interest.
6. 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).
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Residential Property Renovation 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.


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. 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 4 above has been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
9. The civil penalty of \$200 (two hundred dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
10. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violation cited above.
11. Full payment of the penalty in Paragraph 5 shall only resolve Respondent's liability for federal civil penalties for the violation and facts described in Paragraph 4, 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.
12. 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.
13. 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.
14. 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.
15. Each party shall bear its own costs and fees, if any.
16. 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, **CertaPro Painters of West Rochester NY,**

Name (print): Ronald Sefters

Title (print): Owner

Signature: 

Date 11/2/20

APPROVED BY EPA:

Kate Anderson

Date 11/24/20

for
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

In the Matter of CertaPro Painters of West Rochester NY,
Docket Number TSCA-02-2021-9272


FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement in the case of CertaPro Painters of West Rochester NY, bearing Docket No. TSCA-02-2021-9272. Said Expedited Settlement Agreement, having been duly accepted and entered into by the parties, is hereby 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 authority of Section 16(a) of TSCA 15 U.S.C. § 2615(a).

DATED: 11/24/20

New York, New York

HELEN
FERRARA

 Digitally signed by HELEN FERRARA
Date: 2020.11.24 11:52:24 -05'00'

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency-Region 2
290 Broadway
New York, New York 10007-1866

CERTIFICATE OF SERVICE

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

Original and one copy by Email to:

Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007-1866
maples.karen@epa.gov

Copy by Email to:

Mr. Ronald Sellers, Owner
CertaPro Painters of West Rochester, New York
39 Furman Crest,
Rochester, New York 14620
rsellers@certapro.com

Dated: 11/30/20
New York, New York

Lynanne B.
Hunt

Digitally signed by
Lynanne B. Hunt
Date: 2020.11.30
14:35:08 -05'00'