

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for David Peterson 7/17/15
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2014-0065

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:

Rosario Reategui, member/officer
Rego Realty Corp. Mancora Apartments LLC Nazea
15 Webster Street
Hartford, CT 06114

Total Dollar Amount of Receivable \$ 48,432.00 Due Date: 8/16/15

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ 19,200.00 on 8/16/15
2nd \$ 29,232.00 on 1/13/16
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 1 – NEW ENGLAND
5 Post Office Square, Suite 100 (OES 04-1)
Boston, MA 02109-3912

David Peterson
direct: (617) 918-1891

RECEIVED

OFFICE OF
ENVIRONMENTAL STEWARDSHIP

JUL 17 2015

EPA ORC
Office of Regional Hearing Clerk

July 17, 2015

BY HAND

Wanda I. Santiago, Regional Hearing Clerk
EPA Region 1 – New England
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

Re: *In the Matter of Rego Realty Corporation. et al., EPA Docket No. TSCA-01-2014-0065*
Approved Consent Agreement and Final Order

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of a Consent Agreement and Final Order (CAFO) resolving the above-referenced enforcement case. Also enclosed is the original and one copy of a certificate of service documenting that, on this date, a copy of the CAFO and this cover letter were mailed to Respondents.

Thank you for your assistance in this matter.

Sincerely,

David Peterson, Senior Enforcement Counsel
U.S. EPA Region 1

Enclosures

cc: Rosario Reategui, Member/Officer for Respondents
Roxana Garcia, Respondent
John T. Forrest, Esq., Counsel for Respondents

Ronnie Levin, Inspector, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**



_____)
IN THE MATTER OF:)
)
Rego Realty Corporation, Stephanie)
Properties LLC, Mochica Apartments LLC,)
Nazca Apartments LLC, Paracas)
Apartments LLC, Rosario Properties LLC,)
and Mancora Apartments LLC)
)
15 Webster Street)
Hartford, Connecticut 06114)
)
and Roxana Garcia)
)
382 Goff Road)
Wethersfield, CT 06109)
)
Respondents.)
)
)
)
Proceeding under Section 16(a) of the)
Toxic Substance Control Act,)
42 U.S.C. § 2615(a).)
_____)

Docket No. TSCA-01-2014-0065

CONSENT AGREEMENT
AND FINAL ORDER

CONSENT AGREEMENT AND FINAL ORDER

Complainant, United States Environmental Protection Agency - Region 1 ("EPA"),
having filed a civil administrative Complaint on September 29, 2014, against Rego Realty
Corporation ("Rego"), Mancora Apartments LLC ("Mancora"), Mochica Apartments LLC

(“Mochica”), Nazca Apartments LLC (“Nazca”), Paracas Apartments LLC (“Paracas”), Rosario Properties LLC (“Rosario”), Stephanie Properties LLC (“Stephanie”), and Roxana Garcia (“Garcia”) (collectively “Respondents”), in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22; and,

Complainant and Respondents (the “Parties”) having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of settling this matter;

NOW THEREFORE, before the taking of any testimony, without any adjudication of issues of law or fact herein, the Parties agree to comply with the terms of this CAFO.

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and 40 C.F.R. § 745.118, by filing the above-mentioned Complaint.

2. EPA alleged in its Complaint that Respondents violated TSCA Section 409, 15 U.S.C. § 2689; the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.*; and the federal regulations promulgated thereunder, set forth at 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”). The Complaint alleged that when leasing various apartments in buildings constructed before 1978 (“target housing”), Respondents failed to:

- a. provide tenants with an EPA-approved lead hazard information pamphlet before they were obligated to rent or lease apartments, in violation of 40 C.F.R. § 745.107(a)(1) and TSCA Section 409, 15 U.S.C. § 2689;

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Rego Realty Corporation, et al., TSCA-01-2014-0065

- b. include in leases or rental agreements or as an attachment thereto, the Lead Warning Statement, in violation of 40 C.F.R. § 745.113(b)(1) and TSCA Section 409, 15 U.S.C. § 2689;
- c. include in leases or rental agreements or as an attachment thereto, a statement disclosing the presence of known lead-based paint or lead-based paint hazards, or lack of knowledge thereof, in violation of 40 C.F.R. § 745.113(b)(2) and TSCA Section 409, 15 U.S.C. § 2689; and
- d. include as an attachment or within lease contracts, a list of any records or reports available to the lessor that pertain to lead-based paint or lead-based paint hazards in the housing, or the failure to indicate that no such records exist, in violation of 40 C.F.R. § 745.113(b)(3) and TSCA Section 409, 15 U.S.C. § 2689.

3. This CAFO shall apply to and be binding upon Respondents and Respondents' successors and assigns, including, but not limited to, subsequent purchasers. Respondents stipulate that the Complainant has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted. Respondents waive any defenses they might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consent to the terms of this CAFO.

4. Respondents hereby waive their right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waive their right to appeal the Final Order accompanying this CAFO.

II. TERMS OF SETTLEMENT

5. Respondents hereby certify that they are in compliance with Section 409 of TSCA, 15 U.S.C. 2689, and the Disclosure Rule.

6. Respondents will send to EPA copies of all leases/rental agreements and documentation of Respondents' compliance with all of the requirements of the Disclosure Rule for a one hundred eighty (180) day period from the date of the Final Order. Documents collected during the first half of the reporting period shall be sent within ninety-five (95) days from the date of the Final Order and, for the second half of the reporting period, within one hundred eighty-five (185) days from the date of the Final Order. Documents should be sent in electronic format to David Peterson, Senior Enforcement Counsel, at peterson.david@epa.gov.

7. Respondents hereby certify that within ninety (90) days from the date of the Final Order all of the Respondents' maintenance staff and maintenance supervisors will be trained and certified as required under the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("the Act"), 42 U.S.C. §§ 4851 *et seq.* and the federal regulations promulgated under the Act, set forth in 40 C.F.R. Part 745, Subpart E ("Renovation, Repair and Painting Rule"), specifically 40 C.F.R. §745.90. Within thirty (30) days from the date of the Final Order Respondents shall provide EPA with the name of the training provider, the date the training will occur, and the names of the employees who will be trained. Within ninety-five (95) days from the date of the Final Order, Respondents shall submit documentation that training and certification has occurred, as well as documentation that a system for record-keeping and on-going training in compliance with the Renovation, Repair and Painting Rule has been established. Documents

should be sent in electronic format to David Peterson, Senior Enforcement Counsel, at peterson.david@epa.gov.

8. Respondents agree to pay a civil penalty in the amount of \$48,000 in the manner described below:

- a. A payment of \$19,200 shall be due no later than thirty (30) calendar days from the date of the Final Order.
- b. A second and final payment of \$28,800, plus \$432 in interest, shall be due no later than one hundred, eighty (180) calendar days from the date of the Final Order.
Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2).
- c. If Respondents fail to make the first payment of \$19,200 by its due date, the full amount of \$48,000, plus interest from the effective date, shall be due immediately.
Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim.
The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).
- d. If the due date for a payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

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Rego Realty Corporation, et al., TSCA-01-2014-0065

- e. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case (TSCA-01-2014-0065), be in the amounts stated in parts “a” and “b,” above, and be payable to “Treasurer, United States of America.” The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read “D
68010727 Environmental Protection Agency”

- f. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
Five Post Office Square
100 (Mail Code: ORA 18-1)
Boston, MA 02109-3912

and

David M. Peterson
Senior Enforcement Counsel
U.S. EPA, Region I
Five Post Office Square
Suite 100 (Mail Code: OES 04-1)
Boston, MA 02109-3912.

9. The penalty specified in Paragraph 8, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal and state taxes.

10. Pursuant to 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. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Pursuant to 31 C.F.R. § 901.9(d), any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid.

11. Document retention and certification: Respondents shall maintain legible copies of

Consent Agreement and Final Order

Rego Realty Corporation, et al., TSCA-01-2014-0065

all documents or reports submitted to EPA pursuant to this CAFO for a period of three (3) years.

In all documents or reports submitted to EPA pursuant to this CAFO, Respondents shall, by their officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

12. In the event that Respondents fail to comply with any of the terms or provisions of this CAFO relating to the payment of the civil penalty, Respondents shall be liable for stipulated penalties according to the provisions set forth below:

- a. For failure to submit documentation required under Paragraphs 6, and 7, Respondents shall pay \$200 per day until the required documents are received by EPA;
- b. For failure to pay the civil penalty by the dates specified in Paragraph 8, Respondents shall pay \$300 per day until the full penalty is received by EPA.

13. Respondents shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 8. Interest and late charges shall be paid as stated in Paragraph 10.

15. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of

Respondents' violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondents' violation of any applicable provision of law.

16. This CAFO shall not relieve Respondents of their obligation to comply with all applicable provisions of federal, state or local law. Nor shall this CAFO be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

17. This CAFO constitutes a settlement by EPA of the claims for civil penalties set forth in the EPA Complaint pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for violations of TSCA Section 409, 15 U.S.C. § 2689; the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.*; and the Disclosure Rule. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondents. Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged in the EPA Complaint and subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondents to comply with such laws and regulations. Nothing in this Consent Agreement shall be construed as limiting the authority of the United States to undertake any action against Respondents in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

18. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

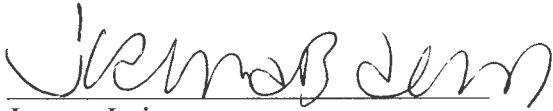
19. Each Party shall bear its own costs, disbursements and attorneys' fees in connection

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with this enforcement action, and specifically waives any right to recover such costs, disbursements or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

For EPA:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA-Region 1

Date: 7/16/15

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For Respondents Rego Realty Corporation, Stephanie Properties LLC, Mochica Apartments LLC, Nazca Apartments LLC, Paracas Apartments LLC, Rosario Properties LLC, and Mancora Apartments LLC:

Rosario Reyes
ROSARIO REYES
ITS MEMBER OR OFFICER
DUTY AUTHORIZED

Date: 7-15-15

Consent Agreement and Final Order
Rego Realty Corporation, et al., TSCA-01-2014-0065

For Respondent Roxana Garcia:

Roxana Garcia

Date: 07/15/15

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

_____)
IN THE MATTER OF:)
)
Rego Realty Corporation, *et al.*)
15 Webster Street)
Hartford, CT)
)
and)
)
Roxana Garcia)
382 Goff Road)
Wethersfield, CT,)
)
Respondents.)
_____)

EPA Docket No.
TSCA-01-2014-0065

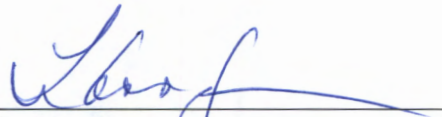
FINAL ORDER

Pursuant to 40 CFR § 22.18(b) of the United States Environmental Protection Agency's Consolidated Rules of Practice, the Parties to this matter have forwarded an executed Consent Agreement for final approval. Sections 16(a)(2)(B) and 16(a)(2)(C) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2615(a)(2)(B) & 2615(a)(2)(C), authorize Complainant to compromise the maximum civil penalty of \$37,500 per day per violation by applying the penalty factors set forth in section 16(a)(2)(B) to the facts and circumstances of the case, and to compromise, with or without conditions, any civil penalty imposed.

By entering into this settlement, Respondent consents to the payment of a civil penalty in the amount of forty eight thousand dollars (\$48,000), and agrees to perform the non-penalty conditions in paragraphs 6 and 7 of the Consent Agreement.

The Consent Agreement resolving this matter is hereby ratified and consolidated by reference into this Final Order. The Respondent is ordered to comply with the terms of this Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED THIS 16th DAY OF JULY 2015



LeAnn Jensen
Acting Regional Judicial Officer

CERTIFICATE OF SERVICE


I hereby certify that this Certificate of Service and the foregoing Consent Agreement and Final Order and cover letter to the Regional Hearing Clerk were delivered in the following manner to the addressees listed below:

Originals and One Copy by Hand Delivery to: Wanda I. Santiago
Regional Hearing Clerk
Environmental Protection Agency
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

One Copy by Certified Mail – Return Receipt Requested to: Rosario Reategui
Member/Officer
Rego Realty Corporation, Mancora Apartments LLC, Nazca Apartments LLC, Paracas Apartments LLC, Rosario Properties LLC, and Stephanie Properties LLC
15 Webster Street
Hartford, CT 06114

Roxana Garcia
c/o Rego Realty Corporation
15 Webster Street
Hartford, CT 06114

Date: 7/17/2015

Signed: 
David Peterson, Senior Enforcement Counsel
U.S. Environmental Protection Agency
Region 1 (Mail Code: OES 04-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone (617) 918-1891
peterson.david@epa.gov