

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Kathleen Woodward 1/30/17
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2016-0042

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:

Limoge Properties, L.L.C. and
Limoge Properties
335 South Union LLC
c/o Regina Limoge

Total Dollar Amount of Receivable \$ 24,122.00 Due Date: 3/30/17

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ _____ on _____
2nd \$ _____ on _____
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: _____ Phone Number
in the Financial Management Office

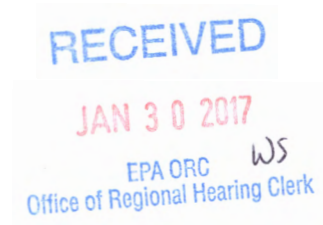


**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

BY HAND

January 30, 2017

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912



Re: Consent Agreement and Final Order
In the matter of Limoge Properties, L.L.C. and Limoge Properties 335 South Union
L.L.C.
Docket No. TSCA-01-2016-0042

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen E. Woodward".

Kathleen E. Woodward
Senior Enforcement Counsel

Enclosure

cc: Regina Limoge

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR**



_____)
In the Matter of:)
)
Limoge Properties, L.L.C.)
833 Queen City Park Road #31)
South Burlington, VT 05403)
)
Limoge Properties 335 South Union L.L.C.)
833 Queen City Park Road #31)
South Burlington, VT 05403)
)
)
Respondents)
_____)

Docket No. TSCA-01-2016-0042

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondents Limoge Properties, L.L.C. (“Limoge”) and Limoge Properties 335 South Union, L.L.C. (“Limoge S. Union”) (collectively, “Respondents”) have 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 resolving this matter.

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding against Respondents pursuant to Section 16 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615, by filing an Administrative Complaint, Docket No. TSCA-01-2016-0042 (“Complaint”).

2. The Complaint alleges that Respondents violated Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 *et seq.*, and the federal regulations promulgated thereunder, entitled “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property,” as set forth at 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”).

3. The provisions of this CAFO shall apply to and be binding on Complainant and Respondents, their officers, directors, successors and assigns.

4. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondents. Respondents waive any defenses they might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained in the Complaint, consent to the terms of this CAFO.

5. Respondents hereby waive their rights to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waive their rights to appeal the Final Order.

II. TERMS OF SETTLEMENT

6. Respondents hereby certify that they are currently operating and will operate their businesses in compliance with Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq.*, and 40 C.F.R. Part 745, Subpart F.

Penalty

7. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature, circumstances, extent, and gravity of the violations, Respondents' ability to pay, and such other matters as justice may require, EPA has determined that an appropriate civil penalty to settle this action is in the amount of twenty-four thousand one-hundred twenty-two dollars (\$24,122.00).

8. Without admitting or denying the factual allegations contained in the Complaint, Respondents consent to the issuance of this CAFO and consent to the payment of a civil penalty of \$24,122.00, which shall be due within 30 calendar days of the effective date of this CAFO.

9. Respondents shall make payment by cashier's or certified check, or check issued in the normal course of business operations, payable to the order of the "Treasurer, United States of America," and referencing the EPA Docket Number of this action (TSCA-01-2016-0042), to the following address:

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

Respondents shall provide copies of the check to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

and

Kathleen E. Woodward, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

Compliance Actions

10. Within 30 days of the effective date of this CAFO, Respondents shall have in place a system to ensure compliance with the Disclosure Rule and the Renovation, Repair and Painting Rule set forth at 40 C.F.R. Part 745, Subpart E (“Compliance System”). Within 30 days of the effective date of this CAFO, Respondents shall submit to EPA a written description of this Compliance System.

11. From the effective date of this CAFO until January 1, 2018, Respondents shall submit to EPA copies of all leases and associated documents executed for the units at 607 Dalton Drive, Essex Junction, Vermont, and for 335 South Union, Burlington, Vermont, within 30 days of execution of each lease, to the following address :

Ronnie Levin
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES05-4
Boston, MA 02109-3912

12. Within 30 days of the effective date of this CAFO, Respondents shall join a residential landlord association to assist Respondents in their efforts to stay apprised of laws and regulations regarding lead-based paint and lead-based paint hazards. Respondents will provide to EPA within 30 days of the effective date of this CAFO proof of membership such residential landlord association.

13. In all documents or reports submitted to EPA pursuant to this Consent Agreement Respondents shall, by their owners, 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.

14. Stipulated Penalties.

a. In the event that Respondents fail to comply with any of the terms or provisions of this CAFO, Respondents shall pay a stipulated penalty in the amount of \$100 for each day of non-compliance.

b. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

c. 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 9. Interest and late charges shall be paid as stated in Paragraph 15.

General Provisions

15. 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).

16. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

17. The Parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C 504, or other applicable laws.

18. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, for the violations alleged in the Complaint, contingent on Respondents' full compliance with the terms of this CAFO. Compliance with this CAFO shall not be a defense to any actions 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.

19. This CAFO in no way relieves Respondents or their employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondents in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. 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 Respondents' violation of the statutes and regulations upon which this agreement is based, or for Respondents' violation of applicable provision of law.

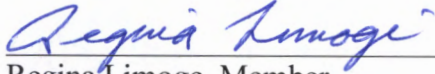
20. The terms, conditions, and requirements of this CAFO may not be modified without the written agreement of both parties and approval of the Regional Judicial Officer.

21. 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 Consent Agreement and to execute and legally bind that party to it.

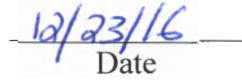
22. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. § 2601 *et seq.*, or any regulations promulgated thereunder.

23. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

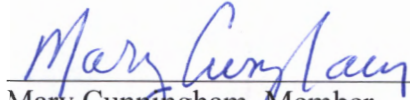
For Respondents:



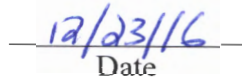
Regina Limoge, Member
Limoge Properties, L.L.C.



Date

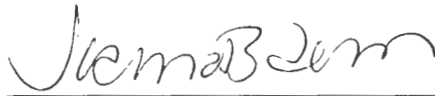


Mary Cunningham, Member
Limoge Properties 335 South Union, L.L.C.

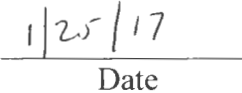


Date

For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region I



Date

III. FINAL ORDER

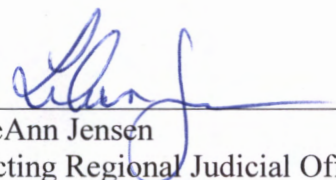
Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), authorizes EPA to compromise with or without conditions the maximum civil penalty of \$16,000 per day per violation. EPA has made such a compromise by applying the penalty factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), to the facts and circumstance of this case, including the circumstances of the violation and the culpability of the violator.

Pursuant to those provisions, EPA has modified the maximum civil penalty and imposed conditions described in Paragraphs 10, 11 and 12 of the Consent Agreement. Respondent has consented to the terms of the Consent Agreement.

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondents are hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

Date: _____

1/30/17



LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
Limoge Properties, L.L.C.)	
833 Queen City Park Road #31)	
South Burlington, VT 05403)	
)	
Limoge Properties 335 South Union L.L.C.)	Docket No. TSCA-01-2016-0042
833 Queen City Park Road #31)	
South Burlington, VT 05403)	
)	
Respondents)	
)	

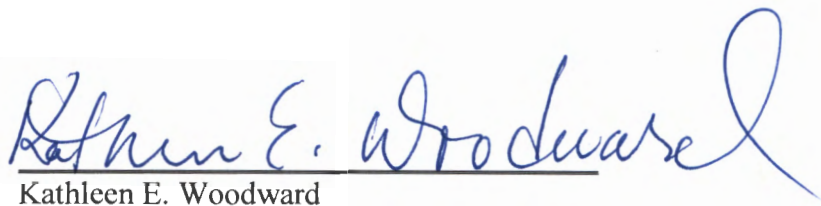
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and One Copy, Hand Delivered:	Wanda Santiago Regional Hearing Clerk (Mail Code ORA 18-1) U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912
Copy, Certified Mail, Return Return Receipt Requested	Regina Limoge Limoge Properties, L.L.C. 833 Queen City Park Rd. South Burlington, VT 05403
	Mary Cunningham Limoge Properties 335 South Union, L.L.C. 833 Queen City Park Rd. South Burlington, VT 05403

Dated:

1/30/17

A handwritten signature in blue ink that reads "Kathleen E. Woodward". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen E. Woodward
Senior Enforcement Counsel (OES)
U.S. Environment Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES04-2
Boston, MA 02109-3912