

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
VICTOR ABREU FELIZ	:	U.S. EPA Docket No. TSCA-03-2022-0041
	:	
Respondent.	:	
	:	Proceeding under Sections 16(a) and 409 of the
202 WEST GREENWICH STREET	:	Toxic Substances Control Act, 15 U.S.C. §§
READING, PA 19601	:	2615 and 2689
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Mr. Victor Abreu Feliz (“Respondent”) (collectively the “Parties”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615(a) and 2689, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The Toxic Substances Control Act authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under Toxic Substances Control Act (“TSCA” or the “Act”) for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(5).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
11. This Consent Agreement and Final Order is written and shall be executed in the English language. Any translation into any other language shall not be an official version thereof, and in the event of any conflict in interpretation between the English version and such translation, the English version shall control.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is a person subject to the assessment of civil penalties for the violations alleged herein.
14. Respondent is and, at all times relevant to the violations alleged herein, was the owner of the property located at 202 West Greenwich Street, Reading PA 19601 (hereinafter “Property”), which contains two apartment units.
15. Respondent operates a renovation business, under a sole proprietorship, that has been operating since 2016.
16. At the time of the Records Inspection, Respondent’s business had gross receipts of \$10,000 annually with a service area that includes Northampton and Lehigh counties in Pennsylvania.

17. At the time of the Records Inspection, Respondent employed approximately two (2) people.
18. Respondent does not do business under any other name.
19. Respondent is a “firm” as that term is defined in 40 C.F.R. § 745.83.
20. Respondent conducts maintenance and renovations at the Property.
21. According to the information available to the EPA, the Property is a “residential dwelling” as that term is defined in 15 U.S.C. § 2681(14).
22. According to the information available to the EPA, the Property was built in 1928 and is “target housing” as that term is defined in 15 U.S.C. § 2681(17). *See also* 40 C.F.R. §§ 745.83.
23. On November 27, 2017, the Toxics Program Office of EPA Region 3 received a tip/complaint regarding ongoing renovations occurring at the Property.
24. On December 5, 2017, the EPA conducted an unannounced inspection, as that term is defined in 15 U.S.C. § 2681(7), at the Property (“Property Inspection”) after Notice of Inspection and Consent for Access forms were signed by the resident of the Property immediately prior to the Property Inspection.
25. At the time of the Property Inspection, upon information and belief, a child under the age of six (6) lived at the Property.
26. At the time of the Property Inspection, no renovations were ongoing, and debris was located immediately outside of the Property.
27. According to the information available to the EPA, at all times relevant to the violations alleged herein, the Property was a “child-occupied facility” as that term is defined in 40 C.F.R. §§ 745.83.
28. On March 29, 2017, a report by the Pennsylvania Department of Health (“PA DOH”) stated that a child residing at the Property has Elevated Blood Lead Levels (“EBLL”) for a child residing at the time of testing. At the time of the testing, the child was under six years of age. Subsequent testing on August 17, 2017, and January 15, 2018, demonstrated additional EBLLs in the child residing at the Property on those dates.
29. On February 16, 2018, the PA DOH conducted a Lead Risk Assessment, which found traces of lead in the backyard, bedroom, playroom, bathroom, porch, and rear door of the Property.

30. On April 17, 2018, the EPA sent Respondent an inspection notification letter for an inspection on May 31, 2018.
31. On May 31, 2018, the EPA conducted a records inspection (“Records Inspection”) of Victor Abreu Feliz’s records.
32. According to the information obtained during the Records Inspection, renovations were conducted at the Property by Respondent from February 24 through March 26, 2018, and included scrapping, sanding, and painting, as well as door replacement.
33. According to the information obtained during the Records Inspection, Respondent obtained permits for the renovations described above in paragraph 32 from the City of Bethlehem.
34. According to the information provided by Respondent during the Records Inspection, at all times relevant to the violations alleged herein, neither Respondent nor the additional workers conducting renovation at the Property as described above in paragraph 32, were certified renovators or had been trained by a certified renovator in accordance with 40 C.F.R. § 745.90.
35. According to an EPA review of its Federal Lead-Based Paint Program database, Respondent is not certified to perform renovations or dust sampling in target housing and child-occupied facilities in accordance with 40 C.F.R. § 745.89(a).
36. Respondent is, and at all times relevant to the violations alleged herein was the “renovator” of the property, as that term is defined in 40 C.F.R. § 745.83 and is subject to the assessment of civil penalties for the violations alleged herein.

Count I
Failure to Obtain Initial EPA Certification to Perform Renovations

37. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
38. Pursuant to 40 C.F.R. § 745.89(a), “firms” that perform renovations for compensation in target housing and child-occupied facilities must apply to EPA for certification to perform renovations or dust sampling.
39. At the time Respondent conducted the renovations at the Property in February and March 2018, Respondent failed to apply for a certification to perform renovations in violation of 40 C.F.R. § 745.89(a).
40. In failing to comply with 40 C.F.R. § 745.89(a), Respondent is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and is subject to the assessment of penalties under Section 16(a) of the TSCA, 15 U.S.C. § 2615(a).

Count II

Failure to Ensure that EPA-Certified Renovators were Assigned to Renovation

41. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
42. Pursuant to 40 C.F.R. § 745.89(d), firms performing renovations must ensure that “ 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” and “A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.”
43. At the time of the Property Inspection Respondent failed to ensure that the individuals performing renovation activities at the Property were certified or trained by certified renovators in violation of 40 C.F.R. § 745.89(d)(1).
44. Respondent failed to ensure that a certified renovator was assigned to the renovations at the Property in February and March of 2018 in violation of 40 C.F.R. § 745.89(d)(2).
45. In failing to comply with 40 C.F.R. § 745.89(d)(1) and (2), Respondent is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and is subject to the assessment of penalties under Section 16(a) of the TSCA, 15 U.S.C. § 2615(a).

Count III

Failure to Provide the EPA “Renovate Right” Pamphlet

46. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
47. Pursuant to 40 C.F.R. § 745.84(a)(2), the firm performing the renovations must obtain from an adult occupant of the residential dwelling unit a written acknowledgement or provide delivery certification that the occupant has received the “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” (“Renovate Right”) pamphlet at least 7 days prior to the renovation.
48. Upon information and belief, prior to the renovations conducted at the Property in February and March of 2018, Respondent failed to provide the adult occupant of the Property the “Renovate Right” pamphlet.
49. In failing to comply with 40 C.F.R. § 745.84(a)(2), Respondent is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and is subject to the assessment of penalties under Section 16(a) of the TSCA, 15 U.S.C. § 2615(a).

Count IV
Failure to Retain and Make Records Available

50. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
51. Pursuant to 40 C.F.R. § 745.86(a), “[f]irms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with [subpart E (Residential Property Renovation)] for a period of 3 years following completion of the renovation.”
52. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovations must retain “[d]ocumentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b),” including a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that the requirements in § 745.86(b)(6)(i) through (viii) were met.
53. Based on the information available to the EPA, Respondent did not retain the documentation, nor did Respondent make available to the EPA, the records described in 40 C.F.R. § 745.86(b)(6), in violation of 40 C.F.R. § 745.86(a).
54. In failing to comply with 40 C.F.R. § 745.86(a), Respondent is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and is subject to the assessment of penalties under Section 16(a) of the TSCA, 15 U.S.C. § 2615(a).

CIVIL PENALTY

55. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED dollars (\$2,500), which Respondent shall be liable to pay in accordance with the terms set forth below.
56. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in TSCA, Section 16(a), 15 U.S.C. § 2615(a) including, the following: the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* which reflects the statutory penalty criteria and factors set forth at TSCA, Section

16(a)(2)(B), 15 U.S.C. 2615(a)(2)(B), the *Pilot RRP Penalty Program for Micro-Businesses Memorandum (May 3, 2012)*, the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

- 57. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to EPA by Respondent.
- 58. Based upon this analysis EPA has determined that the Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in Paragraph 55, above, in settlement of the above-captioned action.
- 59. Complainant has relied upon the financial information provided by Respondent and identified in the preceding Paragraph and, based upon that information, it is Complainant’s conclusion that the Respondent has established that it is unable to pay the full amount of the civil penalty identified and set forth in Paragraph 55, above, within thirty (30) days of the effective date of this Consent Agreement and that a payment plan of the nature and duration set forth below is necessary and appropriate.
- 60. Pursuant to the provisions of this Consent Agreement, Respondent will remit a total civil penalty (principal) of Two Thousand Five Hundred Dollars (\$2,500) and interest (calculated at the rate of 1% per annum on the outstanding principal balance) in the amount of Twenty-Eight Dollars and Thirteen Cents (\$28.13), in accordance with the installment payment schedule set forth in the chart, immediately below:

Payment No.	Principal Amount	Interest	Date Payment Due (From Effective Date of Consent Agreement)	Payment Amount Due
1	\$ 309.77	\$ 6.25	<i>Within 30 Days (Year 1, Quarter 1)</i>	\$ 316.02
2	\$ 310.55	\$ 5.47	<i>Within 120 Days (Year 1, Quarter 2)</i>	\$ 316.02
3	\$ 311.33	\$ 4.69	<i>Within 210 Days (Year 1, Quarter 3)</i>	\$ 316.02
4	\$ 312.11	\$ 3.91	<i>Within 300 Days (Year 1, Quarter 4)</i>	\$ 316.02
5	\$ 312.89	\$ 3.13	<i>Within 390 Days (Year 2, Quarter 1)</i>	\$ 316.02
6	\$ 313.67	\$ 2.34	<i>Within 480 Days (Year 2, Quarter 2)</i>	\$ 316.02
7	\$ 314.45	\$ 1.56	<i>Within 570 Days (Year 2, Quarter 3)</i>	\$ 316.02
8	\$ 315.23	\$ 0.78	<i>Within 660 Days (Year 2, Quarter 4)</i>	\$ 316.02
Total:	\$ 2,500.00	\$ 28.13		\$ 2,528.13

61. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 60, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraphs 66 through 68, below, in the event of any such failure or default.
62. Respondent may, at any time after commencement of payments under the installment payment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
63. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **TSCA-03-2022-0041**;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>
 - e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Hannah Leone
Assistant Regional Counsel
leone.hannah@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

64. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
65. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
66. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
67. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
68. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
69. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

70. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
71. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

72. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

73. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the TSCA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

74. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of

Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under TSCA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

75. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

76. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

77. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Victor Abreu Feliz

EPA Docket No. TSCA-03-2022-0041

For Respondent: VICTOR ABREU FELIZ

Date: 3-14-2022

By: *Victor Abreu Feliz*
Victor Abreu Feliz

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 3/22/22

By: KAREN MELVIN
Digitally signed by KAREN MELVIN
Date: 2022.03.22 10:45:52 -04'00'
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 3/16/22

By: HANNAH LEONE
Digitally signed by HANNAH LEONE
Date: 2022.03.16 08:07:01 -04'00'
Hannah Leone
Assistant Regional Counsel
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
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VICTOR ABREU FELIZ	:	U.S. EPA Docket No. TSCA-03-2022-0041
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Respondent.	:	Proceeding under Section 16(a) of TSCA, 15
	:	U.S.C. 2615(a)
202 WEST GREENWICH STREET	:	
READING, PA 19601	:	
	:	
Facility.	:	
	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Victor Abreu Feliz have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22, Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* which reflects the statutory penalty criteria and factors set forth at TSCA, Section 16(a)(2)(B), 15 U.S.C. 2615(a)(2)(B), and the *Pilot RRP Penalty Program for Micro-Businesses Memorandum (May 3, 2012)*.

NOW, THEREFORE, PURSUANT TO Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. Section 2615(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)** in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c) and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish, or otherwise affect Respondent’s obligation to comply with all applicable provisions

of TSCA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 3/23/22

By: JOSEPH LISA
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

Digitally signed by JOSEPH LISA
Date: 2022.03.23 09:37:59
-04'00'

In the Matter of:

VICTOR ABREU FELIZ

Respondent.

**202 WEST GREENWICH STREET
READING, PA 19601**

Facility.

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: **U.S. EPA Docket No. TSCA-03-2022-0041**
:
: **Proceeding under Section 16(a) of TSCA, 15**
: **U.S.C. 2615(a)**
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CERTIFICATE OF SERVICE

I certify that on 3/23/22, the foregoing ***Consent Agreement and Final Order***, was filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Victor Abreu Feliz

[REDACTED]
[REDACTED]

Copies served via email to:

Hannah G. Leone
Assistant Regional Counsel
U.S. EPA, Region III
Leone.hannah@epa.gov

Craig Yussen
Chemical Engineer
U.S. EPA, Region III
Yussen.craig@epa.gov

Date: 3/23/22

BEVIN
ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2022.03.23 10:13:55 -04'00'

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III