

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, PA 19103

FILED

Jun 10, 2025

10:49 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

KITCHEN MAKE OVER LLC
d/b/a KITCHEN TUNE UP
359 EAST LINCOLN HIGHWAY
EXTON, PA 19341

Respondent.

DOCKET NO. TSCA-03-2025-0115

EXPEDITED SETTLEMENT
AGREEMENT

EXPEDITED SETTLEMENT AGREEMENT

1. This Expedited Settlement Agreement ("Agreement") is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("EPA" or "Complainant"), and Kitchen Make Over LLC d/b/a Kitchen Tune Up ("Respondent"), pursuant to Section 16(a) and 409 of the Toxic Substances Control Act ("TSCA"), 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated this authority to the Regional Administrator, who in turn, has delegated it to the Complainant.

2. The EPA has jurisdiction over the above-captioned matter pursuant to Section 16(a) and 409 of the TSCA, 15 U.S.C. § 2615(a) and 2689, and 40 C.F.R. Part 22 of the Consolidated Rules of Practice, including specifically, 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3).

3. The EPA alleges that Respondent failed to comply with Section 409 of TSCA, 15 U.S.C. § 2689.

4. Respondent is a "person" as defined under 40 C.F.R. § 745.83 and a "firm" as defined under 40 C.F.R. § 745.83.

5. On July 25, 2024, an EPA inspector conducted an announced TSCA Lead inspection at Respondent's office located at 359 East Lincoln Highway, Exton, PA 19341 to

determine compliance with the Renovation, Repair and Painting (RRP) Rule, codified in Title 40 C.F.R. Part 745, Subpart E.

6. Pursuant to 40 C.F.R. § 745.89(a), Respondent was required to obtain initial firm certification to perform renovations on target housing for compensation.

7. Pursuant to 40 C.F.R. § 745.89(d), Respondent was required to ensure that all individuals performing renovations on behalf of the firm are either certified renovators or have been trained by a certified renovator.

8. Pursuant to 40 C.F.R. § 745.84(a)(1), Respondent was required to obtain from the owner written acknowledgement of the EPA pamphlet entitled, “The Lead-Safe Certified Guide to Renovate Right” (hereinafter “pamphlet”) before performing, offering, or claiming to perform renovations for compensation in housing constructed prior to 1978.

9. Pursuant to 40 C.F.R. § 745.86(b)(6), Respondent was required to provide the EPA inspector with records documenting that the safe work practices and cleanup standards required by 40 C.F.R. § 745.85 were followed during the renovations for compensation in housing constructed prior to 1978.

10. As a result of the EPA’s investigation, the EPA believes that on or around January 16, 2024, Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 433 Howard Road, Gladwyne, PA 19035.

11. The Property described in paragraph 10 above was constructed in 1958, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

12. As a result of the EPA’s investigation, the EPA believes that on or around August 25, 2023, Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 1548 Ulster Court., West Chester, PA 19380.

13. The Property described in paragraph 7 above was constructed in 1956, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

14. As a result of the EPA’s investigation, the EPA believes that on or around August 24, 2023, Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 896 Weadly Road, Wayne, PA 19087.

15. The Property described in paragraph 9 above was constructed in 1961, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

16. Respondent is a firm, as that term is defined in 40 C.F.R. § 745.83.

17. Respondent failed to obtain from EPA initial firm certification prior to the renovation at the properties described in paragraphs 10, 12, and 14 in violation of 40 C.F.R. § 745.89(a).
18. In failing to comply with 40 C.F.R. § 745.89(a) Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).
19. Respondent failed to ensure that all individuals performing renovations on behalf of the firm are either certified renovators or have been trained by a certified renovator at the properties described in paragraphs 10, 12, and 14 in violation of 40 C.F.R. § 745.89(d).
20. In failing to comply with 40 C.F.R. § 745.89(d) Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).
21. Respondent failed to obtain from the property owners, prior to the renovation, an acknowledgement of receipt of EPA's pamphlet at the properties described in paragraphs 10, 12, and 14 in violation of 40 C.F.R. § 745.84(a)(1).
22. In failing to comply with 40 C.F.R. § 745.84(a)(1), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).
23. Respondent failed to provide the EPA inspector with records documenting that the safe work practices and cleanup standards required by 40 C.F.R. § 745.85 were followed during the renovations at the properties described in paragraphs 10, 12, and 14 in violation of 40 C.F.R. § 745.86(b)(6).
24. In failing to comply with 40 C.F.R. § 745.86(b)(6), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).
25. Respondent certifies that it has not had the same, or closely-related violations, that were the subject of an enforcement action under TSCA in the past five (5) years.
26. Complainant and Respondent agree that an appropriate civil penalty to settle this action is **two thousand dollars \$2,000** and agree that settlement of this matter for a penalty of **\$2,000** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B) and the EPA's Lead-Based Paint Expedited Settlement Agreement Policy (August 19, 2015).

27. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$2,000** to **“United States Treasury”** with the case name, address and docket number of this Agreement (TSCA-03-2025-0115), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:
<https://www.epa.gov/financial/makepayment>. For additional instructions see:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
28. Within 24 hours of payment, Respondent shall send a copy of the payment to:

Annie Hoyt
Compliance Officer
EPA Region 3
Hoyt.annie@epa.gov

and

Regional Hearing Clerk (3RC00)
EPA Region 3
R3_Hearing_Clerk@epa.gov

By written notice to Respondent, EPA may change the address and/or person listed above.

29. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations set forth in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA’s jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; and bear its own costs and attorney’s fees.
30. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.
31. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.

32. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
33. 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. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the TSCA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
34. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
35. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
36. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Respondent.
37. As permitted under 40 C.F.R. § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: hoyt.annie@epa.gov (for Complainant), and jtoren@kitchentuneup.com (for Respondent).
38. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
39. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
40. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection of the amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

In the Matter of: Kitchen Make Over LLC

EPA Docket No. TSCA-03-2025-0115

For Respondent: Kitchen Make Over LLC d/b/a Kitchen Tune Up

Name (print): Jeff Toren

Title (print): Owner / President

Signature

A large black rectangular box redacting the signature of Jeff Toren.

Date 6/6/25

For Complainant: U.S. Environmental Protection Agency, Region3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

**KAREN
MELVIN**

Digitally signed by
KAREN MELVIN
Date: 2025.06.10
09:29:43 -04'00'

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

FILED

Jun 10, 2025

10:49 am

U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

| | | |
|--------------------------|---|-------------------------------|
| IN THE MATTER OF: |) | DOCKET NO.: TSCA-03-2025-0115 |
| |) | |
| KITCHEN MAKE OVER LLC |) | FINAL ORDER |
| d/b/a KITCHEN TUNE UP |) | |
| 359 EAST LINCOLN HIGHWAY |) | |
| EXTON, PA 19341 |) | |
| |) | |
| |) | |
| Respondent. |) | |

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Kitchen Make Over LLC d/b/a Kitchen Tune Up, have executed a document entitled "Expedited Settlement 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, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, after taking into account the statutory factors set forth in TSCA, Section 16(a), 15 U.S.C. § 2615(a), the penalty agreed to therein is in the public interest and has been calculated pursuant to EPA's August 19, 2015 *Lead-Based Paint Expedited Settlement Agreement Policy*.

NOW, THEREFORE, PURSUANT TO Section 16(a)(1) of the Toxic Substances Control Act ("TSCA"), as amended, 15 U.S.C § 2615(a)(1), 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 DOLLARS (\$2,000)**, in accordance with the payment provisions set forth in the Consent Agreement, 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 Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all

applicable provisions of TSCA, 15 U.S.C. §§ 2601 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.06.10
10:39:03 -04'00'

[Digital Signature and Date]

Joseph J. Lisa

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:

:
:

KITCHEN MAKE OVER LLC
d/b/a KITCHEN TUNE UP
359 EAST LINCOLN HIGHWAY
EXTON, PA 19341

Respondent.

: U.S. EPA Docket No. TSCA-03-2025-0115
: Proceeding under Section 16(a) and 409 of
: the Toxic Substances Control Act, 15 U.S.C.
: § 2615(a) and 2689

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. 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:

Jeff Toren
Kitchen Make Over LLC
d/b/a Kitchen Tune Up
jtoren@kitchentuneup.com
359 East Lincoln Highway
Exton, PA 19341

Annie Hoyt
Compliance Officer
U.S. EPA, Region 3
hoyt.annie@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.06.10 10:51:12 -0400

[Digital Signature and Date]

In Re: Kitchen Make Over LLC

EPA Docket No. TSCA-03-2025-0115

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3