

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda L. Santiago for Kathleen E. Woodward 10/6/15
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2015-0085

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

Heriberto Pagan d/b/a Hatillo, LLC
170 Hazel Street
New Haven, CT 06513

Total Dollar Amount of Receivable \$ 1290 Due Date: 3/30/16

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ 645 on 11/6/15
2nd \$ 645 on 3/30/16
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
5 Post Office Square, Suite 100
Boston, MA 02109-3912

October 6, 2015

RECEIVED

OCT 07 2015

EPA ORC
Office of Regional Hearing Clerk

BY HAND

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

Re: *In re: Hatillo, L.L.C.*
Docket No. TSCA-01-2015-0085

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a RRP Settlement Agreement and Final Order 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, appearing to read "Kathleen E. Woodward".

Kathleen E. Woodward
Senior Enforcement Counsel

Enclosure

cc: Heriberto Pagan



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

RRP Settlement Agreement
Issued under Section 16 of TSCA, 15 U.S.C. § 2615
and 40 C.F.R. § 22.13(b) and 22.18(b)
Docket Number TSCA-01-2015-0085

RECEIVED

OCT 07 2015

EPA ORC
Office of Regional Hearing Clerk

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, Heriberto Pagan d/b/a Hatillo, LLC, failed to comply with the "Renovation, Repair and Painting" ("RRP") Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Section 402(c) and 406(b) of the Toxic Substances Control Act ("TSCA"), §§ 2682(c) and 2686(b) during a "renovation," as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.93, at the following address: 170 Hazel Street, New Haven, CT ("Work Site");

EPA finds that the Work Site is "target housing" as defined at 40 C.F.R. § 745.223;

EPA finds that the Respondent was subject to the RRP Rule and failed to comply with: the firm certification requirement of 40 C.F.R. § 745.89(a), pursuant to 40 C.F.R. § 745.81(a)(2)(ii); the requirement to provide property owners with lead hazard information, pursuant to 40 C.F.R. § 745.84(a)(1); firm certification responsibility requirement to assign a certified renovator to the renovation performed by the firm under 40 C.F.R. § 745.89 (d)(1), pursuant to C.F.R. § 745.81 (a)(2); the recordkeeping requirements of 40 C.F.R. § 745.86.

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.

For the purpose of this proceeding, Respondent admits it is subject to the RRP Rule and TSCA and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies the specific factual allegations stated above, consents to the assessment of the penalty below, and waives any objections it may have to EPA's jurisdiction in this matter.

The parties enter into this RRP Settlement Agreement ("Agreement") in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$1,290**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent agrees to pay the amount specified above in two payments as follows:

- a. **\$645** within **30 days** of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), and
- b. **\$645**, with interest, by **March 30, 2016**.

For each payment, Respondent shall submit a check, with the case name and docket number noted ("In the Matter Hatillo, LLC, Docket No. TSCA-01-2015-0600"), for \$645.00, payable to the "Treasurer, United States of America," to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall also submit copies of the checks to: Regional Hearing Clerk, U.S. EPA, Region 1, 5 Post Office Square, Suite 100 (ORA18-1), Boston, MA 02109-3912 and Molly Magoon, Environmental Protection Specialist, U.S. EPA Region 1, 5 Post Office Square, Suite 100

If Respondent fails to make the first payment of \$645.00 by its due date, the full amount of \$1290.00 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).

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.

Respondent consents to the assessment of the penalty and waives its right to: (1) contest the findings of violation specified in this Agreement; (2) a judicial or administrative hearing or appeal on any issue of law or fact set forth herein; and (3) appeal the Final Order accompanying this Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that it has corrected all violations and is in full compliance with the RRP Rule.

This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the Act or of any other federal statute or regulation. Nothing in this agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

If Respondent does not sign and return this Agreement within 15 days of the date of its receipt, this proposed settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon signature of the parties, approval of the Regional Judicial Officer and filing with the Regional Hearing Clerk.

APPROVED BY HATILLO, LLC:

Name (print): Heriberto Pasia

Title (print): owner

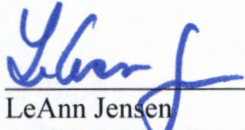
Signature: [Signature] Date: 3-26-15

APPROVED BY EPA:

Date: _____
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

IT IS SO ORDERED:

IT IS SO ORDERED:



LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA, Region 1

Date:

9/30/15

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
Hatillo, L.L.C.)	Docket No. TSCA-01-2015-0085
)	
Respondent)	
)	

CERTIFICATE OF SERVICE

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

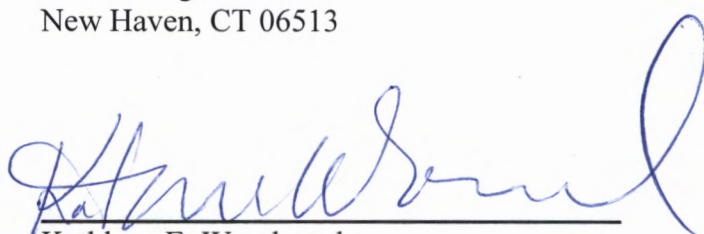
Original and One Copy,
Hand Delivered:

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

Heriberto Pagan
83 Exchange Street
New Haven, CT 06513

Dated: 10/6/15



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