



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 16 2018

CERTIFIED MAIL/RETURN RECEIPT
Article Number: 7017 1450 0000 0133 6617

Carol A. Gross, Esq.
Law Office of Carol A. Gross
79 Davenport Street
Somerville, New Jersey 08876

In the Matter of Donald Bucciarelli
Docket No. TSCA-02-2018-9169

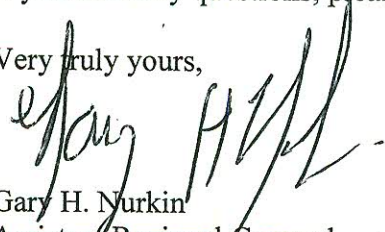
Dear Ms. Gross:

Enclosed is a copy of the Consent Agreement and Final Order ("CA/FO") in the above referenced proceeding signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that payment is due within thirty (30) days of signature of the Final Order by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in that Order.

If you have any questions, please contact the undersigned at 212-637-3195.

Very truly yours,


Gary H. Nurkin
Assistant Regional Counsel
Waste & Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of :
:
DONALD BUCCIARELLI :
:
Respondent :
:
Proceeding under Section 16(a) of :
the Toxic Substances Control Act :
-----X

CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
TSCA-02-2018-9169

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended, ("TSCA" or "the Act"), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 Code of Federal Regulations ("C.F.R.") Part 22. Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3), is an appropriate means of resolving this matter without further litigation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Donald Bucciarelli (“Respondent”).
2. Respondent, at all times relevant herein, was a “person” as that term is defined at 40 C.F.R. § 745.83.
3. Respondent, at all times relevant herein, was the “owner” of rental property situated at 8 Second Avenue, Garwood, New Jersey 07027 (“Garwood Property”).
4. The Garwood Property at all times relevant herein, was “target housing” as that phrase is defined by Section 401 of TSCA, 15 U.S.C. § 2681 and 40 C.F.R. § 745.103.
5. On or about July 2016, Respondent personally replaced windows in a rental unit at the Garwood Property in which a child under the age of 6 resided.
6. Respondent’s window replacement activity at the Garwood Property was a “renovation,” as that term is defined by 40 C.F.R. § 745.83.
7. On or about November 2, 2016, a representative of the United States Environmental Protection Agency, Region 2 (“EPA”) initiated an investigation of the “do-it-yourself” renovation activities that had been performed by Respondent at the Garwood Property.
8. Based on the EPA investigation and information obtained from Westfield Regional Health Department (“WRHD”) in relation to an inspection and lead sampling the WRHD performed at the Garwood Property in July 2016, EPA determined that the renovation work that had been performed by Respondent at the Garwood Property was subject to the requirements set forth at 40 C.F.R. Part 745, Subpart E (the “Renovation, Repair and Painting (RRP) Rule”).
9. EPA also determined that Respondent failed to provide an adult occupant of the unit with the Renovate Right pamphlet, as required by 40 C.F.R. § 745.84(a)(1), although Respondent informed EPA that he did notify an adult occupant of the unit that window replacement would occur and that the occupants were not present in the unit during the replacement activity.

