



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
August 12, 2013

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL 7009 1680 0000 7667 8131  
RETURN RECEIPT REQUESTED

Midwest College Painter, LLC  
Mr. Antonio Lombardo, Registered Agent  
1735 Tiverton Road, Suite 12  
Bloomfield Hills, Michigan 48304

Consent Agreement and Final Order in the Matter of  
Midwest College Painters, LLC, Docket No. TSCA-05-2013-0003

Dear Mr. Rank:

I have enclosed a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on August 12, 2013, with the Regional Hearing Clerk.

The civil penalty in the amount of \$500 is to be paid in the manner described in paragraphs 11 and 12. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by September 11, 2013 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

  
Paul Fericelli  
Pesticides and Toxic Compliance Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. TSCA-05-2013-0003  
)  
Midwest College Painters, LLC, ) Proceeding to Assess a Civil Penalty  
) Under Section 16(a) of the Toxic Substances  
Respondent. ) Control Act, 15 U.S.C. § 2615(a)  
)  
\_\_\_\_\_ )

RECEIVED

AUG 12 2013

Consent Agreement and Final Order

Preliminary Statement

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5, brought this action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
2. On January 9, 2013, EPA filed the Complaint in this action against Respondent Midwest College Painters, LLC (Midwest). The Complaint alleges that Respondent violated Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5) (Act); Section 409 of TSCA, 15 U.S.C. § 2689; and 40 C.F.R. §§ 745.81(a)(2)(ii), 745.84(a)(1), 745.86(b)(6), 745.85(b)(2), and 745.85(a)(5)(i)(A), during a renovation at 235 Elvin Court, Lansing, Michigan.
3. Respondent neither filed an Answer nor requested a hearing in this matter.

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.
5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

6. Both members of Respondent certify that they are no longer personally engaged in activities subject to the Act and the regulations at 40 C.F.R. Part 745, and that the information submitted to EPA related to Respondent's financial condition is true and accurate.

7. Both members of Respondent certify that any future activities in which they personally engage that are subject to the Act and the regulations at 40 C.F.R. Part 745 will comply with the Act and the regulations at 40 C.F.R. Part 745.

8. Respondent consents to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

9. The parties agree that settling this action without further litigation, upon the terms of the CAFO, is in the public interest.

#### **Civil Penalty**

10. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), based on the factors listed in 15 U.S.C. § 2615(a)(2)(B), particularly Respondent's ability to pay a penalty, Complainant has determined, based on certain financial documentation provided by the Respondent, that Respondent has the ability to pay \$500 as a civil penalty for the violations alleged in this CAFO. Complainant also considered *EPA's Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule*, dated August 19, 2010.

11. Within 30 days after the effective date of this CAFO, Respondent must pay the \$500 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
Post Office Box 979077  
St. Louis, Missouri 63197-9000

The check must note the following: the case title (“In the Matter of Midwest College Painters, LLC”), the docket number of this CAFO, and the billing document number.

12. A transmittal letter stating Respondent’s name, complete address, the case docket number, and the billing document number must accompany the payment in Paragraph 11.

Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Paul Fericelli (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Robert M. Peachey (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

13. This civil penalty is not deductible for federal tax purposes.

14. If Respondent does not pay the civil penalty timely, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, by action in the appropriate United States district court under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

15. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment

was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

### General Provisions

16. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

17. This CAFO does not affect the rights of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

18. This CAFO does not affect Respondent's responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

19. The terms of this CAFO bind Respondent, its successors and assigns.

20. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and attorneys fees in this action.

22. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: Midwest College Painters, LLC**  
**Docket No. TSCA-05-2013-0003**

**Midwest College Painters, LLC, Respondent**

7/3/2013  
Date

Antonio Lombardo  
Antonio Lombardo  
Member and Resident Agent

7-4-13  
Date

Josh Lee  
Josh Lee  
Member

**U.S. Environmental Protection Agency, Complainant**

7/31/2013  
Date

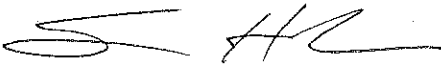
Margaret M. Guerriero  
Margaret M. Guerriero  
Director  
Land and Chemicals Division


**In the Matter of: Midwest College Painters, LLC**  
**Docket No. TSCA-05-2013-0003**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

8-7-13  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

  
AUG 12 2013  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

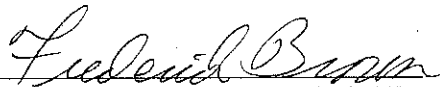
**CERTIFICATE OF SERVICE**

This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving Midwest College Painters, LLC, was filed on July, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7009 1680 0000 7667 8131 to:

Midwest College Painter, LLC  
Mr. Antonio Lombardo, Registered Agent  
1735 Tiverton Road, Suite 12  
Bloomfield Hills, Michigan 48304

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J  
Robert M. Peachey, Counsel for Complainant/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown, PTCS (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Docket No. TSCA-05-2013-0003**



AUG 12 2013

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY