



Dated by electronic signature

VIA EMAIL

LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code 4-MI)
Boston, MA 02109-3912
Jensen.LeAnn@epa.gov

Re: In the Matter of Elite Construction and Remodeling, LLC
Docket No: TSCA-01-2024-0008

Dear Ms. Jensen:

Attached for your review and signature is a Consent Agreement and Final Order (“CAFO”) that will resolve an administrative penalty action brought by the U.S. Environmental Protection Agency, Region 1 (“EPA”) against Elite Construction and Remodeling, LLC for alleged violations of the Toxic Substances Control Act (“TSCA”) and the Renovation, Repair and Painting Rule set forth at 40 C.F.R. Part 745, Subpart E (the “RRP Rule”).

The Consent Agreement has been signed by the parties and is now presented for the Regional Judicial Officer’s signature of the Final Order.

As permitted by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), the CAFO will both commence and conclude EPA’s enforcement action against the three Respondents. The CAFO describes the three Disclosure Rule violations identified by EPA following a March 7, 2023 inspection.

Under the CAFO, the Respondents will pay a settlement penalty of \$39,368 in six monthly installments of \$6,707.14 with interest. This penalty amount is consistent with the applicable *Revised Interim Final Consolidated Enforcement Response and Penalty Policy for the RRP Rule and Lead-Based Paint Graduated Penalty Approach Policy*. The installment plan is based upon the Respondents’ inability to pay the entire penalty amount within 30 days without experiencing an undue financial hardship, as substantiated in accordance with EPA’s *Guidance on Evaluating a Violator’s Ability to Pay a Civil Penalty in an Administrative Enforcement Action*

(2015) and was determined by EPA to be in the best interest of the United States. The CAFO also includes a certification that Respondent has corrected the violations.

The parties' consent to the use of digital signatures and Respondent's consent to electronic service are included in the CAFO. The parties' service email addresses are included in the CAFO and the Proposed Certificate of Service transmitted to the Regional Hearing Clerk ("RHC").

If you have any questions regarding the regarding the proposed CAFO, please contact me at lee.jaegun@epa.gov or 617-918-1511, Respondent's counsel Jeffrey Bausch at jbausch@uks.com or (203) 786-8314.

Sincerely,

Jaegun Lee
Attorney-Advisor
EPA Region 1

Attachment (Proposed CAFO and Draft Certificate of Service)

cc : Judd Fertman, Elite Construction LLC
Jeffrey Bausch, Counsel for Elite Construction and Remodeling LLC