

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of :
:
Ramon Home Corp, :
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Respondent :
:
Proceeding under Section 16(a) of :
the Toxic Substances Control Act :
:
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CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
TSCA-02-2016-9271

RECORDS HEARINGS
2016 SEP 14 PM 10:38
U.S. Environmental
Protection Agency
Region 2

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 C.F.R. Part 22 (hereinafter "Consolidated Rules of Practice"). Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, 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) of the Consolidated Rules of Practice, is an appropriate means of resolving this matter without further litigation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Ramon Home Corp (“Ramon” or “Respondent”), Inc.
2. Respondent’s primary place of business is located at 320 Roebling Street, #130, Brooklyn, New York 11211.
3. Respondent is a “certified firm” as that term is defined at 40 C.F.R. § 745.223.
4. Respondent is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, and set forth at 40 C.F.R. Part 745, Subpart L (the “Abatement Rule”).
5. On or about February 18, 2014, a citizen tip/complaint was submitted to the EPA Region 2 Lead Team alleging that Respondent was not complying with the Abatement Rule while conducting lead abatement activities from on or about February 11, 2014, until on or about February 18, 2014, at target housing located at 177 Russell Street, Brooklyn, NY (the “Property”).
6. On April 30, 2014, EPA sent an Information Request Letter (“IRL”) to Respondent as part of EPA’s investigation of Respondent’s abatement activities at the Property.
7. On or about May 16, 2014, Respondent submitted a partial response to EPA’s IRL.
8. On March 9, 2015, EPA sent Respondent an email to advise Respondent that its first response was insufficient and to request additional information regarding Respondent’s abatement activities at the Property.
9. On or about March 20, 2015, Respondent submitted its additional response in reply to EPA’s March 9, 2015 email.

10. Based in part on Respondent's IRL responses, EPA determined that Respondent, had failed to notify EPA prior to engaging in lead abatement activities at the Property, as required by 40 C.F.R. §§ 745.223 and 745.227(e)(4)(ix).

11. EPA further determined that Respondent had failed to assign a supervisor to be onsite for the abatement project during all work site preparation, during the post-cleanup of work areas, and to be onsite at other times during the abatement or available by telephone, pager or answering service and able to be present at the work site in no more than 2 hours, pursuant to 40 C.F.R. §745.227(e)(2).

12. On July 15, 2015, March 30, 2016, and April 13, 2016, EPA and Respondent held informal pre-filing settlement conferences at Respondent's request to discuss Respondent's violations of the Abatement Rule.

13. As a result of the informal settlement conferences, the parties agreed to settle this matter by entering into this Consent Agreement.

CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter maintain compliance with all applicable statutory provisions of TSCA, 15 U.S.C. § 2601 et seq., and its implementing regulations.
2. Respondent certifies that it is currently in compliance with the statutory provisions of TSCA and the Lead Abatement regulations codified at 40 C.F.R. § 745, Subpart L

