

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:	
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<b>RJT INDUSTRIES, INC. 14893 PERSISTENCE DRIVE WOODBIDGE, VA 22191</b>	:	<b>U.S. EPA Docket No. TSCA-03-2023-0002</b>
	:	
	:	
<b>Respondent.</b>	:	<b>Proceeding under Sections 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615 and 2689</b>
	:	

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and RJT Industries, Inc. (“Respondent”) (collectively the “Parties”), pursuant to 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615(a) and 2689, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The Toxic Substances Control Act authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Toxic Substances Control Act (“TSCA” or the “Act”) for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(5).

**GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. Respondent is a corporation operating under the laws of the Commonwealth of Virginia and has a principal place of business at 14893 Persistence Drive Woodbridge, VA 22191
13. Respondent is a "person" as that term is defined at 40 C.F.R. § 745.83 and is subject to the assessment of civil penalties for the violations alleged herein.
14. At all times relevant to the violations alleged herein, Respondent was a "renovator" as that term is defined at 40 C.F.R. § 745.83.
15. In March 2020, Respondent conducted "renovations", as that term is defined at 40 C.F.R. § 745.83 at 3710 Columbia Pike, Arlington, VA 22204.
16. 3710 Columbia Pike, Arlington, VA 22204 was built in 1956 and is, therefore "target housing" as that term is defined at 40 C.F.R. § 745.103.
17. On March 15, 2021, the Toxics Program Office of EPA Region 3 received a tip/complaint regarding renovations occurring at the 3710 Columbia Pike, Arlington, VA 22204.

18. On March 23, 2021, the EPA conducted an unannounced inspection at 3710 Columbia Pike, as that term is defined in 15 U.S.C. § 2681(7), at the Site (“Site Inspection”).
19. On May 11, 2021, the EPA conducted a records inspection (“Records Inspection”) of Respondent’s records at Respondent’s office at 14893 Persistence Drive, Woodbridge, VA 22191.
20. On July 6, 2022, the EPA issued Respondent a Notice of Potential Violation and Opportunity to Confer (“NOPVOC”).
21. On July 27, 2022, EPA and Respondent had a NOPVOC meeting to discuss the alleged violations.

**Count I**  
**Failure to Obtain Written Acknowledgment from Owner**

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. 40 C.F.R. § 745.84(a)(1) requires a firm performing renovations to obtain, from the owner, a written acknowledgment that the owner has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovation.
24. 40 C.F.R. § 745.83 defines “pamphlet” the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose.
25. At the time of the renovations, Respondent failed to obtain, from the owner, a written acknowledgment that the owner has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovations at 3710 Columbia Pike, Arlington, VA 22204.
26. At the time of the renovations, Respondent violated 40 C.F.R. § 745.84(a)(1) by failing to obtain, from the owner, a written acknowledgment that the owner has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovation at 3710 Columbia Pike, Arlington, VA 22204.
27. In failing to comply with 40 C.F.R. § 745.84(a)(1), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

**Count II**  
**Failure to Obtain Written Acknowledgment from Occupant**

28. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
29. 40 C.F.R. § 745.84(a)(2) requires a firm to obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovation.
30. At the time of the renovations, Respondent failed to obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovations at 3710 Columbia Pike, Arlington, VA 22204.
31. At the time of the renovations, Respondent violated 40 C.F.R. § 745.84(a)(2) by failing to obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet or failure to obtain a certificate of mailing at least 7 days prior to the renovations at 3710 Columbia Pike, Arlington, VA 22204.
32. In failing to comply with 40 C.F.R. § 745.84(a)(2), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

**Count III**  
**Failure to Close All Doors and Windows Within Twenty (20) Feet of the Renovation**

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. 40 C.F.R. § 745.85(a)(2)(ii)(A) requires a firm to close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.
35. At the time of the Site Inspection, Respondent failed to close all doors and windows within 20 feet of the renovation during renovations at 3710 Columbia Pike, Arlington, VA 22204.
36. At the time of the Site Inspection, Respondent violated 40 C.F.R. § 745.85(a)(2)(ii)(A) by failing to close all doors and windows within 20 feet of the renovation during renovations at 3710 Columbia Pike, Arlington, VA 22204.
37. In failing to comply with 40 C.F.R. § 745.85(a)(2)(ii)(A), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

**Count IV**  
**Failure to Contain Waste from Renovation Activities**

38. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
39. 40 C.F.R. § 745.85(a)(4)(i) requires a firm to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
40. At the time of the Site Inspection, Respondent failed to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal during renovations at 3710 Columbia Pike, Arlington, VA 22204.
41. At the time of the Site Inspection, Respondent violated 40 C.F.R. § 745.85(a)(4)(i) by failing to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal during renovations at 3710 Columbia Pike, Arlington, VA 22204.
42. In failing to comply with 40 C.F.R. § 745.85(a)(4)(i), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

**Count V**  
**Failure to Retain and Make Records Available**

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
44. 40 C.F.R. § 745.86(b)(6) requires firms to retain and make available to EPA, “[d]ocumentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b).”
45. At the time of the Records Inspection, Respondent failed to retain and make available records for 3710 Columbia Pike, Arlington, VA 22204, documenting compliance with the requirements of § 745.85.
46. At the time of the Records Inspection, Respondent violated 40 C.F.R. § 745.86(b)(6) by failing to retain and make available records documenting compliance with the requirements of § 745.85.

47. In failing to comply with 40 C.F.R. § 745.86(b)(6), Respondent is subject to the assessment of penalties under 15 U.S.C. § 2615(a).

**CIVIL PENALTY**

48. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of Forty-Two Thousand Eight Hundred and Sixty-Eight Dollars (\$42,868) which Respondent shall be liable to pay in accordance with the terms set forth below.
49. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in TSCA, Section 16(a), 15 U.S.C. § 2615(a) including, the following: the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* which reflects the statutory penalty criteria and factors set forth at TSCA, Section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
50. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e* TSCA-03-2023-0002;
  - b. All checks shall be made payable to the “United States Treasury”;
  - c. All payments made by check and sent by regular mail shall be addressed and mailed to:  

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Hannah G. Leone  
Assistant Regional Counsel  
Leone.Hannah@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

- 51. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 52. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
- 53. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
- 54. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

- 55. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
- 56. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
- 57. The parties consent to service of the Final Order by e-mail at the following valid email addresses: leone.hannah@epa.gov (for Complainant), and rick@rjt-industries.com (for Respondent).

**GENERAL SETTLEMENT CONDITIONS**

- 58. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
- 59. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent’s ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

**CERTIFICATION OF COMPLIANCE**

- 60. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

**OTHER APPLICABLE LAWS**

- 61. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or

local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of TSCA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

62. This Consent Agreement and Final Order resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under TSCA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

### **EXECUTION /PARTIES BOUND**

63. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

### **EFFECTIVE DATE**

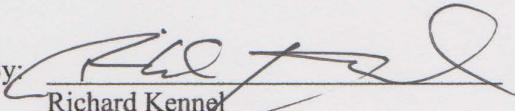
64. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

### **ENTIRE AGREEMENT**

65. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: RJT INDUSTRIES, INC.

Date: 12/12/22

By:   
Richard Kennel  
President, RJT Industries, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: \_\_\_\_\_  
[*Digital Signature and Date*]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
[*Digital Signature and Date*]  
Hannah G. Leone  
Assistant Regional Counsel  
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
	:
<b>RJT INDUSTRIES, INC. 202 PERSISTENCE DRIVE WOODBIDGE, VA 22191</b>	: <b>U.S. EPA Docket No. TSCA-03-2023-0002</b>
	:
<b>Respondent.</b>	: <b>Proceeding under Sections 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615 and 2689</b>
	:
	:

**FINAL ORDER**

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, RJT Industries, Inc. have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* which reflects the statutory penalty criteria and factors set forth at TSCA, Section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B).

**NOW, THEREFORE, PURSUANT TO** Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. Section 2615(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FORTY-TWO THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$42,868)** in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c) and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of TSCA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103-2029**

<b>In the Matter of:</b>	:	
	:	
<b>RJT INDUSTRIES, INC.</b>	:	<b>U.S. EPA Docket No. TSCA-03-2023-0002</b>
<b>202 PERSISTENCE DRIVE</b>	:	
<b>WOODBIDGE, VA 22191</b>	:	
	:	<b>Proceeding under Sections 16(a) and 409 of the</b>
<b>Respondent.</b>	:	<b>Toxic Substances Control Act, 15 U.S.C. §§</b>
	:	<b>2615 and 2689</b>
	:	

**CERTIFICATE OF SERVICE**

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Richard Kennel, President  
RJT Industries, Inc.  
14893 Woodbridge, VA 22191  
rick@rjt-industries.com

Copies served via email to:

Hannah G. Leone  
Assistant Regional Counsel  
U.S. EPA, Region III  
Leone.hannah@epa.gov

Annie Hoyt  
Compliance Officer  
U.S. EPA, Region III  
Hoyt.annie@epa.gov

Date: \_\_\_\_\_

\_\_\_\_\_  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III