

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Christine Foot 9/29/15  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number TSCA-01-2015-0050

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Whitney Management and Maintenance Co.  
17 Hamden Park Drive  
Hamden, CT 06517

Total Dollar Amount of Receivable \$ 10,286 Due Date: 2/28/16

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ 5,143 on 10/28/15
- 2<sup>nd</sup> \$ 5,206 on 2/28/16
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

Phone Number \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
FIVE POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

September 28, 2015

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
5 Post Office Square  
Suite 100, Mail Code ORA18-1  
Boston, MA 02109-3912

**BY HAND**

Re: In the Matter of Whitney Management and Maintenance Co.;  
Docket No. TSCA-01-2015-0050

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Christine Foot".

Christine Foot  
Enforcement Counsel  
EPA Region 1

Enclosures

cc: James A. Black, CEO, Whitney Management and Maintenance Co.

RECEIVED  
SEP 28 2015  
EPA ORC WS  
Office of Regional Hearing Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

In the Matter of:	)	
	)	
Whitney Management and Maintenance Co.	)	Docket No. TSCA-01-2015-0050
17 Hamden Park Drive	)	
Hamden, Connecticut 06517	)	
	)	
Respondent.	)	<b>CONSENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
Proceeding under Section 16(a) of the	)	
Toxic Substances Control Act,	)	
42 U.S.C. § 2615(a)	)	
	)	

**CONSENT AGREEMENT**

The United States Environmental Protection Agency (“EPA” or “Complainant”) and Whitney Management and Maintenance Company (“Whitney Management” or “Respondent”), consent to the entry of this Consent Agreement and Final Order (“CAFO”) pursuant to 40 C.F.R. § 22.13(b) of 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 (“Consolidated Rules of Practice”). By this CAFO, Respondent agrees to pay a civil penalty for alleged violations of 40 C.F.R. Part 745, Subpart E, and, thereby, Sections 15 and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2614 and 2689. This CAFO simultaneously commences and concludes the cause of action described herein, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b), and Section 16 of TSCA, 15 U.S.C. § 2615. Complainant and Respondent (collectively, the “Parties”) agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

**RECEIVED**  
**SEP 28 2015**  
EPA ORC *WJ*  
Office of Regional Hearing Clerk

Therefore, before any hearing or the taking of any testimony, without adjudication of any issue of fact or law herein, the Parties agree to comply with the terms of this CAFO.

### **I. PRELIMINARY STATEMENT**

1. As more thoroughly discussed in Sections III and IV below, the CAFO resolves Respondent's alleged violations of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("the Act"), 42 U.S.C. §§ 4851 *et seq.*, and the federal regulations promulgated thereunder, entitled "Residential Property Renovation," as set forth at 40 C.F.R. Part 745, Subpart E. Specifically, EPA alleges that the following violations occurred in conjunction with Respondent's performance of renovations of target housing:

- (a) *Failure to obtain initial firm certification*, in violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), and TSCA Section 409, 15 U.S.C. § 2689;
- (b) *Failure to assign a certified renovator*, in violation of 40 C.F.R. § 745.89(d)(2) and TSCA Section 409, 15 U.S.C. § 2689;
- (c) *Failure to provide a lead-safe renovation pamphlet*, in violation of 40 C.F.R. § 745.84(a)(1) and TSCA Section 409, 15 U.S.C. § 2689; and
- (d) *Failure to Retain Records Demonstrating Compliance with the RRP Rule*, in violation of 40 C.F.R. § 745.86 and TSCA Sections 15 and 409, 15 U.S.C. §§ 2614 and 2689.

### **II. STATUTORY AND REGULATORY AUTHORITY**

2. In 1992, Congress passed the Act in response to findings that low-level lead poisoning is widespread among American children, that pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint, and that the ingestion of lead from deteriorated or abraded lead-based paint is the most common cause of lead poisoning in children.

42 U.S.C. §§ 4851(1)–(4). One of the stated purposes of the Act is to ensure that the existence of lead-based paint hazards is taken into account during the renovation of homes and apartments.

*Id.* § 4851a(4). To carry out this purpose, the Act added a new title to TSCA entitled “Title IV—Lead Exposure Reduction,” which currently includes Sections 401–412 of TSCA, 15 U.S.C. §§ 2681–2692. Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102-550, § 1021, 106 Stat. 3672, 3912 (1992).

3. In 1996, EPA promulgated regulations to implement Section 402(a) of TSCA, 15 U.S.C. § 2682(a). These regulations are set forth at 40 C.F.R. Part 745, Subpart L. In 1998, EPA promulgated regulations to implement Section 406(b) of the Act. These regulations are set forth at 40 C.F.R. Part 745, Subpart E. In 2008, EPA promulgated regulations to implement Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3) by amending 40 C.F.R. Part 745, Subparts E and L (the “Renovation, Repair and Painting Rule” or the “RRP Rule”). *See* Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21,692, 21,758–67 (Apr. 22, 2008) (codified at 40 C.F.R. Part 745, Subparts E and L).

4. Pursuant to 40 C.F.R. § 745.82, the regulations in 40 C.F.R. Part 745, Subpart E apply to all renovations performed for compensation in “target housing” and “child-occupied facilities,” with certain limited exceptions.

5. “Renovation” is defined as the modification of any existing structure, or portion thereof, in a way that disturbs painted surfaces, with certain exceptions including for “minor repair and maintenance activities.” 40 C.F.R. § 745.83. “Renovation” includes the removal, modification, or repair of painted surfaces or building components. *Id.* “Minor repair and maintenance activities” include interior activities that disturb six square feet or less of painted surface per

room and exterior activities that disturb less than twenty square feet, in which none of the prohibited work practices of 40 C.F.R. § 745.85(a)(3) are used. *Id.*

6. “Target housing” is defined as any housing constructed prior to 1978, except housing for the elderly or disabled (unless any child who is less than six years old resides or is expected to reside in such housing), or any 0-bedroom dwelling. 40 C.F.R. § 745.103. *See also id.* § 745.83 (incorporating the definitions of 40 C.F.R. § 745.103 into Subpart E).

7. The RRP Rule sets forth procedures and requirements for, among other things: the accreditation of training programs; the certification of renovation firms and individual renovators; the work practice standards for renovation, repair, and painting activities in target housing and child-occupied facilities; and the establishment and maintenance of records. *See generally* 40 C.F.R. Part 745, Subpart E.

8. Pursuant to 40 C.F.R. § 745.85 and 40 C.F.R. § 745.89, “renovations” must be performed by certified “firms” using certified “renovators.” Certified “firms” must ensure that all renovations performed by the firm are performed in accordance with the work practice standards in 40 C.F.R. § 745.85. 40 C.F.R. § 745.89(d)(3). A “firm” includes a corporation. *Id.* § 745.83. A “renovator” is defined as “an individual who either performs or directs workers to perform renovations.” *Id.* Pursuant to 40 C.F.R. § 745.90(b)(1), certified renovators must perform or direct workers who perform all work practice standards in 40 C.F.R. § 745.85.

9. Pursuant to Section 409 of TSCA, it is unlawful for any person to fail to comply with any rule issued under Subchapter IV of TSCA (such as the RRP Rule). 15 U.S.C. § 2689. Pursuant to 40 C.F.R. § 745.87(a), the failure to comply with a requirement of the RRP Rule is a violation of Section 409 of TSCA, 15 U.S.C. § 2689. Pursuant to 40 C.F.R. § 745.87(b), the failure to

establish and maintain the records required by the RRP Rule is a violation of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689.

10. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 15 or 409 of TSCA shall be liable to the United States for a civil penalty.

11. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 40 C.F.R. § 745.87(d) authorize the assessment of a civil penalty for each day of each violation of the RRP Rule. Violations that occurred on or after January 13, 2009, are subject to penalties up to \$37,500 per day per violation. *See* Civil Monetary Penalty Inflation Adjustment Rule, 78 Fed. Reg. 66,643 (Nov. 6, 2013) (final rule codified at 40 C.F.R. § 19.4 and adjusting civil penalties for inflation as mandated by Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701).

### **III. GENERAL ALLEGATIONS**

12. Respondent is a corporation organized under the laws of the Commonwealth of Massachusetts with its principal place of business located at 17 Hamden Park Drive, Hamden, Connecticut.

13. Respondent is a “firm” as defined at 40 C.F.R. § 745.83.

14. Respondent provides residential property management and maintenance services.

15. Respondent is a “renovator” as defined in 40 C.F.R. § 745.83.

16. On June 3, 2014, EPA conducted an inspection (“Inspection”) at Respondent’s office to determine its compliance with the RRP Rule. During the Inspection, EPA met with representatives of Whitney Management and reviewed invoices from work recently completed by Respondent.

17. With respect to the allegations in this CAFO, Respondent performed a renovation project from April 9 to 12, 2014, at 15-D Cedar Court in the Birches at Foxon condominium

development in East Haven, Connecticut, in which Respondent demolished and installed new dry wall, taped dry wall, and installed, primed, and painted a baseboard (Work Order 10000239-A).

18. The renovation project described in paragraph 17 above constituted a “renovation,” as defined in 40 C.F.R. § 745.83.

19. The renovation project described in paragraph 17 above was conducted in a property that was built before 1978, and is “target housing,” as defined in 40 C.F.R. § 745.103.

20. The property listed in paragraph 17 was not, at the time of the violations alleged herein, housing for the elderly or persons with a disability, as defined by 40 C.F.R. § 745.103.

21. The property listed in paragraph 17 was not, at the time of the violations alleged herein, a “0-bedroom dwelling,” as defined by 40 C.F.R. § 745.103.

22. The renovation that Respondent performed at the target housing listed in paragraph 17 did not constitute: (a) minor repairs and maintenance activities; (b) emergency renovation operations; (c) renovations in which a written determination has been made by an inspector (certified pursuant to either 40 C.F.R. § 745.226 or a State or Tribal certification program authorized pursuant to 40 C.F.R. § 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, as those activities are described in 40 C.F.R. § 745.82.

23. Based on the Inspection, Complainant alleges the violations of Counts 1 through 4 below.

#### **IV. VIOLATIONS**

##### **COUNT 1 – Failure of a Firm to Obtain Initial Certification**

24. Complainant incorporates by reference paragraphs 1 through 23.

25. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82. Pursuant to 40 C.F.R. § 745.89(a), firms performing renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.

26. Respondent did not obtain firm certification before performing the renovation of target housing described in paragraph 17 above. Moreover, the renovation described in paragraph 17 above did not qualify for an exception identified in 40 C.F.R. § 745.82.

27. Respondent's failure to obtain certification from EPA prior to performing the renovation of target housing described in paragraph 17 above, constitutes one violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

### **COUNT 2 – Failure to Assign a Certified Renovator**

28. Complainant incorporates by reference paragraphs 1 through 27.

29. Pursuant to 40 C.F.R. § 745.89(d)(2), a firm performing renovations must ensure that a certified renovator is assigned to each renovation and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

30. Respondent did not assign a certified renovator to the renovation project described in paragraph 17 above, and did not ensure that all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 were discharged.

31. Respondent's failure to assign a certified renovator to the renovation project described in paragraph 17 above, and its failure to ensure that all of the certified renovator responsibilities

identified in 40 C.F.R. § 745.90 were discharged by a certified renovator in that project, constitutes one violation of 40 C.F.R. § 745.89(d)(2), and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

**COUNT 3 – Failure to Provide a Lead-Safe Renovation Pamphlet**

32. Complainant incorporates by reference paragraphs 1 through 31.

33. Pursuant to 40 C.F.R. § 745.84(a)(1), no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation shall provide the owner of the unit with a full and complete copy of an EPA-developed or EPA-approved lead-safe renovation pamphlet (“Pamphlet”), as defined at 40 C.F.R. § 745.83, and either: (i) obtain from the owner a written acknowledgment that the owner has received the Pamphlet; or (ii) obtain a certificate of mailing at least seven days prior to the renovation.

34. Respondent did not provide a copy of the Pamphlet to the owner of the target housing property listed in paragraph 17 above, no more than 60 days before Respondent began renovation activities at the property, as required by 40 C.F.R. § 745.84(a)(1).

35. Likewise, Respondent did not obtain from the owner of the target housing property listed in paragraph 17, written acknowledgment that the owner received from Respondent a copy of the Pamphlet prior to the start of the renovation, in violation of 40 C.F.R. § 745.84(a)(1)(i), or a certificate of mailing the Pamphlet at least seven days prior to initiating renovation activities at the property, in violation of 40 C.F.R. § 745.84(a)(1)(ii).

36. Respondent’s failure to: (a) provide a copy of the Pamphlet to owner of the target housing listed in paragraph 17 above, and (b) obtain either a written acknowledgment that the owner received the Pamphlet or obtain a certificate of mailing at least seven days prior to

renovations, constitutes one violation of 40 C.F.R. § 745.84(a)(1) and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

**COUNT 4 – Failure to Retain Records Demonstrating Compliance with the RRP Rule**

37. Complainant incorporates by reference paragraphs 1 through 36.

38. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain, and if requested, make available to EPA, all records necessary to demonstrate compliance with the RRP Rule for three years. Pursuant to 40 C.F.R. § 745.86(b), the records include but are not limited to: any records or reports certifying that a determination had been made that lead-based paint was not present; results of any EPA-recognized test kits or paint chip analysis prepared by a certified renovator; and certification by a certified renovator of the firm's compliance with the work practice standards of 40 C.F.R. § 745.85, including requirements to post warning signs, contain waste on-site and during transport, contain, and after renovations, clean, the work area according certain standards, and perform a post-renovation cleaning verification.

39. Respondent did not retain the records necessary to demonstrate compliance with the RRP Rule for the renovation project described in paragraph 17 above, as required by 40 C.F.R. §§ 745.86(a) and (b).

40. Respondent's failure to retain the records necessary to demonstrate compliance with the RRP Rule for the renovation project described in paragraph 17 above, constitutes one violation of 40 C.F.R. § 745.86 and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

## **V. TERMS OF SETTLEMENT**

41. The provisions of this CAFO shall apply to and be binding on EPA and on Respondent, its officers, directors, successors, and assigns.

42. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO and that the CAFO states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained herein, consents to the terms of this CAFO.

43. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in this CAFO and waives its right to appeal the Final Order.

44. Respondent hereby certifies that it is currently operating and will operate its business in compliance with Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.*, and the RRP Rule set forth at 40 C.F.R. Part 745, Subparts E and L.

45. Respondent consents to the issuance of this CAFO hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in paragraph 46 below.

46. Pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), and taking into account the relevant statutory penalty criteria and the particular facts and circumstances of this case, EPA has determined that an appropriate civil penalty to settle this action is \$10,285.

47. Respondent consents to the issuance of this CAFO and consents to the payment of a civil penalty of \$10,285, which shall be due in two (2) installments. The first payment shall be in the amount of \$5,143 and shall be made within thirty (30) days of the effective date of this CAFO.

The second payment shall be in the amount of \$5,206 (consisting of \$5,142 in principal plus \$64 in interest) and shall be made within six (6) months of the effective date of this CAFO.

48. Respondent shall make each payment by cashier's or certified check, or by wire transfer, and shall include the case name ("*In Re Whitney Management and Maintenance Company*") and docket number ("TSCA-01-2015-0050") on the face of the check or wire transfer confirmation. A check should be payable to "Treasurer, United States of America." Each payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

In addition, at the time of payment, Respondents should also forward notice of payment of the civil penalty as well as copies of the payment check or payment receipt to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORA18-1  
Boston, Massachusetts 02109-3912

and

Christine M. Foot  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES 04-2  
Boston, Massachusetts 02109-3912

49. If Respondent fails to make any of the payments required by Paragraph 47 by the required due dates, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amounts shall accrue from the missed payment date until the total amount due has been received by the United States. Respondent shall be liable for such amounts regardless of whether EPA has notified Respondent of its failure to pay or made demand for payment. All payments to the United States under this paragraph shall be made as described in Paragraph 48.

50. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due.

However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

51. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

52. Respondent shall bear its own costs and attorney's fees in connection with the action resolved by this CAFO and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

53. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, for the violations alleged in the Complaint, contingent on Respondent's full compliance with the terms of this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

54. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of applicable provision of law.

55. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

56. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. § 2601 *et seq.*, or any regulations promulgated thereunder.

57. The terms, conditions, and requirements of this CAFO may not be modified without the written agreement of both parties and approval of the Regional Judicial Officer.

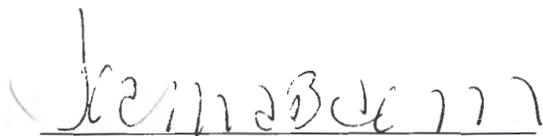
58. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

**For Respondent:**

  
\_\_\_\_\_  
James A. Black, Chief Executive Officer  
Whitney Management and Maintenance Company

23 SEP 2015  
Date

**For Complainant:**

  
\_\_\_\_\_  
Joanna B. Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Region I

9/25/15  
Date

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

Date:

9/28/15



\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND**

In the Matter of: )  
)  
Whitney Management and Maintenance Co. ) Docket No. TSCA-01-2015-0050  
17 Hamden Park Drive )  
Hamden, Connecticut 06517 )  
)  
Respondent. ) **CERTIFICATE OF SERVICE**  
)  
Proceeding under Section 16(a) of the )  
Toxic Substances Control Act, )  
42 U.S.C. § 2615(a) )  
\_\_\_\_\_ )

I hereby certify that foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

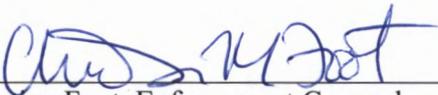
Original and one copy  
(hand-delivered):

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square Suite 100  
Mail Code ORA18-1  
Boston, MA 02109-3912

Copy (certified mail,  
return receipt requested):

James A. Black, Chief Executive Officer  
Whitney Management and Maintenance Co.  
17 Hamden Park Drive Suite 1  
Hamden, Connecticut 06517

Dated: 9/28/15

  
\_\_\_\_\_  
Christine Foot, Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912  
Phone: 617-918-1333  
Fax: 617-918-0333  
E-mail: foot.christine@epa.gov