

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrea Simpson 11/7/17  
Name of Case Attorney Date

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

Case Docket Number TECA-01-2017-0077

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:

Northeast Rental Housing of  
Central Maine, LLC  
300 Court Street, Unit 3  
Auburn, ME 04210

Total Dollar Amount of Receivable \$ 1,982 Due Date: 1/1/18

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

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ 662.00 on 11/1/17
- 2<sup>nd</sup> \$ 663.30 on 12/1/17
- 3<sup>rd</sup> \$ 663.30 on 1/1/18
- 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 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

November 7, 2017

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1 (ORA 18-1)  
5 Post Office Square  
Boston, Massachusetts 02109

RECEIVED  
NOV 07 2017  
EPA ORC  
Office of Regional Hearing Clerk

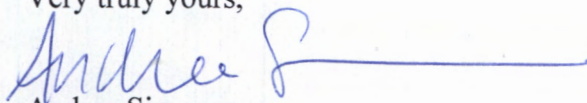
RECEIVED  
NOV 07 2017  
EPA ORC WS  
Office of Regional Hearing Clerk

Re: Northeast Rental Housing of Central Maine, LLC  
Docket No. TSCA-01-2017-0077

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Consent Agreement and Final Order. Thank you for your assistance in this matter.

Very truly yours,

  
Andrea Simpson  
Senior Enforcement Counsel

cc: Northeast Rental Housing of Central Maine, LLC

Enclosure

Docket No. TSCA-01-2017-0077

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, the original and one copy of the Consent Agreement and Final Order in the matter of Northeast Rental Housing of Central Maine, LLC, Docket No. TSCA-01-2017-0077 were filed with the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below:

Original and one copy  
by hand delivery to:

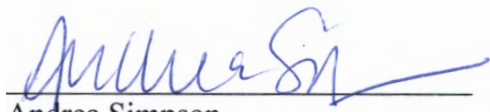
Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1, (ORA18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109

Copy by certified mail to:

Northeast Rental Housing of Central Maine, LLC  
c/o Anthony Jolicoeur  
300 Court Street, Unit 3  
Auburn, ME 04210

Date:

10/17/17



Andrea Simpson  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1, Mail Code OES04-2  
5 Post Office Square, Suite 100  
Boston, MA 02109  
(617) 918-1738  
simpson.andrea@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

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NOV 07 2017

EPA ORC  
Office of Regional Hearing Clerk

**RRP Microbusiness Settlement Agreement**  
**Issued under Section 16 of TSCA, 15 U.S.C. § 2615**  
**and 40 C.F.R. § 22.13(b) and 22.18(b)**  
**Docket Number TSCA-01-2017-0077**

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, Northeast Rental Housing of Central Maine, LLC, c/o Anthony Jolicoeur, 300 Court St., Unit 3, Auburn, ME 04210, ("Respondent") failed to comply with the Renovation, Repair and Painting ("RRP") Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Sections 402(c) and 406(b) of the Toxic Substances Control Act ("TSCA"), §§ 2682(c) and 2686(b), during a "renovation," as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83, of "target housing," as defined at 40 C.F.R. § 745.103, at 17 Pleasant Street in Auburn, Maine.

EPA finds that Respondent was subject to the RRP Rule and failed to comply with:

- (1) Certification requirements by failing to obtain initial firm certification as required by 40 C.F.R. §745.89(a) pursuant to 40 C.F.R. §745.81(a)(2)(ii);
- (2) Certification Requirements of 40 C.F.R. §745.89(d)(2) pursuant to 40 C.F.R. §745.81(a)(3) by failing to ensure that a certified renovator is assigned to each renovation performed by the firm and that the firm discharges all of the certified renovator responsibilities identified in 40 C.F.R. §745.90;
- (3) Work practice requirements by failing to post warning signs clearly defining work areas in accordance with 40 C.F.R. §745.85(a)(1) as required by 40 C.F.R. §745.86(d);
- (4) Work practice requirements by failing to cover the ground with plastic sheeting prior to renovation in accordance with 40 C.F.R. §745.85(a)(2)(ii)(C) as required by 40 C.F.R. §745.89(d); and
- (5) Recordkeeping requirements by failing to maintain renovation records and reports for at least three (3) years in accordance with 40 C.F.R. §745.86(a) as required by 40 C.F.R. §745.89(d).

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorize assessment of a civil penalty of up to \$37,500 per day per violation, for violations occurring on or after January 13, 2009.

For the purpose of this proceeding, Respondent admits it is subject to the RRP Rule and TSCA and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies the

specific factual allegations stated above, consents to the assessment of the penalty below, and waives any objections it may have to EPA's jurisdiction in this matter.

The parties enter into this RRP Settlement Agreement ("Agreement") in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$1,982**. Based on Respondent's ability to pay, Respondent consents to the issuance of this Agreement and consents to the payment of such penalty in three monthly installments, including interest. EPA has determined that this payment plan is in the best interest of the United States. The payments shall be made as follows:

First payment due November 1, 2017: \$662.00;  
Second payment due December 1, 2017: \$663.30 (\$660.00 principal plus \$3.30 interest); and  
Third payment due January 1, 2018: \$663.30 (\$660.00 principal plus \$3.30 interest).

If Respondent fails to make any payment by its due date, the full amount of \$1,982, plus interest from the effective date, shall be due immediately. Respondent shall pay interest on the late amount pursuant to 15 U.S.C. § 2615 and 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. §901.9(b)(2).

Respondent agrees that the first payment shall be made by November 1, 2017, as set out above, and that the additional two payments shall be made in accordance with the above schedule. Respondent shall submit checks, with the case name and docket number noted ("In the Matter of Northeast Rental Housing of Central Maine, LLC ("NRH"), LLC, Docket No. TSCA-01-2017-0077"), for the amount specified above, payable to "Treasurer, United States of America," and St. Louis, MO 63197-9000.

Respondent shall also submit a copy of each check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (ORA 4-06), Boston, MA 02109-3912 and to Andrea Simpson, Senior Enforcement Counsel, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES04-2), Boston, MA 02109-3912.

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. Respondent consents to the assessment of the penalty and waives its right to: (1) contest the findings of violation specified in this Agreement; (2) a judicial or administrative hearing or appeal on any issue of law or fact set forth herein; and (3) appeal the Final Order accompanying this Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that it has corrected all violations and is in full compliance

with the RRP Rule including, as necessary, obtaining renovator and/or firm certification and training.

This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA, or of any other federal statute or regulation.

Nothing in this agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. §504.

If Respondent does not sign and return this Agreement within **twenty (20) days** of the date of its receipt, this proposed settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. §22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

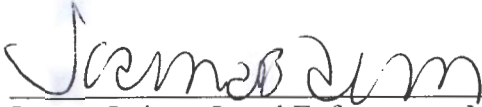
APPROVED BY Northeast Rental Housing of Central Maine, LLC:

Name (print): Anthony J. Ticoeur

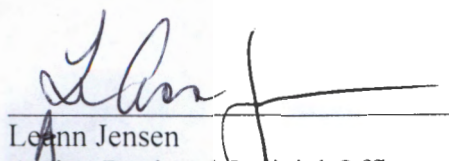
Title (print): owner

Signature: [Handwritten Signature] Date: 10.18.17

APPROVED BY EPA:

 Date: 11/3/17  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA - Region 1 (New England)

IT IS SO ORDERED:

 Date: 11/6/17  
Leann Jensen  
Acting Regional Judicial Officer  
U.S. EPA - Region 1 (New England)