

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Peter DeCambre 12/12/19  
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2019-0062

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:

Justin C. Caramagno  
Terravecchia Bldg. & Restoration, Inc.  
20 Penhallow Street  
Ratsmouth, NH 03801

Total Dollar Amount of Receivable \$ 1,964 Due Date: 12/12/19

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

Installment Method (if applicable)

INSTALLMENTS OF:  
1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
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 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

BY HAND

December 11, 2019

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

RECEIVED  
DEC 11 2019  
EPA ORC  
Office of Regional Hearing Clerk *WS*

Re: In Re: Terravecchia Building & Restoration, Inc.  
Docket No. TSCA-01-2019-0062

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter DeCambre".

Peter DeCambre  
Senior Enforcement Counsel

Enclosure

cc: Justin C. Caramagno, Esq.  
Mary Angeles, Headquarters Hearing Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
BEFORE THE ADMINISTRATOR**

RECEIVED

DEC 11 2019

EPA ORC *WJ*  
Office of Regional Hearing Clerk

\_\_\_\_\_  
In the Matter of: )  
 )  
Terravecchia Building )  
& Restoration, INC. )  
20 Penhallow Street )  
Portsmouth, New Hampshire 03801 )  
 )  
Respondent. )  
 )  
Proceeding under Section 16(a) of the )  
Toxic Substances Control Act, )  
42 U.S.C. § 2615(a) )  
\_\_\_\_\_ )

**Docket No.**

**TSCA-01-2019-0062**

**COMPLAINT AND  
NOTICE OF  
OPPORTUNITY FOR  
HEARING**

**CONSENT AGREEMENT AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondent, Terravecchia Building & Restoration, Inc. (“Respondent”), has agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

**I. PRELIMINARY STATEMENT**

1. EPA initiated this proceeding against Respondent pursuant to Section 16 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615, by filing an Administrative Complaint.

2. The Complaint alleges that Respondent violated Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and federal regulations promulgated under TSCA, including 40 C.F.R. Part 745, Subpart E (*Residential Property Renovation*, 40 C.F.R. §§ 745.80-745.92) and 40 C.F.R. Part 745, Subpart L (*Lead-Based Paint Activities*, 40 C.F.R. §§ 745.220- 745.239).

3. The provisions of this CAFO shall apply to and be binding on Respondent, its successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint 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 allegations contained in the Complaint, consents to the terms of this CAFO.

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

## **II. TERMS OF SETTLEMENT**

6. Respondent hereby certifies that it is currently operating and will operate its business in compliance with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, and the Renovation, Repair and Painting Rule set forth at 40 C.F.R. Part 745, Subpart E and 40 C.F.R. Part 745, Subpart L.

7. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature, circumstances, extent, and gravity of the violations, EPA has determined that an

appropriate civil penalty to settle this action is in the amount of one thousand nine hundred sixty-four dollars (\$1,964).

8. Respondent consents to the issuance of this CAFO and consents to the payment of a civil penalty of \$1,964, which shall be due within 30 calendar days of the effective date of this CAFO.

9. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case (*In the Matter of Terravecchia Building & Restoration, Inc.*; TSCA-01-2019-0062), be in the amount stated above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Include the phrase "Government Lockbox 979077" on the shipping label.

**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"

Respondent shall provide copies of the check (or documentation of other type of payment) to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code ORC 4-6  
Boston, MA 02109-3912

and

Peter DeCambre  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code ORC 4-3  
Boston, MA 02109-3912

10. 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).

11. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

12. 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.

13. 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. This CAFO in no way relieves Respondent or its employees of any criminal liability. 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.

14. The parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive 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.

15. 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.

16. 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.

17. 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:**

  
\_\_\_\_\_  
Joseph W. Terravecchia President  
Terravecchia Building & Restoration, Inc.

12/3/19  
Date

**For Complainant:**



Karen McGuire, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency  
Region I

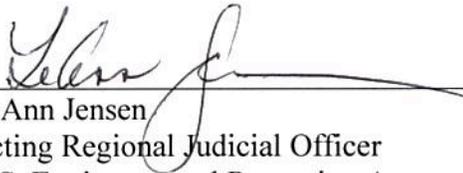
December 9, 2019  
Date

**II. FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18(b) and (c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Consent Agreement, in the manner indicated.

The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

Date: 12/11/19

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

CERTIFICATE OF SERVICE

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

Original and one copy,  
hand-delivered to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA – Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, Massachusetts 02109-3912

One copy by Electronic and  
First Class Mail to:

Joseph W. Terravecchia  
Terravecchia Building & Restoration, Inc.  
669 Center Road  
Lebanon, Maine 04027

12/11/2019

Date



Peter DeCambre, Sr. Enforcement Counsel  
U.S. EPA Region 1  
5 Post Office Square, Suite 100 (OES 04-3)  
Boston, MA 02109-3912

Phone (dir.): (617) 918-1890

Fax: (617) 918-0890

E-mail: [decambre.peter@epa.gov](mailto:decambre.peter@epa.gov)