

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrea Simpson 4/7/17  
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2017-0032

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:

Robinson Araujo  
Robinson's Painting & Home Improvement  
34 Sanford Street  
Fairfield, CT 06824

Total Dollar Amount of Receivable \$ 3,000 Due Date: \_\_\_\_\_

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

Installment Method (if applicable)

INSTALLMENTS OF:

1 <sup>st</sup> \$ <u>255</u> on <u>4/15/17</u>	7 <sup>th</sup> on <u>10/15/17</u>
2 <sup>nd</sup> \$ <u>255</u> on <u>5/15/17</u>	8 <sup>th</sup> on <u>11/15/17</u>
3 <sup>rd</sup> \$ <u>255</u> on <u>6/15/17</u>	9 <sup>th</sup> on <u>12/15/17</u>
4 <sup>th</sup> \$ <u>255</u> on <u>7/15/17</u>	10 <sup>th</sup> on <u>1/15/18</u>
5 <sup>th</sup> \$ <u>255</u> on <u>8/15/17</u>	11 <sup>th</sup> on <u>2/15/18</u>
6 <sup>th</sup> \$ <u>255</u> on <u>9/15/17</u>	12 <sup>th</sup> on <u>3/15/18</u>

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

April 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

APR 07 2017

EPA ORC WS  
Office of Regional Hearing Clerk

Re: Robinson's Painting & Home Improvement  
Docket No. TSCA-01-2017-0032

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,

A handwritten signature in blue ink, appearing to read "Andrea Simpson".

Andrea Simpson  
Senior Enforcement Counsel

cc: Robinson Araujo

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

RRP 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-01-2017-0032



The U.S. Environmental Protection Agency ("EPA") finds that Respondent, Robinson's Painting & Home Improvement, LLC, 36 Sanford Street, 2nd Floor, Fairfield, Connecticut 06824, failed to comply with the Renovation, Repair and Painting ("RRP") Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Section 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 a child-occupied facility as defined at 40 C.F.R. §745.224, at 336 Westport Road, Easton, CT 06612, in August 2015.

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

- 1) Notification requirements by failing to provide the parents of children using a child-occupied facility with an EPA-approved pamphlet prior to the renovations, as required by 40 C.F.R. §745.84(c);
- 2) Work practice requirements by failing to cover the ground before beginning work, as required by 40 C.F.R. §745.85(a)(2)(ii)(C);
- 3) Notification requirements by failing to post warning signs defining the work area while the work was on-going, as required by 40 C.F.R. §745.85(a)(1);
- 4) Work practice requirements by failing to contain waste from renovation activities to prevent releases of contaminated wastes, as required by 40 C.F.R. §745.85(a)(4)(i); and
- 5) Work practice requirements by engaging in prohibited practices such as dry sanding and scraping without a HEPA vacuum, as required by 40 C.F.R. §745.85(a)(3)(ii).

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, authorizes 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, including Respondent's ability to pay, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$3,000 plus interest. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Using the payment schedule below, the Respondent will make twelve (12) equal payments of \$255.00. EPA has determined that this payment schedule is in the best interest of the United States. Respondent shall submit each check, with case name and docket number noted ("In the Matter of Robinson's Painting & Home Improvement, LLC, Docket No. TSCA-01-2017-0032"), for the amount specified above, payable to the "Treasurer, United States of America," to:

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

Respondent shall also submit copies of all the checks to:

Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, MA 02109-3912

and to:

Andrea Simpson  
Senior Enforcement Counsel  
U.S. EPA Region 1  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02109-3912

Payment 1, due April 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 2, due May 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 3, due June 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 4, due July 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 5, due August 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 6, due September 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 7, due October 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 8, due November 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 9, due December 15, 2017:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 10, due January 15, 2018:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 11, due February 15, 2018:	\$255.00 (\$250.00 plus \$5.00 interest)
Payment 12, due March 15, 2018:	\$255.00 (\$250.00 plus \$5.00 interest)

If Respondent fails to make any payment by its due date, the full amount of \$3,000, 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 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 at the location cited above.

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, and in accordance with 40 C.F.R. §22.31(b), is effective upon signature of the parties, approval of the Regional Judicial Officer and filing with the Regional Hearing Clerk.

APPROVED BY ROBINSON PAINTING & HOME IMPROVEMENT, LLC:

Name (print): Robinson Araujo

Title (print): OWNER

Signature:  Date: 03/22/17  
Robinson Araujo  
Robinson's Painting & Home Improvement

APPROVED BY EPA:

  
\_\_\_\_\_  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA – Region 1 (New England)

Date: 4/4/2017

IT IS SO ORDERED:

  
\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA – Region 1 (New England)

Date: 4/6/17