

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrea Simpson 3/4/16
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2015-0046

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:

VB Home Improvement, LLC
39 Westerfield Road
Hamden, CT 06514

Total Dollar Amount of Receivable \$ 730 Due Date: 4/3/16

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ 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

RECEIVED

MAR 03 2016

EPA ORC
Office of Regional Hearing Clerk

BY HAND

March 3, 2016

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

Re: In the Matter of VB Home Improvement LLC
Docket Number TSCA-01-2015-0046

Dear Ms. Santiago:

In accordance with 40 C.F.R. § 22.18(b), enclosed for filing in the above-referenced case, please find a Toxic Substances Control Act Renovation, Repair and Painting (RRP) Rule Micro-Business Settlement Agreement that has been signed by the parties and approved by the Regional Judicial Officer. Consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b) this Settlement Agreement both commences and concludes the matter.

Thank you for your attention to this matter.

Sincerely,

Andrea Simpson
Senior Enforcement Counsel
U.S. EPA, Region 1

Enclosure

cc: VB Home Improvement, LLC c/o Vincenzo Buontempo
Ronnie Levin, EPA Region 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

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

RECEIVED

MAR 03 2016

EPA ORC WS
Office of Regional Hearing Clerk

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-01-2015-0046

The U.S. Environmental Protection Agency (“EPA”) finds that Respondent, VB Home Improvement, LLC, 39 Westerfield Road, Hamden, Connecticut 06514, 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. § 745.224, at 338 Grand Street, New Haven, Connecticut 06513 and at 205 Ferry Street, New Haven, Connecticut 06513.

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

- 1) Records requirements by failing to maintain renovation records and reports as required by 40 C.F.R. § 745.86 for work completed at 338 Grand Street, New Haven, CT; and
- 2) Certification Requirements by failing to obtain initial certification for the firm from EPA, as required under 40 C.F.R. § 745.81(a)(2) and 40 C.F.R. § 745.89(a).

In violating the RRP Rule, Respondent violated Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and 40 C.F.R. § 745.87(a).

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 **\$730**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent agrees that, within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check, with case name and docket number noted ("In the Matter of VB Home Improvement, LLC, Docket No. TSCA-01-2015-0046"), for the amount specified above, payable to "Treasurer, United States of America," and mail the check to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Respondent shall also submit a copy of the check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (ORA18-1), Boston, MA 02109-3912 and 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.

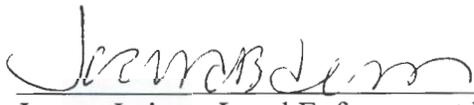
APPROVED BY VB Home Improvement, LLC:

Name (print): VB Home Improvement LLC / Vincenzo Buontempo

Title (print): Owner / Operating member

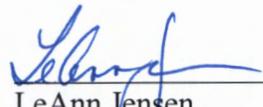
Signature:  Date: 2/9/16

APPROVED BY EPA:

 Date: 3/2/16

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

IT IS SO ORDERED:

 Date: 3/3/16

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

Docket No. TSCA-01-2015-0046

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 VB Home Improvement, LLC Docket No. TSCA-01-2015-0046, were filed with the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below:

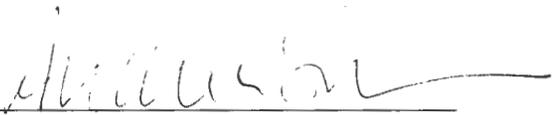
Original and one copy
by hand delivery to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1, (ORA18-1)
5 Post Office Square, Suite100
Boston, MA 02109

Copy by certified mail to:

VB Home Improvement, LLC
c/o Vincenzo Buontempo
39 Westerfield Road
Hamden, CT 06514

Date: March 3, 2016


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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

MAR 03 2016

EPA ORC ^{WS}
Office of Regional Hearing Clerk

March 3, 2016

VB Home Improvement, LLC
c/o Vincenzo Buontempo
39 Westerfield Road
Hamden, CT 06514

Re: **Consent Agreement and Final Order**
Docket No. TSCA-01-2015-0046

I am writing to let you know that the EPA Regional Judicial Officer has approved and signed the Microbusiness Settlement Agreement. A copy of the fully executed document is enclosed. A copy will also be filed with the EPA Regional Hearing today.

The Agreement becomes effective on the day it is filed with the EPA Regional Hearing Clerk and the penalty payment is due within 30 days of that date. As the Agreement is being filed today, **payment of the \$730 penalty is due no later than April 3, 2016.**

Payment must be made by check, made out to "Treasurer, United States of America," and mailed to:

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

VB Home Improvement, LLC Consent Agreement and Final Order
Docket No. TSCA-01-2015-0046

You must also send a copy of the check to:

Ronnie Levin
U.S. EPA - Region 1 (New England)
5 Post Office Square, Suite 100
Mail Code OES 05-4
Boston, MA 02109-3912

If you have any questions, please feel to contact me at 617-918-1738.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrea Simpson", followed by a horizontal line extending to the right.

Andrea Simpson
Senior Enforcement Counsel
U.S. EPA, Region 1

Enclosure:

Micro-Business Settlement Agreement

cc: Ronnie Levin, EPA Region 1