

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	DOCKET NO. TSCA-03-2015-0073
)	
RLS, LLC)	
504 Glencoe Avenue)	
Fort Washington, PA 19034)	Proceeding under Section 16(a) of the
)	Toxic Substances Control Act,
Respondent.)	15 U.S.C. § 2615(a)

REGIONAL HEARING OFFICE
EPA REGION III PHILADELPHIA
2015 MAY -7 AM 9:57

RECEIVED

EXPEDITED SETTLEMENT AGREEMENT

1. This Expedited Settlement Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA”), and RLS, LLC (“Respondent”), pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and 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, with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. EPA finds that Respondent was subject to 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 TSCA, 15 U.S.C. §§ 2682(c) and 2686(b), during a “renovation” as defined at 40 C.F.R. § 745.83, of “target housing” as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.223, at 1300 North Franklin Street, Wilmington, DE 19806.

3. EPA finds that Respondent failed to comply with the RRP Rule by failing to: a) obtain initial firm certification from EPA to perform renovations on “target housing” for compensation as required by 40 C.F.R. § 745.89(a) and 40 C.F.R. § 745.81(a)(2)(ii); and b) retain all records necessary to demonstrate compliance with the residential property renovation as required by 40 C.F.R. § 745.86. 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.

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Settlement Agreement and the attached Final Order (“Agreement”).

5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Agreement.

6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.

7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.

8. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.

9. Each Party to this Agreement shall bear its own costs and attorney's fees.

10. 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 the assessment of a civil penalty of up to \$37,500 per day for each violation of Section 15 or 409 of TSCA, 15 U.S.C. § 2614 or 2689, occurring on or after January 13, 2009.

11. The parties enter into this Agreement in order to settle the civil violations alleged above. Pursuant to TSCA, *EPA's Lead Based Paint Expedited Settlement Agreement Pilot Program* (May 29, 2012), and based on the nature of the violations and other relevant statutory factors set forth at Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), EPA has determined that an appropriate civil penalty to settle this action is **\$2,000 (Two Thousand Dollars)**.

12. Respondent agrees that within 30 days of the effective date of this Agreement (the date on which this Agreement is filed with the Regional Hearing Clerk), Respondent shall submit a check, with case name and docket number noted ("In the Matter of RLS, LLC, Docket No. TSCA-03-2015-0073"), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to:

Janet E. Sharke
Senior Asst. Regional Counsel
U.S. EPA, Region III
Mail Code 3RC50
1650 Arch Street
Philadelphia, PA 19103

Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III
Mail Code 3RC00
1650 Arch Street
Philadelphia, PA 19103

13. Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States government, that it has corrected all violations referenced herein and is in full compliance with the RRP Rule.

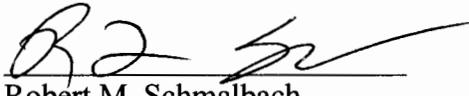
14. This Agreement settles EPA's civil penalty claims against Respondent for the violations described herein. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA or any other federal statute or regulation.

15. 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.

16. 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.

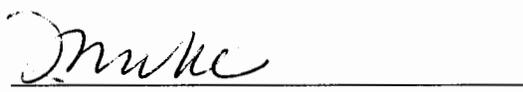
17. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind RLS, LLC to this Agreement.

FOR RESPONDENT:


Robert M. Schmalbach
Member, RLS, LLC
504 Glencoe Avenue
Fort Washington, PA 19034

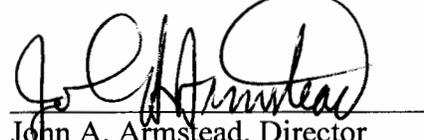
3/1/15
Date

FOR COMPLAINANT:


Janet E. Sharke
Senior Assistant Regional Counsel
U.S. EPA, Region III
Philadelphia, PA 19103

3/24/2015
Date

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.


John A. Armstead, Director
Land and Chemicals Division
U.S. EPA, Region III
Philadelphia, PA 19103

4.15.15
Date

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

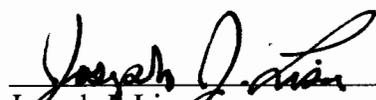
IN RE:)	DOCKET NO. TSCA-03-2015-0073
)	
RLS, LLC)	
504 Glencoe Avenue)	FINAL ORDER
Fort Washington, PA 19034)	
)	
Respondent.)	Proceeding under Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615(a)

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, RLS, LLC, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

WHEREFORE, pursuant to the authority of Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615, and having determined, based on the representations of the parties to the attached Expedited Settlement Agreement, that the civil penalty agreed therein was based upon consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of two thousand dollars (\$2,000) in accordance with the payment provisions set forth in the attached Expedited Settlement Agreement.

The effective date of the foregoing Expedited Settlement Agreement and this **FINAL ORDER** is the date on which this **FINAL ORDER** is filed with the EPA Regional Hearing Clerk.



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III
Philadelphia, PA 19103

5-6-2015
Date