

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrea Simpson 5/19/15  
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2015-0012

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:

DiNuzzo LLC d/b/a DiNuzzo Painting  
Pasquale DiNuzzo  
150 Northford Road  
Wallingford, CT 06492

Total Dollar Amount of Receivable \$ 1,480 Due Date: 6/14/15

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, MASSACHUSETTS 02109-3912

BY HAND

May 14, 2015

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MAY 14 2015

EPA ORC WS  
Office of Regional Hearing Clerk

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 DiNuzzo LLC d/b/a DiNuzzo Painting  
Docket Number TSCA-01-2015-0012

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,

A handwritten signature in black ink, appearing to read "Andrea Simpson", with a long horizontal line extending to the right.

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

Enclosure

cc: Pasquale DiNuzzo, DiNuzzo LLC d/b/a DiNuzzo Painting  
Molly Magoon, EPA Region 1  
Francesca Provenzano, CT DPH

Docket No. TSCA-01-2015-0012

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 DiNuzzo LLC d/b/a DiNuzzo Painting Docket No. TSCA-01-2015-0012, were filed with the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below:

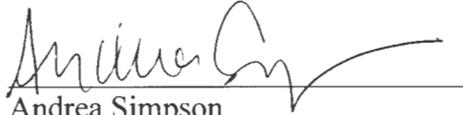
Original and one copy  
by hand delivery to:

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:

Pasquale DiNuzzo  
DiNuzzo LLC d/b/a DiNuzzo Painting  
150 Northford Road  
Wallingford, CT 06492

Date: May 14, 2015

  
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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EPA ORC  
Office of Regional Hearing Clerk

**MEMORANDUM**

**DATE:** May 1, 2015

**TO:** Leann Jensen  
Acting Regional Judicial Officer

**FROM:** Andrea Simpson  
Senior Enforcement Counsel, OES

**SUBJ:** Consent Agreement and Final Order  
In the Matter of DiNuzzo LLC d/b/a DiNuzzo Painting  
Docket Number TSCA-01-2015-0012

This memo transmits for your signature a Consent Agreement and Final Order (CAFO) in the Matter of DiNuzzo LLC d/b/a DiNuzzo Painting, both initiating and resolving alleged violations of the Renovation, Repair and Painting Rule and the Toxic Substances Control Act.

The CAFO requires DiNuzzo LLC to pay a penalty of \$1,480. The penalty is consistent with statutory penalty factors set forth in Section 16 of TSCA, 15 U.S.C. § 2615, as well as EPA's Pilot RRP Program for Micro-Businesses. TSCA does not require public notice or opportunity for public comment in administrative settlements.

Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk, thereby resolving this matter.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**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-01-2015-0012**

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, DiNuzzo LLC, doing business as DiNuzzo Painting, 150 Northford Road, Wallingford, Connecticut 06492, 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 "target housing," as defined at 40 C.F.R. § 745.224, at 163 East Rock Road, New Haven, Connecticut 06511.

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

- 1) Certification requirements by failing to obtain initial certification for the firm from EPA, as required under 40 C.F.R. § 745.89(a), pursuant to 40 C.F.R. § 745.81(a)(2)(ii);
- 2) Notification requirements by failing to provide the owner of the unit with the EPA approved pamphlet, as required by 40 C.F.R. § 745.84(a)(1); and
- 3) Work practice requirements for exterior renovations by failing to use a HEPA exhaust control while power-sanding the side of a house during paint removal, as required by 40 C.F.R. § 745.85(a)(3)(ii).

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

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**MAY 14 2015**

EPA ORC *WS*  
Office of Regional Hearing Clerk

that an appropriate civil penalty to settle this action is in the amount of **\$1,480**. 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 DiNuzzo LLC, d/b/a DiNuzzo Painting, Docket No. TSCA-01-2015-0012"), 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 Molly Magoon, Environmental Protection Specialist, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES05-4), 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 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.

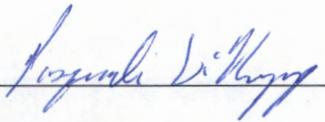
This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional

Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

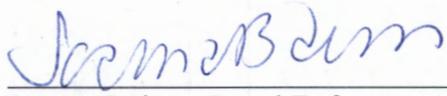
APPROVED BY DiNuzzo LLC d/b/a DiNuzzo Painting:

Name (print): Pasquale DiNuzzo

Title (print): owner

Signature:  Date: 4/10/15

APPROVED BY EPA:

 Date: 5/8/15

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

IT IS SO ORDERED:

 Date: 5/12/15

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