

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

U.S. EPA-REGION 3-RHC
FILED-18SEP2018PM12:30

In the Matter of:)
)
Global Home Improvements, Inc.)
1680 Loretta Avenue)
Feasterville, Pennsylvania 19053) Docket No.: TSCA-03-2018-0147
)
a/d/b/a)
)
Global Home Improvements,) Proceeding Under Sections 16(a) and
) 409 of the Toxic Substances Control
) Act, 15 U.S.C. §§ 2615(a) and 2689
RESPONDENT.)

CONSENT AGREEMENT

This Consent Agreement is entered into by the Acting Director for the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Global Home Improvements, Inc., also doing business as Global Home Improvements (“Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“*Consolidated Rules of Practice*”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)).

I. PRELIMINARY STATEMENT AND STIPULATIONS

1. The violations cited herein pertain to the Respondent’s alleged failure to comply fully with the Lead Renovation, Repair, and Painting Program (commonly known as the “RRP Rule”) firm recertification, notification and recordkeeping requirements set forth and codified by EPA at 40 C.F.R. Part 745, Subpart E, during the performance of renovations for compensation on certain pre-1978 housing during calendar years 2016 and 2017.
2. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the *Consolidated Rules of Practice*, Complainant hereby simultaneously commences and resolves, as part of the settlement set forth herein, EPA’s civil claims alleged in Sections IV and V of this Consent Agreement.

II. JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA” or the “Agency”) has jurisdiction over the above-captioned matter pursuant to Sections 16(a) and 409 of TSCA, 15 U.S.C. §§ 2615(a) and 2689, and 40 C.F.R. §§ 22.1(a)(5) and 22.4 of the *Consolidated Rules of Practice*.

III. GENERAL PROVISIONS

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and the attached Final Order, hereinafter collectively referred to as the “CAFO.”
5. Except as provided in Paragraph 4, immediately above, the Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.
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 Consent Agreement and any right to appeal the accompanying Final Order.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
9. Each party to this Consent Agreement shall bear its own costs and attorney’s fees.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the *Consolidated Rules of Practice*, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
11. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Act), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. The Act amended TSCA by adding *Subchapter IV – Lead Exposure Reduction*, TSCA Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.
12. Section 402(c) of TSCA, 15 U.S.C § 2682, required the Administrator of EPA to promulgate regulations for the certification of individuals engaged in renovation or remodeling activities in target housing, public buildings built before 1978, and commercial buildings.

13. Section 407 of TSCA, 15 U.S.C. § 2687 required that the regulations promulgated by the Administrator include such record keeping and reporting requirements as may be necessary to insure the effective implementation of TSCA Subchapter IV.
14. Under the RRP Rule, each person who performs for compensation, a renovation of target housing or a child-occupied facility must be trained and certified by an EPA accredited training provider to conduct renovation, remodeling and or painting activities in target housing and or child-occupied facilities or must be employed by an EPA-certified renovation firm.
15. Pursuant to 40 C.F.R. § 745.83, the term “firm” means “a company, partnership, corporation, sole proprietorship or individual doing business, association or other business entity; a Federal, State, Tribal or local government agency; or a nonprofit organization.”
16. Pursuant to 40 C.F.R. § 745.83, the term “renovation” means “the modification of any existing structure, or portion thereof that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 C.F.R. § 745.223.”
17. Pursuant to Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the term “target housing” means “any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.”
18. Respondent Global Home Improvements, Inc. is a Pennsylvania corporation with a business office located at 1680 Loretta Avenue, Feasterville, Pennsylvania 19053. Respondent, which also does business under the fictitious name of “Global Home Improvements,” specializes in the performance of residential remodeling construction, including metal roof, siding, window and gutter/downspout replacements and associated alterations, reconstruction, maintenance and repair work, of houses and other single-family and multifamily residential buildings in the Southeast Pennsylvania and nearby New Jersey and Delaware regional area.
19. Respondent is and was, at all times herein relevant, a “person” and a “firm,” that performed “renovation” (as those terms are defined at 40 C.F.R. § 745.83) activities, including “renovations for compensation” (within the 40 C.F.R. § 745.89(a)(1) use and meaning of that term) at “residential dwelling[s]” and “target housing” (as those terms are defined at 40 C.F.R. § 745.103) properties.
20. In response to a complaint, a duly authorized representative of EPA (the “EPA Inspector”) sent a June 13, 2017 letter to Respondent’s President which notified Respondent that EPA representatives planned to conduct an RRP Rule inspection, pursuant to Section 409 of TSCA, at Respondent’s Feasterville, PA office on June 28, 2017. In that letter, the EPA Inspector instructed Respondent to have available, for his review and collection, documents “from January 1, 2016 to the present [date of June 13,

2017]”, including:

1. A list of all residential properties or child occupied facilities built before 1978 where renovation, remodeling, or other work which disturbed more than 6 square feet of paint for interior renovations or more than 20 square feet for exterior renovations was conducted by you, employees of your company or contracted;” [and]
 2. Copies of all contracts for renovations designated in 1 above [*i.e.*, in pre-1978 housing where jurisdictional amounts of paint were disturbed], including any attachments and contract modifications, addendums, receipts and copies of permits
21. A representative of Respondent subsequently contacted the EPA Inspector seeking to reschedule the proposed RRP Rule inspection date. The inspection was rescheduled for July 19, 2017 at 10:00 a.m., and the EPA Inspector sent Respondent’s representative an e-mail confirmation of the rescheduled date and time for EPA’s planned RRP Rule inspection at Respondent’s 1680 Loretta Avenue, Feasterville, Pennsylvania office (the “Facility”). In that confirmation e-mail, the EPA Inspector further reminded Respondent to “[p]lease have available for the inspectors the items outlined in the original inspection notification letter (copy attached).”
 22. On July 19, 2017, three duly-authorized EPA representatives (the “Inspectors”) visited the Respondent’s Facility, received Respondent’s consent to perform the planned RRP Rule inspection, interviewed the Respondent’s President, and proceeded to collect a representative sample of target housing renovation contracts and associated documentation pertaining to renovation activities performed by the Respondent at target housing properties.
 23. During the July 19, 2017 RRP inspection conducted at Respondent’s Facility, one of the EPA Inspectors collected a representative sample of 20 customer contracts with attachments and associated documentation (including contract modifications, addendums, receipts and copies of permits, if any) that Respondent had entered into between the period of January 1, 2016 and June 30, 2017 for its performance of renovation activities at “target housing” “residential dwelling” properties (as these terms are defined at 40 C.F.R. § 745.103), that were each constructed prior to 1978 and which Respondent’s representatives identified as involving renovation, remodeling, or other work that disturbed more than the RRP Rule’s jurisdictional amount of 6 square feet of paint for interior renovations or 20 square feet for exterior renovations.
 24. The 20 representative sample of customer contracts, with attachments and associated documentation, that are referenced in the preceding Paragraph pertained to target housing “renovations performed for compensation” (within the meaning and applicability of 40 C.F.R. § 745.82(a)), by the Respondent in calendar years 2016 and 2017 and were collected by the EPA Inspector for the purpose of reviewing such records (*i.e.*, conducting a “Records Review”) in an effort to determine Respondent’s level of

compliance with certain applicable RRP Rule requirements during renovation activities performed by the Respondent at the subject target housing properties.

25. The representative sample of 20 customer contracts, with attachments and associated documents, that the EPA Inspectors collected from the Respondent on July 19, 2017 included contracts, attachments and associated documents that pertained to each of 17 target housing residential dwelling property renovation projects, identified and described in the Chart, immediately below, which Respondent entered into with target housing residential dwelling property owners between the period of January 1, 2016 and June 30, 2017.

Renovation Project Number	Contract Date	Residential Dwelling Property Address	Year Housing Built	Renovation Activities Performed and Subject to RRP Rule
1.	1/20/16	532 Grand Ave., Ewing, NJ 08628	1890	Paint disturbed during Window Replacement Project
2.	2/6/16	7 Carter Road., W. Orange, NJ 07052	1949	Paint disturbed during Window Replacement & (in excess of 6 square feet) during interior work on Front Entrance Walls
3.	2/12/16	1220 Friendship Lane., Upper Black Eddy, PA 18972	1974	Paint disturbed on 2 Interior Bathroom Walls + 3 Garage Door Replacements
4.	3/17/16	1028 S. 6 th Street, Phila., PA 19147	1915	Paint disturbed during Window Replacement Project
5.	3/17/16	864 Rundale Ave., Yeadon, PA 19050	1940	Paint disturbed during Window Replacement Project
6.	3/23/16	815 Clifford Ave., Ardmore, PA 19003 (Note: Contract lists zip code as 19087)	1909	Paint disturbed during Window Replacement Project
7.	5/31/16	27 Iler Drive, Middletown, NJ 07748	1958	Paint disturbed during Window Replacement Project
8.	6/28/16	2275 Esten Road, Quakertown, PA 18951	1750	Paint disturbed during Window Replacement Project
9.	7/7/16	1240 N. Redfield St., Phila., PA 19151 (Note: Contract lists zip code as 19139)	1925	Paint disturbed during Window Replacement project
10.	7/13/16	6 Hathaway Lane, Montville, NJ 07045	1961	Paint disturbed during Window Replacement project
11.	7/16/16	306 Lydecker Street, Englewood, NJ 07631	1927	Paint disturbed during Window Replacement project
12.	8/14/16	146 Pascack Road, Hillsdale, NJ 07642	1946	Paint disturbed during Window Replacement project
13.	8/15/16	508 N. 55 th Street, Phila., PA 19131	1925	Paint disturbed during Window Replacement project
14.	8/17/16	516 Dorian Court, Westfield, NJ 07090	1927	Paint disturbed during Window Replacement project

15.	10/27/16	3450 School Road, Kintnersville, PA 18930	1890	Paint disturbed (in Excess of 20 Square Feet jurisdictional amount) during Exterior Stucco Removal / Siding Replacement Project
16.	1/25/17	1120 Wisteria Drive, Malvern, PA 19355	1962	Paint disturbed (in Excess of 20 Square Feet jurisdictional amount) during Exterior Aluminum Siding Replacement Project
17.	5/3/17	351 Elm Ave., Burlington, NJ 08016	1920	Paint disturbed during Window Replacement Project

26. None of the renovations performed for compensation by the Respondent at any of the 17 target housing residential dwelling properties identified in the Paragraph 25 Chart, immediately above, involved a renovation in any target housing or in any child-occupied facility in which:

(1) “a written determination ha[d] been made by an inspector or risk assessor ... that the components affected by the renovation [we]re free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter . . . [.]” as provided at 40 C.F.R. § 745.82(a)(1);

(2) “a certified renovator, using an EPA recognized test kit . . . , ha[d] tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter . . . [.]” as provided at 40 C.F.R. § 745.82(a)(2); or

(3) “a certified renovator . . . collected a paint chip sample from each painted component affected by the renovation and a laboratory recognized by EPA . . . has determined that the samples are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter . . . [.]” as provided at 40 C.F.R. § 745.82(a)(3).

V. VIOLATIONS ALLEGED

COUNT I

Performing Target Housing Renovations for Compensation Without Maintaining Required Firm Certification

27. The allegations contained in Paragraphs 1 through 26 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.

28. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA, under 40 C.F.R. § 745.89, in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a) or (c).

29. 40 C.F.R. § 745.89(a) provides, in relevant and applicable part, that firms performing renovations for compensation must apply to, and obtain from, EPA an initial certification to perform renovations or dust sampling.
30. 40 C.F.R. § 745.89(b) provides, inter alia, that a firm must maintain the certification (hereinafter, “lead-safe firm certification”) required to perform renovations for compensation by getting timely re-certified by EPA every 5 years or, failing that, the firm must not perform renovations or dust sampling until it is certified anew pursuant to 40 C.F.R. § 745.89(a).
31. 40 C.F.R. § 745.89(b)(1)(iii) specifically provides that “[i]f the firm fails to obtain recertification before the firm's current certification expires, the firm must not perform renovations or dust sampling until it is certified anew pursuant to paragraph (a) of this section [40 C.F.R. § 745.89].”
32. EPA issued the Respondent an initial lead-safe firm certification (Certification No. NAT-60393-1) that enabled Respondent to perform renovations for compensation on June 14, 2010.
33. Respondent’s initial lead-safe firm certification (Certification No. NAT-60393-1) expired on June 28, 2015 when Respondent failed to submit a timely application for re-certification to EPA pursuant to the requirements and provisions of 40 C.F.R. § 745.89(b)(1)(i).
34. Respondent subsequently failed to maintain its initial lead-safe firm certification beyond June 28, 2015, did not immediately obtain lead-safe firm certification anew (pursuant to 40 C.F.R. § 745.89(b)(1)(iii)), and remained without required EPA lead-safe firm certification authorizing it to perform renovations for compensation until it eventually applied for, and was issued, a new lead-safe firm certification on July 19, 2017 (*i.e.*, Certification No. NAT-60393-2), which carries an August 2, 2022 expiration date.
35. During the period of June 29, 2015 through July 18, 2017, Respondent continued to perform renovations for compensation at target housing or child-occupied facilities that did not qualify for any of the exceptions identified in 40 C.F.R. § 745.82(a) or (c) including, but not limited to, each of the 17 renovations for compensation that are identified as Renovation Project Numbers 1 through 17, in the Chart set forth in Paragraph 25, above.
36. Respondent’s continued performance of target housing renovations for compensation in target housing or child-occupied facilities that did not qualify for any of the exceptions identified in 40 C.F.R. § 745.82(a) or (c) during the period of June 29, 2015 through July 18, 2017 (*i.e.*, after the expiration of its initial lead-safe firm certification on June 28, 2015) without: (a) becoming re-certified, pursuant to the provisions of 40 C.F.R. § 745.89(b)(1)(i), or; (b) becoming certified anew, pursuant to the provisions of 40 C.F.R. § 745.89(b)(1)(iii), constitutes a failure on the part of the Respondent to comply with the applicable firm certification requirements of 40 C.F.R. § 745.89.

37. Respondent's failure to have and maintain a lead-safe firm certification from EPA, in accordance with the firm certification requirements of 40 C.F.R. § 745.89, at times when Respondent continued to perform target housing renovations for compensation in target housing or child-occupied facilities that did not qualify for any of the exceptions identified in 40 C.F.R. § 745.82(a) or (c), constitutes a violation of 40 C.F.R. § 745.87(a) and of Section 409 of TSCA, 15 U.S.C. § 2689.

COUNTS II - XVII

*Failing to Obtain Timely Written Acknowledgment of Target Housing Owners'
Receipt of EPA-Approved Lead Hazard Information Pamphlets*

38. The allegations contained in Paragraphs 1 through 37 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.
39. Pursuant to 40 C.F.R. § 745.84(a)(1), a firm performing a renovation in any residential dwelling unit of target housing must provide the owner of the unit with the EPA-approved lead hazard information pamphlet entitled "*Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*" within 60 days before beginning renovation activities and either: (i) obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or; (ii) obtain a certificate of mailing at least 7 days prior to the renovation.
40. The EPA Inspectors performed a Records Review of each of the contracts (including attachments and associated documentation) pertaining to those renovation for compensation projects performed by Respondents during calendar years 2016 and 2017 that the EPA Inspectors collected from the Respondent during the course of the July 19, 2017 RRP inspection conducted at Respondent's Facility.
41. The Records Review referenced in the preceding Paragraph established that the Respondent failed to have and maintain written acknowledgments from 16 target housing residential property owners for which contract and other renovation project records were collected, to substantiate that each such property owner had received the EPA approved lead hazard information pamphlet entitled "*Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*" (hereinafter "Lead Hazard Information Pamphlet") within 60 days of the initiation of target housing renovation activities, or a certificate of mailing at least 7 days prior to the renovation, in accordance with 40 C.F.R. § 745.84(a)(1)(i) or (ii) requirements.
42. The 16 target housing renovation projects for which Respondent failed to have and maintain written target housing residential property owner acknowledgments of timely Lead Hazard Information Pamphlet receipt, pertain to those target housing residential dwelling property renovation projects identified as Renovation Project Numbers 1 through 16 in the Chart set forth in Paragraph 25, above.

43. Subsequent to the July 19, 2017 RRP inspection and the completion of the EPA Inspector's above-referenced Records Review, Respondent has been unable to provide to the Inspectors, or to EPA, any information to document or to otherwise verify and confirm that any of the Renovation Project Numbers 1 through 16 target housing residential property owners, as those renovation projects are identified and described in the Chart set forth in Paragraph 25, above, ever received the required Lead Hazard Information Pamphlet from the Respondent prior to the Respondent's initiation and performance of renovation activities at each of their respective target housing residential properties.
44. Respondent's failure to obtain a written acknowledgment that each of 16 target housing residential dwelling property owners who contracted with the Respondent to perform Renovation Project Numbers 1 through 16, as identified in the Chart set forth in Paragraph 26, above, timely received the required Lead Hazard Information Pamphlet from the Respondent, constitutes 16 separate failures on the part of the Respondent to comply with an applicable RRP Rule requirement of 40 C.F.R. § 745.84(a)(1).
45. The Respondent's failure to comply with an applicable 40 C.F.R. § 745.84(a)(1) requirement, by and through its failure to obtain from each of 16 target housing residential dwelling property owners a written acknowledgment that they had each timely received the required EPA-approved lead hazard information pamphlet, constitutes 16 separate violations of 40 C.F.R. § 745.87(a) and of Section 409 of TSCA, 15 U.S.C. § 2689.

COUNTS XVIII - XXXIV

Failing to Make Available to EPA

*Documents Necessary to Demonstrate Respondent's Compliance With
the Requirements of Each Applicable RRP Rule Work Practice Standard*

46. The allegations contained in Paragraphs 1 through 45 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.
47. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain and, if requested, make available to EPA, all records necessary to demonstrate compliance with the requirements of 40 C.F.R. § 745, Subpart E, for a period of 3 years following completion of the renovation.
48. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovations must retain all records documenting compliance with the work practice standards of 40 C.F.R. § 745.85, including documentation that a certified renovator performed, or directed workers to perform, tasks described by 40 C.F.R. § 745.85(a), and followed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

49. At the time of the July 19, 2016 EPA Inspection, as determined by and through the EPA Records Review, Respondent did not have any records available to document whether a certified renovator performed, or directed workers to perform, the tasks required by 40 C.F.R. § 745.85(a), or to document whether Respondent followed the post-renovation cleaning verification standards described in 40 C.F.R. § 745.85(b), during the course of each of 17 target housing residential dwelling property renovations that Respondent performed pursuant to contracts dated between January 20, 2016 and May 3, 2107.
50. The 17 target housing renovation projects for which Respondent failed to have, maintain or retain records required to document whether a certified renovator performed, or directed workers to perform the tasks required by 40 C.F.R. § 745.85(a), or to document whether Respondent followed the post-renovation cleaning verification standards described in 40 C.F.R. § 745.85(b), pertain to those target housing residential dwelling property renovation projects identified as Renovation Project Numbers 1 through 17 in the Chart set forth in Paragraph 25, above.
51. Respondent's failure to provide to EPA, upon request, records that Respondent is required to retain in order to document its compliance with the work practice standards of 40 C.F.R. § 745.85, including documentation that a certified renovator performed, or directed workers to perform, tasks described by 40 C.F.R. § 745.85(a) and followed the post-renovation cleaning verification standards described in 40 C.F.R. § 745.85(b) during the course of each of the Renovation Project Numbers 1 through 17 target housing residential dwelling property renovations that Respondent performed between January 20, 2016 and on or about June of 2017, as identified in the Chart set forth in Paragraph 26, above, constitutes 17 separate failures on the part of the Respondent to comply with an applicable RRP Rule requirement of 40 C.F.R. § 745.86(b)(6).
52. Respondent's failure to comply with an applicable 40 C.F.R. § 745.86(a)(6) requirement through its failure to retain and provide to EPA, upon request, those records required to document compliance with the work practice standards of 40 C.F.R. § 745.85 during the course of 17 target housing residential dwelling property renovations identified in the preceding paragraph, constitutes 17 separate violations of 40 C.F.R. §745.87(a) and of Section 409 of TSCA, 15 U.S.C. § 2689.

VI. CIVIL PENALTY

53. In settlement of EPA's claims for civil penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Twenty-Eight Thousand Dollars (\$28,000.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire penalty of **Twenty-Eight Thousand Dollars (\$28,000.00)** within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against the Respondent pursuant to 40 C.F.R. § 13.11(a)(1).

54. The Parties represent that the settlement terms are reasonable and are based upon EPA's consideration of a number of factors, including the penalty criteria set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), *i.e.*, the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent's ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule ("LBP Consolidated ERPP")*, dated August 2010. Complainant has also considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19 and the January 11, 2018 Memoranda by EPA Assistant Administrator Susan Parker Bodine, entitled *Amendments to the EPA's Civil Penalty Policies to Account for Inflation (Effective January 15, 2018) and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule*.

55. Payment of the civil penalty amount shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, **TSCA-03-2018-0147**;
- b. All checks shall be made payable to "**United States Treasury**";
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Primary Contact: Craig Steffen, 513-487-2091
Secondary Contact: Contact: Jessica Henderson, 513-487-2718

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: (314) 418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

56. Respondent may also pay the amount described in Paragraph 53 above, electronically or on-line as follows:

- a. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045
(Field Tag 4200 of the wire transfer message should read:
"D 68010727 Environmental Protection Agency")

- b. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid, (202) 874-7026
or Remittance Express (REX): 1-866-234-5681

- c. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- d. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

57. A copy of Respondent's check or a copy of Respondent's electronic transfer payment shall be sent simultaneously to:

Regional Hearing Clerk (3RC00)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029;

and

A.J. D'Angelo
Senior Assistant Regional Counsel (3RC50)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

58. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and the attached Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
59. The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
60. A late penalty payment of six percent (6%) per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
61. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

VII. EFFECT OF SETTLEMENT

62. The settlement set forth in this CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have against Respondent under Section 16 of TSCA, 15 U.S.C. § 2615, for the specific violations alleged in Section V (“Violations Alleged”), above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

VIII. OTHER APPLICABLE LAWS

63. Nothing in this CAFO shall relieve Respondent of the obligation to comply with all applicable federal, state, and local laws and regulations.

IX. CERTIFICATION OF COMPLIANCE

64. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief that it currently is complying with all applicable provisions of TSCA and 40 C.F.R. Part 745.

X. RESERVATION OF RIGHTS

65. This Consent Agreement and the accompanying Final Order resolve only EPA’s claims for civil monetary penalties for the specific violations alleged against the Respondent in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). Further, EPA reserves any rights and remedies available to it under TSCA and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the EPA Regional Hearing Clerk.

XI. PARTIES BOUND

66. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent and the Respondent’s successors, agents and assigns.

XII. EFFECTIVE DATE

67. The effective date of this Consent Agreement and the accompanying Final Order (which is signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer), shall be the date the CAFO is filed with the EPA Regional Hearing Clerk pursuant to the *Consolidated Rules of Practice*.

XIII. ENTIRE AGREEMENT

68. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

XIV. EXECUTION

69. The person signing this Consent Agreement on behalf of the Respondent acknowledges and certifies by his signature that he is fully authorized to enter into this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For Respondent:

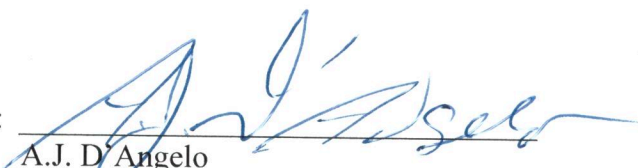
Date: 8.27.2018

By: 

Mr. Paul Kazlov, President
Global Home Improvements, Inc.

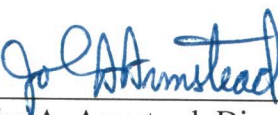
For Complainant:

Date: 9/6/2018

By: 
A.J. D'Angelo
Sr. Assistant Regional Counsel
UST, Asbestos, Lead & Pesticides Branch (3RC50)
U.S. Environmental Protection Agency, Region III

After reviewing the foregoing Consent Agreement and other pertinent information, the Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 9.13.18

By: 
John A. Armstead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

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

In the Matter of:)

Global Home Improvements, Inc.)
1680 Loretta Avenue)
Feasterville, Pennsylvania 19053)

a/d/b/a)

Global Home Improvements)

RESPONDENT.)

U.S. EPA-REGION 3-RHC
FILED-18SEP2018PM12:30

Docket No.: TSCA-03-2018-0147

Proceeding Under Sections 16(a) and
409 of the Toxic Substances Control
Act, 15 U.S.C. §§ 2615(a) and 2689

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Global Home Improvements, Inc., a/d/b/a as Global Home Improvements, have executed a document entitled "Consent 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 ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

WHEREFORE, pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2615(a) and 2689, with respect to violations of the Residential Property Renovation requirements of 40 C.F.R. Part 745, Subpart E, and having determined, based on the representations of the parties to the attached Consent Agreement, that the civil penalty agreed

therein was based upon a consideration of, *inter alia*: the statutory penalty factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B); EPA's *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule ("LBP Consolidated ERPP")*, dated August 2010, and the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19 and the January 11, 2018 Memoranda by EPA Assistant Administrator Susan Parker Bodine, entitled *Amendments to the EPA's Civil Penalty Policies to Account for Inflation (Effective January 15, 2018) and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule*, **IT IS HEREBY ORDERED** that Respondent pay a civil monetary penalty of Twenty-Eight Thousand Dollars (\$28,000.00), in accordance with the provisions of the foregoing Consent Agreement, and comply timely with each of the additional terms and conditions thereof.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region III, or his designee, the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Sept. 18, 2018



Joseph J. Lisa
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

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

In the Matter of:)

Global Home Improvements, Inc.)
1680 Loretta Avenue)
Feasterville, Pennsylvania 19053)

a/d/b/a)

Global Home Improvements)

RESPONDENT.)

U.S. EPA-REGION 3-RHC
FILED-18SEP2018pm12:38

Docket No.: TSCA-03-2018-0147

Proceeding Under Sections 16(a) and 409
of the Toxic Substances Control Act, 15
U.S.C. §§ 2615(a) and 2689

CERTIFICATE OF SERVICE

I certify that on 9-18-18, the original and one (1) copy of foregoing *Consent Agreement* and of the associated *Final Order*, each were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served true and correct copies of the same to each of the following persons, in the manner specified below, at the following addresses:

Copies served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, (Article No. 7001 2510 0001 1042 9535), to the following person at the following address:

Mr. Mark Hammond, Esq.
Land Air Water Legal Solutions, LLC
1000 Westlakes Drive, Suite 150
Berwyn, PA 19312

(Counsel for Respondent Global Home Improvements, Inc.)

Copies served via **Hand Delivery or Inter-Office Mail** to:

A.J. D'Angelo, Esq.
Sr. Assistant Regional Counsel (3RC50)
UST, Asbestos, Lead & Pesticides Branch
Office of Regional Counsel
U.S. EPA, Region III
1650 Arch Street
5th Floor, Office #110
Philadelphia, PA 19103-2029

(Attorney for Complainant)

9-18-18

Date

Bethanne L. Dunn

Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029