

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Kathleen Woodward 3/18/19
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2018-0058

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:

Valdemar DeSilva Campos
Campos Construction
72 Groveside Road
Portland, ME 04102

Total Dollar Amount of Receivable \$ 4,860.55 Due Date: 4/15/19

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 _____

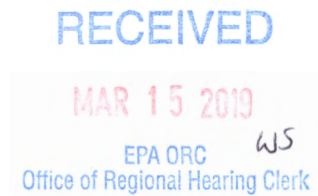


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

March 15, 2019

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100, Mail Code ORC04-6
Boston, MA 02109-3912



Re: *In re: Campos Construction*
Docket No. TSCA-01-2018-0058

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen E. Woodward".

Kathleen E. Woodward
Senior Enforcement Counsel

Enclosure

cc: Elizabeth F. Quinby, Esq.

the Act as set forth at 40 C.F.R. Part 745, Subpart E (*Residential Property Renovation*, 40 C.F.R. §§ 745.80-745.92).

3. The provisions of this CAFO shall apply to and be binding on Respondent, its successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual allegations or violations contained in the Complaint, consents to the terms of this CAFO.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

6. Compliance

- a. Respondent hereby certifies that it is currently operating and will operate its business in compliance with Section 406 of TSCA, 15 U.S.C. § 2686, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq.*, and the Renovation, Repair and Painting Rule set forth at 40 C.F.R. Part 745, Subpart E.
- b. Respondent will submit to EPA two reports containing copies of all records required under the RRP Rule, 40 C.F.R. § 745.86, for work Respondent

conducts during the six (6) month period between April 1, 2019 and September 30, 2019. The Reports will be comprised of completed copies of **Attachment A** along with copies of records required by the RRP, 40 C.F.R. § 745.86. The Reports will be submitted to EPA as follows:

Report 1) DUE July 15, 2019: Copies of records required by the RRP Rule for work Respondent conducts between April 1, 2019 and June 30, 2019;

Report 2) DUE October 15, 2019: Copies of records required by the RRP for work Respondent conducts between July 1, 2019 and September 30, 2019.

The Reports will be submitted to:

Molly Magoon, Environmental Protection Specialist
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES 05-4
Boston, MA 02109-3912

7. Penalty

a. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature, circumstances, extent, and gravity of the violations, EPA has determined that an appropriate civil penalty to settle this action is in the amount of four thousand eight hundred sixty dollars and fifty-five cents. (\$4,860.55).

b. Respondent consents to the issuance of this CAFO and consent to the payment of a civil penalty of \$4,860.55, which shall be due within 30 calendar days of the effective date of this CAFO.

8. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case (*In the Matter of Campos Construction*; TSCA-01-2018-0058), be in the amount stated above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101
Include the phrase "Government Lockbox 979077" on the shipping label.

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Respondent shall provide copies of the check (or documentation of other type of payment) to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC04-6
Boston, MA 02109-3912

and

Kathleen E. Woodward
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

9. 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. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

10. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

11. Respondent shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO.

12. This CAFO constitutes a settlement by EPA of, and resolves Respondent's liability for, all claims for civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, for the violations alleged in the Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

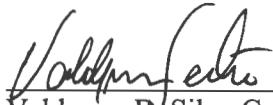
13. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of applicable provision of law.

14. The parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

15. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

16. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. § 2601 *et seq.*, or any regulations promulgated thereunder. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

For Respondent:

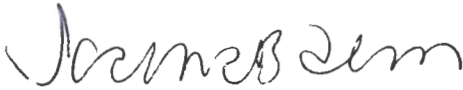


Valdemar DeSilva Campos, President
Campos Construction

02.08.2019

Date

For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region I

March 8, 2019

Date

II. FINAL ORDER

Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), authorizes EPA to compromise with or without conditions the maximum civil penalties which may be imposed under that Section. EPA has made such a compromise by applying the penalty factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), to the facts and circumstance of this case, including the circumstances of the violations and the culpability of the violator. Pursuant to those provisions, EPA has modified the maximum civil penalties and imposed the conditions described in paragraph 6 of the Consent Agreement. Respondent has consented to the terms of the Consent Agreement.

Pursuant to 40 C.F.R. § 22.18(b) and (c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Consent Agreement, in the manner indicated.

The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

Date: 3/14/19



LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region I

Attachment A

Renovation Recordkeeping Checklist

- Name of Firm: _____
- Date of Renovation _____
- Location of Renovation: _____
- Brief Description of Renovation: _____
- Name of Assigned Renovator: _____
- Name(s) of Non-Certified Worker(s), if used:

- Name of Dust Sampling Technician, Inspector, or Risk Assessor, if used (include copy of qualifications): _____

____ Signed and dated acknowledgements of receipt of the *Renovate Right* pamphlet, or, as appropriate, certifications of attempted delivery, of mailing, or of records of notification activities performed regarding common area renovations, as required by 40 CFR § 745.84.

____ Documentation that a certified renovator was assigned to the project:

____ Copy of the certified renovator's training certificate

____ Training was provided to the workers (check all that apply):

____ Post warning signs

____ Setting up plastic barriers

____ Maintaining containment

____ Avoiding spread of dust to adjacent areas

____ Waste handling

____ Post-renovation cleaning

____ Test kit or test results from an EPA-recognized laboratory on collected paint chip sample, used by certified renovator to determine whether lead was present on components affected by renovation (identify method used, type of test kit used (if applicable), laboratory used to conduct paint chip analysis, describe sampling locations and results).

- Warning signs posted at entrance to work area.
 - Work contained to prevent spread of dust and debris:
 - All objects in the work area removed and covered (interior)
 - HVAC ducts in the work area closed and covered (interior)
 - Windows in the work area closed (interiors)
 - Windows in and within 20 feet of the work area closed (exteriors)
 - Doors in the work area closed and sealed (interiors)
 - Doors in and within 20 feet of the work area closed and sealed (exteriors)
 - Doors that must be used in the work area covered to allow passage but prevent spread of dust
 - Floors in the work area covered with taped-down plastic (interiors)
 - Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighed down by heavy objects (exteriors)
 - Vertical containment installed if property line prevents 10 feet of ground covering, or if necessary to prevent migration of dust and debris to adjacent property (exteriors)
-

- Waste contained on-site
 - Waste is contained while being transported off-site
 - Work site properly cleaned after renovation
 - All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal
 - Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)
 - Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used):
-
-

- If dust clearance testing was performed instead, attach a copy of report.
- I certify under penalty of law that the above information is true and complete.

Name and title

Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
Campos Construction)	Docket No. TSCA-01-2018-0058
)	
Respondent)	
)	

CERTIFICATE OF SERVICE

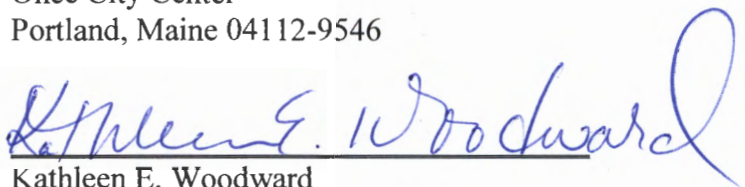
I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and One Copy, Hand Delivered:	Wanda Santiago Regional Hearing Clerk (Mail Code ORC04-6) U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912
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Copy, Certified Mail, Return Return Receipt Requested	Valdemar DeSilva Campos, President Campos Construction 72 Groveside Road Portland, ME 04102
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Elizabeth F. Quinby, Esq.
Preti Flaherty Beliveau & Pachios LLP
Once City Center
Portland, Maine 04112-9546

Dated: March 15, 2019



Kathleen E. Woodward
Senior Enforcement Counsel (OES)
U.S. Environment Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES04-2
Boston, MA 02109-3912