

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of :
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Natelli Bros :
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Respondent :
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Proceeding under Section 16(a) of :
the Toxic Substances Control Act :
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CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
TSCA-02-2018-9171

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended, ("TSCA" or "the Act"), 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 (hereinafter "Consolidated Rules of Practice"). Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and

22.18(b)(3) of the Consolidated Rules of Practice, is an appropriate means of resolving this matter without further litigation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Natelli Bros (“Respondent”).
2. Respondent’s primary place of business is located at 1 Dell Street, Old Bridge, NJ 08857.
3. Respondent is engaged in the business of residential construction, repair and improvement.
4. Respondent is a “firm” as that term is defined at 40 C.F.R. § 745.83. Respondent’s firm certification is NAT—F158519-2, issued March 20, 2018, and expiring on November 6, 2025.
5. Respondent is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Subchapter IV of TSCA, 15 U.S.C. §§ 401 – 412, 15 U.S.C. §§ 2681 – 2692, and set forth at 40 C.F.R. Part 745.
6. On or about June 26, 2015, representatives of the United States Environmental Protection Agency, Region 2 (“EPA”) performed an inspection (“EPA Inspection”) of the renovation activities being performed by Respondent at 17 Brook Side Road, Edison NJ 08817 (the “Property”). The Property is “target housing,” as that term is defined by Section 401 of TSCA, 15 U.S.C. § 2681, and 40 C.F.R. §745.103.
7. On or about July 1, 2015, EPA sent an Information Request Letter (“IRL”) to Respondent as part of EPA’s investigation of Respondent’s work practice standards while conducting renovations at the Property.
8. On or about October 27, 2015, Respondent submitted its response to EPA’s IRL.

9. Based on the EPA Inspection, Respondent's responses to the EPA IRL, and e-mail correspondence between the parties, EPA determined that the renovation work performed by Respondent at the Property was subject to the requirements set forth at 40 C.F.R. Part 745, Subpart E (the "Renovation, Repair and Painting (RRP) Rule").

10. Based on the above, EPA determined that Respondent failed to obtain initial certification from EPA, as required by 40 C.F.R. § 745.89(a).

11. EPA further determined that Respondent had failed to post signs clearly defining the work area and warning occupants (if any) and other persons not involved in renovation activities to remain outside the work area, as required by 40 C.F.R. § 745.85(a)(1).

12. EPA further determined that Respondent had failed to establish and maintain records of compliance, as required by 40 C.F.R. Part 745.87(b).

13. EPA further determined that Respondent had failed to assign a certified renovator, as required by 40 C.F.R. § 745.89(d)(2).

14. EPA further determined that Respondent had failed to cover the ground with plastic sheeting or other disposable impermeable material, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

15. Respondent's failures to comply with the RRP Rule constitute violations of TSCA § 409, 15 U.S.C. § 2689, for which penalties may be assessed under TSCA § 16(a), 15 U.S.C. § 2615(a).

16. Subsequent to EPA's review of Respondent's IRL response, the parties had a series of discussions regarding the allegations. As a result of these discussions, the parties agreed to enter into this Consent Agreement.

17. On September 13, 2017, Respondent submitted financial information and documentation regarding its finances.
