

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

September 17, 2021 @ 12:13 pm
USEPA – Region II
Regional Hearing Clerk

IN THE MATTER OF:

Zoran Painting
Respondent.

) Docket No.
) TSCA-02-2021-9170
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges Zoran Painting, (“Respondent”) failed to comply with Section 402 and 407 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682 and 2687, respectively.
2. Respondent performed a residential renovation, repair, or painting job in June of 2021 at a property located at: 10 Sherman Avenue, Summit, New Jersey 07901.
3. The residential housing property identified in Paragraph 2, above, was constructed prior to 1978 and is target housing¹ subject to the Renovation, Repair, and Painting (RRP) Rule.
4. Respondent was required, pursuant to 40 C.F.R. § 745.89(a), pursuant to 40 C.F.R. § 745.81(a)(2)(ii), to obtain initial certification from EPA before performing the renovation, repair, or painting job mentioned in Paragraph 2. Respondent did not do this.
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$200 (two hundred dollars) is in the public interest.
6. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b), and 40 C.F.R. § 22.18(b)(2).
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Residential Property Renovation requirements (40 C.F.R. § 745, Subpart E); (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as described in Paragraph 4 above;

¹ Target Housing is defined in TSCA Section 401 as any housing constructed before 1978, except for: 1) housing for the elderly or persons with disabilities (unless a child less than six years of age resides or is expected to reside in such housing); and 2) any zero-bedroom dwelling.

(3) neither admits nor denies the factual findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the findings contained herein.

8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violation described in Paragraph 4 above has been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
9. The civil penalty of \$200 (two hundred dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
10. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violation cited above.
11. Full payment of the penalty in Paragraph 5 shall only resolve Respondent's liability for federal civil penalties for the violation and facts described in Paragraph 4, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA or 40 C.F.R. Part 22.
15. Each party shall bear its own costs and fees, if any.
16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED, Zoran Painting,

Name (print): Zoran Balac

Title (print): Principal

Signature: Zoran Balac

Date Sept 10, 2021

APPROVED BY EPA:

for _____
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Date _____