

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

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IN RE:	)	DOCKET NO. TSCA-03-2015-0242
	)	
Only Bathrooms, LLC.	)	<b>EXPEDITED CONSENT AGREEMENT</b>
7644G Fullerton Road	)	<b>AND FINAL ORDER</b>
Springfield, VA 22153	)	
	)	
Respondent	)	Proceeding under Sections 16(a) and 409
	)	of the Toxic Substances Control Act,
	)	15 U.S.C. §§ 2615(a) and 2689
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA” or “Agency”) and Only Bathrooms, LLC. (hereinafter “Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, the federal regulations set forth at 40 C.F.R. Part 745, Subpart E, 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)).
  
2. EPA finds that Respondent was subject to 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 TSCA, 15 U.S.C. §§ 2682(c) and 2686(b) during a “renovation” as defined by 40 C.F.R. § 745.83, of “target housing” as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.223, at 1800 S. Pollard Street, Arlington, Virginia.
  
3. EPA finds that Respondent failed to comply with the RRP Rule by failing to: (a) obtain, from the owner, a written acknowledgement that the owner has received the pamphlet or obtain a certificate of mailing at least seven (7) days prior to the renovation (as required by 40 C.F.R. § 745.84(a)(1)(i)); (b) perform recordkeeping and reporting requirements (as required by 40 C.F.R. § 745.86(b)(6)); (c) obtain EPA certification (as required by 40 C.F.R. § 745.81(a)(2)(ii)), and ensure that certified renovators were assigned to the renovation and that the workers were either certified renovators or trained by one (as required by 40 C.F.R. § 745.89(d)(2)). 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).

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order, (hereinafter "Agreement").

5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Settlement Agreement.

6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.

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 Agreement and any right to appeal the attached Final Order.

8. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.

9. Each Party to this Agreement shall bear its own costs and attorney's fees.

10. 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, authorizes assessment of a civil penalty of up to \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.

11. The parties enter into this Agreement in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice, based on the nature of the violations, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$4,000**.

12. 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 the case name and docket number, for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to Louis F. Ramalho, U.S. Environmental Protection Agency, Region III (Mail Code 3RC50), 1650 Arch Street, Philadelphia, PA 19103, and Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.

13. 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, obtaining renovator and/or firm certification and training.

14. 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 any other federal statute or regulation.

15. 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.

16. If Respondent does not sign and return this Agreement **within 20 days** of the date of its receipt, this proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

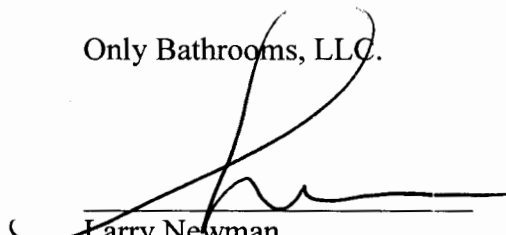
17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind Only Bathrooms, LLC. to this Agreement.

FOR RESPONDENT:

Only Bathrooms, LLC.

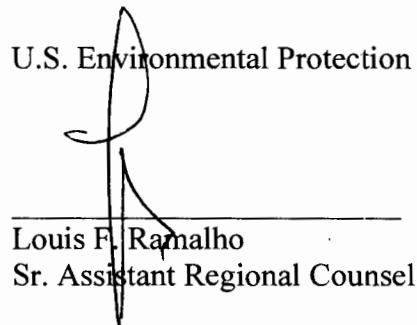
Date: 09/10/15

  
Larry Newman  
Manager

FOR COMPLAINANT:

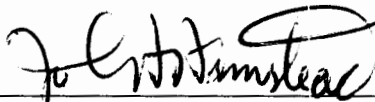
U.S. Environmental Protection Agency

Date: 9/23/15

  
Louis F. Ramalho  
Sr. Assistant Regional Counsel

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

9.29.15  
Date

  
John A. Armstead, Director  
Land and Chemicals Division

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

IN RE: ) DOCKET NO. TSCA-03-2015-0242  
)  
Only Bathrooms, LLC. ) **EXPEDITED CONSENT AGREEMENT**  
) **AND FINAL ORDER**  
Respondent. )  
)  
) 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, Only Bathrooms, LLC. have executed a document entitled "Expedited 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 Section 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based on the representations of the parties to the attached Expedited Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Lead-based Paint Expedited Settlement Agreement Pilot Program (the "Pilot Program"), issued by Pamela J. Mazakas by memorandum dated May 29, 2012, and the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

**NOW, THEREFORE, PURSUANT TO** Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Four Thousand Dollars (\$4,000) in accordance with the payment provisions set forth in the attached Expedited Consent Agreement.

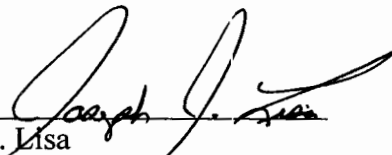
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EPA REGION III, PHOENIX, AZ

In the Matter of: Only Bathrooms, LLC.

TSCA-03-2015-0242

The effective date of the attached Expedited Consent Agreement and this **FINAL ORDER** is the date on which this **FINAL ORDER** is filed with the EPA Regional Hearing Clerk.

Sept. 30, 2015  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region III


**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, **Docket No. TSCA-03-2015-0242**, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent by email transmission to the following party:

Mr. Larry Newman  
Only Bathrooms, LLC.  
7644 G Fullerton Road  
Springfield, VA 22153

Date

9/30/15



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Louis F. Ramalho  
Sr. Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029