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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

_____)	
In the Matter of:)	
)	EPA Docket No.
Bellamy Home Improvement Inc. dba)	
Harmony Home Improvement)	TSCA-01-2024-0018
225 Oakland Road, Suite 304)	
South Windsor, Connecticut 06074)	CONSENT AGREEMENT
)	AND
Respondent.)	FINAL ORDER
)	
<i>Proceeding under Section 16(a) of the</i>)	
<i>Toxic Substances Control Act,</i>)	
<i>42 U.S.C. § 2615(a).</i>)	
_____)	

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (“EPA”), Region 1 (“Complainant”) alleges that Bellamy Home Improvement, Inc. dba Harmony Home Improvement (“Respondent”) violated Section 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2689, and the federal regulations set forth at 40 C.F.R. Part 745, Subpart E, as amended (the “Renovation, Repair and Painting Rule” or “RRP Rule”).

This Consent Agreement and Final Order (“CAFO”) simultaneously commences and concludes the cause of action described herein, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), at 40 C.F.R. Part 22. Complainant and Respondent (collectively, the “Parties”) agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

I. STATUTORY AND REGULATORY AUTHORITY

1. In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act (the “Act”) in response to findings that “pre-1980 American housing stock contains more than 3,000,000 tons of lead in the form of lead-based paint” and that dust from this lead paint creates significant health problems for children. 45 U.S.C. § 4851. The Act added a new section to TSCA entitled *Subchapter IV – Lead Exposure Reduction* (TSCA Sections 401-412, 15 U.S.C. §§ 2681-2692) to, among other purposes, ensure that “the existence of lead-based paint hazards is taken into account in... [the] renovation of homes and apartments.” 45 U.S.C. § 4851a (4).

2. In 1998, EPA promulgated regulations to implement Section 406(b) of TSCA (*Lead Hazard Information Pamphlet – Renovation of Target Housing*), 15 U.S.C. § 2686(b), and those regulations are set forth at 40 C.F.R. Part 745, Subpart E (commonly referred to as the “Pre-Renovation Education Rule” or “PRE Rule”).

3. In 2008, EPA promulgated regulations to implement Section 402(c)(3) of TSCA [*Lead-Based Paint Activities Training and Certification – Renovation and Remodeling – Certification Determination*], 15 U.S.C. § 2682(c)(3), by amending both the PRE Rule at 40 C.F.R. Part 745, Subpart E, as well as the LBP Activities Rule at 40 C.F.R. Part 745, Subpart L, now commonly referred to as the “RRP Rule.” *See* 40 C.F.R. §§ 745.100, 745.103, 745.107(a)(1), (a)(2), (a)(4), and 745.113(b)(1)-(6). As further described below, the RRP Rule sets forth procedures and requirements for, among other things, renovator and renovator firm certifications, records retention, and work practices for renovation, repair, and painting activities

in “target housing” and child-occupied facilities, and the establishment and retention of records to document compliance.

4. “Target housing” is “any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing).” 15 U.S.C. § 2681(17).

5. A “renovator” is “an individual who either performs or directs workers who perform renovations.” A “certified renovator” is “a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.” 40 C.F.R. § 745.83.

6. A “firm” is “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.” 40 C.F.R. § 745.83.

7. “Renovation” is “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 this part (40 CFR [§] 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A

renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.” 40 C.F.R. § 745.83.

8. “Minor repair and maintenance activities” means “activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.” 40 C.F.R. § 745.83.

9. Except in specific circumstances not relevant to Respondent or the violations alleged in this CAFO, firms renovating target housing for compensation must, among other requirements:

- i. Obtain EPA certification, pursuant to the procedures outlined in 40 C.F.R. § 745.89, before “perform[ing], offer[ing], or claim[ing] to perform renovations”.
- ii. Provide the owner of the unit being renovated with an informational pamphlet;
and

iii. Comply with the lead-safe work practice standards established under 40 C.F.R. § 745.85.

10. It is unlawful for any person to fail to comply with these or any other rules issued under Subchapter IV of TSCA. 15 U.S.C § 2689. *See also* 40 C.F.R. §§ 745.87(a), (b).

11. TSCA Section 16(a) authorizes the assessment of a civil penalty of up to \$37,500 for each violation of Section 409 of TSCA. *See also* 40 C.F.R. § 745.87(d). This amount was amended by the Debt Collection Improvement Act of 1996, the Federal Civil Penalties Inflation Adjustment Act of 1990 (“FCPIAA”), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and the FCPIAA’s implementing regulations, promulgated and updated by EPA at 40 C.F.R. Part 19 (most recently at 88 Fed. Reg. 986, 989 (Jan. 6, 2023)), which together authorize the assessment of civil administrative penalties of up to \$46,989 for violations that occur after November 2, 2015, for penalties assessed on or after January 6, 2023.

II. GENERAL ALLEGATIONS

12. Respondent is a corporation registered with the State of Connecticut in or around 2004, with its principal offices located at 225 Oakland Road, Suite 304, South Windsor, Connecticut.

13. Respondent performs or hires subcontractors to perform exterior home renovation and installation services in Connecticut.

14. Thus, Respondent is a “firm,” as defined by 40 C.F.R. § 745.83, and a “person” as defined by the same.

15. At all times relevant to the violations alleged in this CAFO, Respondent hired subcontractors to perform renovation activities from at least June 2020 through December 2022 that constituted “renovations” within the meaning of 40 C.F.R. § 745.83. Respondent is a certified firm (certification number NAT-101644-2), and Respondent’s certification is valid until September 7, 2026.

16. At times relevant to the allegations in this CAFO, Respondent performed “renovations for compensation” within the meaning of 40 C.F.R. § 745.83.

17. On July 27, 2022, EPA inspected Respondent’s business records at Respondent’s offices to evaluate Respondent’s compliance with the RRP Rule.

18. Based on this inspection, EPA has determined that Respondent violated the RRP Rule fifteen times over the course of six subcontracts for renovation services at target housing in Connecticut between June 2020 and December 2022. The locations of the six renovations are: 76 Cottage Street, New Haven; 50 Buckland Road, Wethersfield; 15 Olcott Drive, Manchester; 60 Benton Street, Manchester; 26 Fox Hill Drive, Vernon; 60 Prospect Street, Vernon.

19. The renovation activities referenced in paragraph 18, did not constitute minor repair or maintenance activities, or emergency repairs. *See* 40 C.F.R. 745.82(b).

20. The residential properties referenced in paragraph 18 above, were built before 1978, and thus, qualify as “target housing.” 15 U.S.C. § 2681(17), 40 C.F.R. § 745.103. The residences do not satisfy the requirements for an exemption from the definition of target housing. *See id.*, 40 C.F.R. § 745.82.

III. VIOLATIONS

21. EPA has identified the following violations of TSCA and the RRP Rule based on EPA's on-site observations, and information reviewed during an inspection of Respondent's records.

22. Each of the fifteen violations alleged below is a violation for which penalties may be assessed pursuant to 15 U.S.C. § 2615.

COUNT ONE: FAILURE TO ENSURE FIRMS PERFORMING RENOVATIONS RECEIVED CERTIFICATION FROM EPA

23. Paragraphs 1 through 22 above, are incorporated by reference as if fully set forth herein.

24. Pursuant to 40 C.F.R. § 745.81(a)(2), on and after April 22, 2010, no firm may perform, offer, or claim to perform renovations in target housing or child-occupied facilities without certification from EPA under 40 C.F.R. § 745.89, unless the renovation is exempt under C.F.R. § 745.82. Pursuant to 40 C.F.R. § 745.89(a)(1), firms performing renovations for compensation must apply to EPA for certification to perform renovations. Pursuant to 40 C.F.R. § 745.89(d)(3), firms performing renovations must ensure that all renovations performed by the firm are performed in accordance with the work practice standards in § 745.85. Pursuant to 40 C.F.R. § 745.85(a), renovations must be performed by certified firms using certified renovators as directed by 40 C.F.R. § 745.89.

25. For three out of the six subcontracts EPA inspected, Respondent hired subcontractors that did not have firm certification at the time renovations were performed:

- i. On or about November 12, 2020, Respondent hired GEF Roofing & Siding

LLC to perform renovations at 76 Cottage Street, New Haven, including:
removal of existing exterior siding and installation of new exterior siding.

- ii. On or about December 2, 2020, Respondent hired A & J Property Services LLC to perform renovations at 60 Prospect Street, Vernon, including: removal and disposal of existing windows and installation of new windows.
- iii. On or about June 17, 2021, Respondent hired Doucette Home Improvements, LLC to perform renovations at 50 Buckland Road, Wethersfield, including: removal and disposal of existing windows and installation of new windows.

26. Thus, Respondent failed to ensure that the three firms listed in paragraph 25 above, were certified firms at the time of the renovations, in violation of 40 C.F.R. § 745.89(d)(3) and 40 C.F.R. 745.85(a).

COUNT TWO: FAILURE TO PROVIDE A PAMPHLET

27. Paragraphs 1 through 26, above, are incorporated by reference as if fully set forth herein.

28. Pursuant to 40 C.F.R. § 745.84(a), a firm performing a renovation must, no more than 60 days before beginning renovation activities in target housing, provide the owner of the unit with the *Renovate Right* or EPA-approved pamphlet and obtain a written certification that the owner has received the pamphlet, or obtain a certificate of mailing seven days prior to the renovation. Pursuant to 40 C.F.R. § 745.89(d)(4), firms performing renovations must ensure that the pre-renovation education requirements of § 745.84 have been performed.

29. An inspection of Respondent's business records revealed that Respondent did not

provide the *Renovate Right* pamphlet or an EPA-approved pamphlet to the owners of the following five residences with which Respondent contracted to perform renovations: 25 Fox Hill Drive, Vernon; 15 Olcott Drive, Manchester; 50 Buckland Road, Wethersfield; 76 Cottage Street, New Haven; and 60 Prospect Street, Vernon.

30. Thus, Respondent failed to provide the required pamphlet to five owners of target housing no more than 60 days before renovations began, in violation of 40 C.F.R. § 745.84(a) and 40 C.F.R. 745.89(d)(4).

COUNT THREE: FAILURE TO PERFORM LEAD-SAFE WORK PRACTICES

31. Paragraphs 1 through 30 above, are incorporated by reference as if fully set forth herein.

32. Pursuant to 40 C.F.R. § 745.89(d)(3), firms performing renovations must ensure that the renovations are performed in accordance with the work practice standards in § 745.85.

33. Pursuant to 40 C.F.R. § 745.85(a)(2)(ii)(C), firms performing renovations must, before beginning the renovation, cover the ground with plastic sheeting or other disposable impermeable material extending ten feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten feet of such ground covering.

34. Respondent's subcontractor, Mr. FIX-ALL, LLC, did not adequately cover the ground with plastic sheeting or other disposable impermeable material to collect paint debris while it performed renovations at 60 Benton Street, Manchester.

35. Thus, Respondent failed to ensure that all renovations performed by the firm are

performed in accordance with the work practice standards of 40 C.F.R. § 745.85, in violation of 40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(2)(ii)(C).

COUNT FOUR: FAILURE TO RETAIN NECESSARY RECORDS

36. Paragraphs 1 through 35 above, are incorporated by reference as if fully set forth herein.

37. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation activities.

38. For all six subcontracts that EPA reviewed during an inspection of Respondent's business records, Respondent failed to retain records necessary to demonstrate Respondent's compliance with the RRP Rule. Among other missing records, Respondent did not have records indicating what exterior ground protection, vertical protection or passageway containment procedures were used during renovation activities. Respondent also did not have records documenting that the owner of any of the six residences received information regarding Respondent's compliance with the RRP Rule, as required pursuant to 40 C.F.R. § 745.86(c).

39. Thus, by failing to retain all necessary records, Respondent violated 40 C.F.R. § 745.86(a).

IV. TERMS OF SETTLEMENT

40. Without admitting or denying the factual allegations in Section III of this CAFO, Respondent consents to the terms and issuance of this CAFO and agrees to the payment of the civil penalty set forth herein.

41. Respondent certifies that it is currently operating and will continue to operate in compliance with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, and federal regulations promulgated under TSCA, including 40 C.F.R. Part 745, Subpart E. Specifically, Respondent shall:

- i. Ensure that firms it hires to perform renovations obtain certification pursuant to the RRP Rule prior to performing the renovation, in compliance with 40 C.F.R. §§ 745.89(d)(3) and 745.85(a);
- ii. Provide the Renovate Right pamphlet to the homeowner and obtain a written certification that the owner has received the pamphlet or obtain a certificate of mailing seven days prior to the renovation, in compliance with 40 C.F.R. § 745.84(a);
- iii. Ensure that firms it hires to perform renovations follow the lead-safe work practice standards in compliance with 40 C.F.R. § 745.85; and
- iv. Retain all records necessary to document Respondent's compliance with the RRP Rule, as described by 40 C.F.R. § 745.86.

42. Respondent shall pay a civil penalty of thirty-four thousand eight hundred eighteen dollars (\$34,818) within 30 days of the effective date of this CAFO in the following manner: The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference *In the Matter of Bellamy Home Improvement Inc. dba Harmony Home Improvement*; Consent Agreement and Final Order, EPA Region 1," Respondent's name and address, and the EPA Docket Number of this action (TSCA-

01-2024-0018), 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 979078
St. Louis, MO 63197-9000

If remitted by any overnight commercial carrier:

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979078
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

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”

Within 24 hours of payment of the penalty, send proof of payment (for example, copy of the check) by email to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
r1_hearing_clerk_filings@epa.gov

and

Andrea Simpson, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
simpson.andrea@epa.gov

43. Pursuant to 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 Respondent does not fully pay the civil penalty required by this CAFO when due, the unpaid penalty shall be payable with accrued interest from the original due date to the date of payment, with the interest calculated at the rate established in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees. In addition, a penalty charge of six percent per year, compounded annually, will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due, with the charge accruing from the date of delinquency in accordance with 31 C.F.R. § 901.9(d). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

44. The civil penalty due, and any interest, non-payment penalties or charges that arise pursuant to this CAFO shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Section 1.162-21 of the Internal Revenue Code, 26 U.S.C. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

45. Respondent admits, for the purposes of this proceeding, that Complainant has jurisdiction over the subject matter alleged in this CAFO and that this CAFO states claims upon which relief may be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue.

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

47. The provisions of this CAFO shall be binding on Respondent and Respondent's successors and assigns.

48. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to TSCA for the violations specifically alleged in Section III of this CAFO. 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. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

49. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

50. 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 CAFO and to execute and legally bind that party to it.

51. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter, including any financial information, was at the time of submission true, accurate and complete for each such submission, response, and statement. Respondent

acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

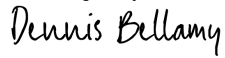
52. The parties agree that Respondent and EPA may execute this CAFO by electronic signature. EPA and Respondent acknowledge that electronic signatures carry the legal effect, validity, or enforceability of handwritten signatures. Therefore, the Parties shall not deny the legal effect, validity, or enforceability of records containing electronic signatures that they transmit and receive on the ground that such records, including the signature(s), are in electronic form. EPA has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order. Respondent further consents to accept electronic service of the full executed CAFO, by electronic mail, to the following address: CATINO@halloransage.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

53. Each Party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

54. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the

Regional Judicial Officer.

For Respondent.

DocuSigned by:

92D3AEC3E9F44E9... President

Date: 12/14/2023

Dennis Bellamy
Bellamy Home Improvement, Inc.
dba Harmony Home Improvement

For Complainant:

Carol Tucker, Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 1

Dated via electronic signature

FINAL ORDER

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

The terms of the Consent Agreement shall become effective on the date that the CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

LeAnn W. Jensen, Regional Judicial Officer
U.S. EPA, Region 1

Dated via electronic signature