



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 14 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christian Leanza
Leanza Painting Contractors, Inc.
14 Grace Way
Morristown, New Jersey 07960

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2012 SEP 14 P 12:27
REGIONAL HEARING
CLERK

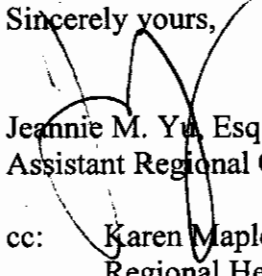
Re: In the matter of Leanza Painting Contractors,
Docket Number TSCA-02-2012-9167

Dear Mr. Leanza:

Enclosed is a copy of the Consent Agreement and Final Order ("CA/FO") in the above referenced proceeding signed by the Regional Administrator of the U.S. Environmental Protection Agency.

Please note that payment is due within forty-five (45) days of signature of the Final Order by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given in that Order.

Sincerely yours,


Jeannie M. Yu, Esq.
Assistant Regional Counsel

cc: Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 SEP 14 P 12:27
REGIONAL HEARING
CLERK

-----X
In the Matter of :

Leanza Painting Contractors, Inc. :
Respondent :

Proceeding under Section 16(a) of :
the Toxic Substances Control Act :

CONSENT AGREEMENT
AND

FINAL ORDER

Docket No. :
TSCA-02-2012-9167
-----X

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" at 40 C.F.R. Part 22 (hereinafter "Consolidated Rules of Practice") provide in 40 C.F.R. Section 22.13(b) that 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. Section 22.18(b)(2) and (3).

On May 15, 2012, the Chief of the Pesticides and Toxic Substances Branch, Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2, issued an Opportunity to Show Cause Letter for Violations of the Toxic Substances Control Act ("Show Cause Letter") to Respondent Leanza Painting Contractors, Inc. ("Respondent"), whose primary place of business is located at 14 Grace Way, Morristown, New Jersey 07960. The Show Cause Letter alleged that Respondent failed to comply with provisions of 40 C.F.R. Part 745 in the following ways: (1) to obtain firm certification prior to performing renovation of the Property; (2) to ensure that all individuals performing the renovation were certified, or had been trained by a certified renovator; (3) to ensure that a certified renovator was assigned to the renovation; and (4) to obtain written acknowledgement from the owner of the Property that the owner received the pamphlet.

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. Section 22.13(b) and 40 C.F.R. Section 22.18(b)(2) and (3) of the Consolidated Rules of Practice, is an appropriate means of resolving this matter without further litigation.

FINDINGS OF FACT

1. Respondent is Leanza Painting Contractors, Inc.
2. Respondent's primary place of business is located at 14 Grace Way, Morristown, New Jersey 07960.
3. On May 13, 2011, a citizen tip/complaint was submitted to the Region 2 Lead Team, alleging that Respondent was not complying with the EPA Renovation, Repair & Painting ("RRP") Rule while conducting renovations at a private

residence located at 8 Locust Street, Morristown, New Jersey 07960 (the "Property").

4. On July 28, 2011, EPA sent an Information Request Letter ("IRL") to Respondent, as part of EPA's TSCA inspection conducted pursuant to 40 C.F.R. Part 745.
5. On or about August 21, 2011, Respondent responded to EPA's IRL.
6. Based in part on the Respondent's response, EPA determined that Respondent failed to have certified renovators conducting renovation work at the Property and that Respondent did not have a RRP firm certificate, and did not obtain written acknowledgement from the owner of the property that he/she had received a pamphlet.
7. Subsequent to EPA's IRL, Respondent became certified as a "Renovator" by an EPA-accredited training provider, and the firm received a renovation firm certification.
8. On July 17, 2012, the parties met for an informal settlement conference.

CONCLUSIONS OF LAW

9. Respondent, as a firm that engages in renovations which may involve lead-based paint is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, and set forth at 40 C.F.R. Part 745, Subpart E.
10. Respondent's failures to: (1) obtain firm certification prior to performing renovation of the Property as required by 40 C.F.R. § 745.81(a)(2)(ii); (2) ensure that all individuals performing the renovation were certified, or had been trained

by a certified renovator in accordance with § 745.89(d)(1); (3) ensure that a certified renovator was assigned to the renovation in accordance with §45.89(d)(2); and (4) obtain written acknowledgement from the owner of the Property that the owner received the pamphlet identified in §745.84(a)(1)(i) are violations of 40 C.F.R. Section 745 and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614, 2689.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the RRP regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) to commence a civil administrative proceeding for the violations described in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual "Findings of Fact", above; and (c) neither admits nor denies the determinations set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **ONE THOUSAND FOUR HUNDRED AND EIGHTY DOLLARS (\$1,480)** to the "Treasurer of the United States of America". The check shall be

identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000

Alternatively, payment may be by electronic fund transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: **FRNYUS33, 33 Liberty Street,
New York, NY 10045**
- 3) Account: **68010727**
- 4) ABA number: **021030004**
- 5) Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"
- 6) **Leanza Painting Contractors, Inc.**
- 7) Docket Number TSCA-02-2012-9167

Payment must be received at the above address (or account of EPA) on or before **45 calendar days** after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date"). Promptly after payment has been made, Respondent shall send copies of this payment or furnish reasonable proof that such payment has been made to both:

Jeannie M. Yu, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 16th floor

New York, New York 10007

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007

- a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.
 - b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.
4. This Consent Agreement is being voluntarily and knowingly entered into by the parties to resolve (conditional upon full payment of the civil penalty herein) the civil and administrative claims described in the Finding of Fact and Conclusions of Law set forth above.
 5. Nothing herein shall be read to preclude EPA or the United States from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of the law.

6. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms.
7. Respondent consents to the issuance of the accompanying Final Order.
8. Respondent agrees that all terms of settlement are set forth herein.
9. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.
10. Respondent hereby waives its right to seek or to obtain any hearing pursuant to Subpart D of 40 C.F.R. Part 22 or other judicial proceeding on the determinations contained in the "Findings of Fact" section, and in the "Conclusions of Law" section. Respondent further waives its right otherwise to contest all such determinations.
11. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator, or the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.
12. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

13. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.
14. Each party shall bear its own costs and fees in this matter.
15. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

Leanza Painting Contractors, Inc.

RESPONDENT:

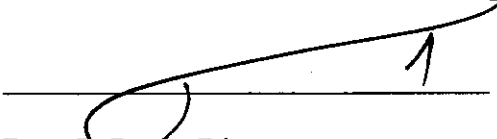
BY: 

NAME: CHRIS P. LEANZA
(PLEASE PRINT)

TITLE: Pres. oent

DATE: 9/4/12

COMPLAINANT:



Dore LaPosta, Director
Division of Enforcement and Compliance
Assistance
U.S. Environmental Protection
Agency, Region 2
290 Broadway
New York, New York 10007

DATE: SEPTEMBER 6, 2012

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Leanza Painting Contractors, Inc., bearing Docket Number TSCA-02-2012-9167. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615.

DATE: September 12, 2012

Helen Ferrara

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway,
16th Floor
New York, New York 10007

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing Consent Agreement and Final Order, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region 2
290 Broadway,
16th floor
New York, New York 10007-1866

Copy by Certified Mail Return Receipt Requested:

Mr. Christian Leanza, Owner
Leanza Painting Contractors, Inc.
14 Grace Way
Morristown, NJ 07960

Dated: **SEP 14 2012**
New York, New York

