



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

2017 SEP 13 AM 8:10

SEP 13 2017

CERTIFIED MAIL --  
RETURN RECEIPT REQUESTED

Jordan M. Asch, Esq.  
Lieberman & Blecher, P.C.  
10 Jefferson Plaza, Suite 400  
Princeton, NJ 08540

Re: In the Matter of Taras Home Designs, LLC, Docket No. TSCA-02-2017-9170

Dear Mr. Asch,

Enclosed is a copy of the Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the United States Environmental Protection Agency.

Please note that payment is due within thirty (30) days of the date on which the Regional Judicial Officer signed the enclosed Consent Agreement and Final Order. Please arrange for payment of this penalty according to the schedule and instructions given in the Order.

Sincerely yours,

Stuart N. Keith  
Assistant Regional Counsel  
Waste & Toxic Substances Branch  
Office of Regional Counsel

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

2017 SEP 13 AM 8:10

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In the Matter of :  
: CONSENT AGREEMENT  
: AND  
**Taras Home Designs, LLC,** : FINAL ORDER  
: :  
Respondent : Docket No.  
: TSCA-02-2017-9170  
: :  
Proceeding under the Toxic Substances :  
Control Act, as amended :  
-----X

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 Taras Home Designs, LLC. (“Taras” or “Respondent”).
2. Respondent’s primary place of business is located at 45 South Park Place, Suite 352, Morristown, New Jersey 07960.
3. Respondent is engaged in the business of renovation and painting.
4. Respondent is a “firm” as that term is defined at 40 C.F.R. § 745.83 with a lead-based paint firm certification number NAT-F-118369-1.
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, Subpart E, referred to as the “Renovation, Repair, and Painting (RRP) Rule.”
6. On or about June 10, 2014, the United States Environmental Protection Agency, Region 2 (“EPA”), received a tip/complaint from the owner of the residence located at 24 Dayton Road, Morris Plains, New Jersey 07950 (the “Property”), where Respondent was conducting renovations. The Property is target housing, as that term is defined by TSCA § 401(17), 15 U.S.C. § 2681(17).
7. On June 27, 2014, EPA sent an Information Request Letter (“IRL”) to Respondent as part of EPA’s investigation of Respondent’s compliance with the work practice standards of the RRP while conducting renovations at the Property.
8. On or about September 9, 2014, Respondent submitted a response to EPA’s IRL.
9. Based on Respondent’s response to the IRL, EPA determined that the renovation work performed by Respondent at the Property from approximately May through June 2014 was



subject to the requirements of the RRP Rule and that Respondent had violated the regulations as set forth below.

10. EPA determined that Respondent failed to provide the owner of the target housing renovated with the Renovate Right pamphlet as required by 40 C.F.R. § 745.84(a)(1).

11. EPA determined that Respondent failed to ensure all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator, as required by 40 C.F.R. § 745.89 (d)(1)

12. EPA determined that Respondent failed to ensure a certified renovator was assigned to each renovation, as required by 40 C.F.R. § 745.89 (d)(2)

13. EPA determined that Respondent failed to retain all records necessary to demonstrate compliance with the residential property renovation for a period of 3 years following completion of the renovation activities, as required by 40 C.F.R. § 745.86

14. In a letter dated March 10, 2017 entitled “Opportunity to Show Cause for Violations of the Toxic Substances Control Act, Section 402: Requirements for Residential Property Renovation” EPA set forth its determinations regarding Respondent’s violations of the RRP Rule and invited Respondent to a meeting to discuss these findings.

15. On June 29, 2017, EPA and Respondent held an informal settlement conference at Respondent’s request to discuss EPA’s findings with regard to Respondent’s failures to comply with TSCA and the RRP Rule during the renovation at the Property.

16. As a result of the informal settlement conference and the parties’ further communications, the parties agreed to enter into this Consent Agreement.

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. 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 “Findings of Fact and Conclusions of Law” section, above; and (b) neither admits nor denies the specific factual allegations contained in the “Findings of Fact and Conclusions of Law” section, above.

2. Respondent shall hereinafter maintain compliance with all applicable statutory provisions of TSCA, 15 U.S.C. § 2601 et seq. and its implementing regulations.

3. Respondent certifies that it is currently in compliance with the statutory provisions of Subchapter IV of TSCA, 15 U.S.C. §§ 401 – 412, 15 U.S.C. §§ 2681 – 2692 and the implementing regulations codified at 40 C.F.R. Part 745, Subpart E.

4. Respondent shall pay, by cashier’s or certified check or electronic fund transfer (“EFT”), a total civil penalty in the amount of **FIFTEEN THOUSAND THREE HUNDRED AND NINETY-THREE DOLLARS (\$15,393)** to be paid in the following manner. An initial payment of **SEVEN THOUSAND DOLLARS (\$7,000)** is due on or before **30 calendar days** from the date of signature of the Final Order at the end of this document. A second payment of **FOUR THOUSAND ONE HUNDRED AND NINETY-SIX DOLLARS AND FIFTY CENTS (\$4196.50)** is due on or before **90 calendar days** from the date of signature of the Final Order at the end of this document. A third payment of **FOUR THOUSAND ONE HUNDRED**

**AND NINETY-SIX DOLLARS AND FIFTY CENTS (\$4196.50)** is due on or before **180 calendar days** from the date of signature of the Final Order at the end of this document.

5. Each payment must be received at the address listed in Paragraph 6, below, or the EFT must be received by the Federal Reserve Bank of New York, on or before its due date as specified above (the date by which each payment must be received shall hereafter be referred to as the “due date”).

a. If Respondent fails to make a payment required above, by its due date, Respondent shall also be liable to EPA for an additional stipulated penalty of \$500 for each such failure. All stipulated penalties for failure to pay a penalty installment on time are due and payable within thirty (30) calendar days of Respondent’s receipt from EPA of a written demand for payment of the penalties. Payment of stipulated payments shall be made in the same manner as prescribed in Paragraph 8, below, for payment of the civil penalty installments. Stipulated penalties shall accrue as provided above, regardless of whether EPA has notified Respondent of the violation or has made a demand for payment, but need only be paid upon demand. EPA, in its sole discretion, may reduce or eliminate any stipulated penalty due under this sub-paragraph.

b. Failure to pay the full amount of the penalty, or any stipulated penalty demanded by EPA, 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 or other appropriate action.

c. Further, if a payment is not received on or before its 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.

d. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid.

6. If a payment is made by cashier's or certified check, each such payment shall be payable to the "Treasurer of the United States of America." Each check shall be identified with a notation of the name and docket number of this case, as 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, MO 63197-9000

Alternatively, if Respondent chooses to pay by electronic fund transfer ("EFT"), 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 Code for Federal Reserve Bank of NY receiving payment: **68010727**
- 4) ABA number: **021030004**
- 5) Field Tag 4200 of the Fedwire message should read "**D68010727  
Environmental Protection Agency**"
- 6) Name of Respondent: **Taras Home Designs, LLC**
- 7) Case Docket Number **TSCA-02-2017-9170**

7. Respondent hereby certifies that it has requested of EPA that payment of the \$15,393 civil penalty be in installments because of the financial condition of Respondent, *viz.* a one-time payment of said amount would constitute a hardship for Respondent because of its cash flow and the overall financial circumstances of Respondent at the time of execution of the consent agreement.

8. In agreeing to this settlement, EPA relies, in part, on its review of documents Respondent provided showing its recent and current financial condition. Respondent hereby certifies the truth and accuracy of the financial documents provided to EPA

9. Any responses, documentation, and other communication submitted in connection with this Consent Agreement shall be sent to:

Vickie Pane  
Pesticides and Toxic Substances Branch – Lead Team  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency – Region 2  
2890 Woodbridge Avenue – Building 205  
Edison, NJ 08837

and

Stuart Keith, Esquire  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency – Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Unless the above-named EPA contacts are later advised otherwise in writing, EPA shall address any written future correspondence (including any correspondence related to payment of the penalty) to Respondent at the following address:

Richard Webber, Owner  
Taras Home Designs, LLC  
45 South Park Place, Suite 352  
Morristown, NJ 07960

10. The civil penalties and any stipulated penalties provided for herein are “penalt[ies]” within the meaning of 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal or state law.

11. 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 Findings of Fact and Conclusions of Law set forth above.



12. Full payment of the penalty described in paragraph 4 shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in paragraphs 10 through 13 in the Findings of Facts and Conclusions of Law. 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 violation of the law.

13. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms.

14. Respondent consents to the issuance of the accompanying Final Order.

15. Respondent agrees that all terms of settlement are set forth herein.

16. 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.

17. 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 this Consent Agreement or on the Findings of Fact and Conclusions of Law herein or on the accompanying Final Order.

18. Respondent agrees not to contest the validity or any term of this Consent Agreement and Final Order in any action brought: a) by the United States, including EPA, to enforce this Consent Agreement or Final Order; or b) to enforce a judgment relating to this Consent Agreement and Final Order. Any failure by Respondent to perform fully any requirement herein will be considered a violation of this Consent Agreement and Final Order, and may subject Respondent to a civil judicial action by the United States to enforce the provisions of this Consent Agreement and Final Order.

19. Respondent waives any rights it may have to appeal this Consent Agreement and the accompanying Final Order.

20. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA and the regulations promulgated thereunder.

21. The signatory for Respondent certifies that he or she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

22. Each party hereto agrees to bear its own costs and fees in this matter.

23. Respondent consents to service upon it of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

**Taras Home Designs, LLC**

RESPONDENT:

BY:



NAME:

RICHARD WEBBER  
(PLEASE PRINT)

TITLE:

OWNER / GENERAL MANAGER

DATE:

9-7-17

COMPLAINANT:



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007-1866

SEP - 8 2017

DATE: \_\_\_\_\_

In the Matter of Taras Home Designs, LLC  
Docket Number TSCA-02-2017-9170

### 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 Taras Home Designs, LLC, bearing Docket Number TSCA-02-2017-9170. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into, and issued as this Final Order. The effective date of this Order shall be the date of filing 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: 9/12/17 Helen Ferrara

Helen Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866



In the Matter of Taras Home Designs, LLC  
Docket Number TSCA-02-2017-9170

**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. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by Certified Mail Return Receipt Requested:

Jordan M. Asch, Esq.  
Lieberman & Blecher, P.C.  
10 Jefferson Plaza, Suite 400  
Princeton, NJ 08540

**SEP 13 2017**

Dated: \_\_\_\_\_  
New York, New York

A handwritten signature in black ink, appearing to read "Jordan M. Asch", written over a horizontal line.