

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven Schlang 9/28/12
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2012-0030

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

DiGiorgi Roofing and Siding, Inc.
33 Lancaster Drive
Beacon Falls, CT 06403

Total Dollar Amount of Receivable \$ 23,678.⁰⁰ Due Date: 12/31/12

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ 8,000 on 10/8/12
2nd \$ 5,239 on 10/31/12
3rd \$ 5,226 on 11/30/12
4th \$ 5,213 on 12/31/12
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

September 28, 2012

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: In the Matter of DiGiorgi Roofing and Siding, Inc., Docket No. TSCA-01-2012-0030

Dear Ms. Santiago:

Enclosed are the original and one copy of a Consent Agreement and Final Order for filing in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Schlang", with a long horizontal flourish extending to the right.

Steven Schlang
Enforcement Counsel

Enclosures

cc: Mr. David DiGiorgi

RECEIVED
SEP 28 2012
EPA ORC WS
Office of Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED

SEP 28 2012

EPA ORC
Office of Regional Hearing Clerk

In the Matter of:

DiGiorgi Roofing and Siding, Inc.
33 Lancaster Drive
Beacon Falls, CT 06403

Respondent.

Proceeding under Section 16(a) of the
Toxic Substances Control Act,
42 U.S.C. § 2615(a)

Docket No.
TSCA-01-2012-0030

**CONSENT AGREEMENT
AND FINAL ORDER**

CONSENT AGREEMENT

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and in accordance with 40 C.F.R. § 22.18 of EPA’s “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,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

I. INTRODUCTION

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, initiated this proceeding against Respondent, DiGiorgi Roofing and Siding, Inc., by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”), pursuant to Section 16(a) of TSCA on June 29, 2012.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint.

II. TERMS OF SETTLEMENT

4. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors and assigns in their capacity as such.

5. Respondent agrees that EPA has jurisdiction over the subject matter alleged in the Complaint, and hereby waives any defenses it might have as to jurisdiction and venue.

6. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

7. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

8. Without admitting or denying the facts and violations alleged in the Complaint, Respondent consents to the terms and the issuance of this CAFO, and consents, for the purposes of settlement, to the payment of the civil penalty as set forth in this CAFO.

9. Respondent certifies by the signing of this CAFO that it is presently in compliance with Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("the Act"), 42 U.S.C. § 4851 et seq., and the federal regulations promulgated thereunder, entitled "Residential Property Renovation," as set forth at 40 C.F.R. Part 745, Subpart E.

10. After consideration of the nature of the violations alleged in the Complaint and other relevant factors, Complainant has determined that it is fair and proper that Respondent pay a civil penalty in the amount of \$23,600 (plus interest) in settlement of this matter.

Penalty Payment

11. Respondent shall pay the civil penalty set forth in this CAFO (plus interest) in accordance with the following schedule:

- a. \$8,000 within 10 days of the effective date of this CAFO;
- b. \$5,239 by not later than October 31, 2012;
- c. \$5,226 by no later than November 30, 2012;
- d. \$5,213 by no later than December 31, 2012.

12. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.

13. If Respondent fails to pay any installment of the civil penalty by the required date, then the remaining balance of the civil penalty plus interest at the rate specified in 31 C.F.R. § 901.9(b)(2) shall automatically and immediately become due and payable. The method of payment shall be in accordance with the provisions of Paragraph 14 herein.

14. Respondent shall make each penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties Cincinnati
Finance Center P.O. Box
979077
St. Louis, MO 63197-9000

Respondent shall note the case name ("In the Matter of: DiGiorgi Roofing and Siding, Inc.") and the docket number ("TSCA-01-2012-0030") of this action on each payment check and in an accompanying cover letter, and shall provide copies of each check and letter to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

and:

Steven Schlang
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912

15. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid as set forth in Paragraph 11. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). If payment is not made in accordance with the schedule set forth in Paragraph 11, a charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after final payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

16. The civil penalty described in Paragraphs 10 and 11, and any interest, non-payment penalties, and/or other charges as described in Paragraph 15, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

Additional Provisions

17. Compliance with this CAFO, including payment of any penalties, interest, and/or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

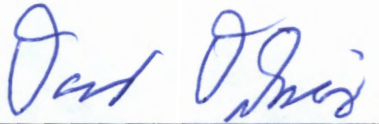
18. This CAFO constitutes a settlement by EPA of, and resolves Respondent's liability for Federal civil penalties pursuant to Section 16 of TSCA for, the violations and facts alleged in the Complaint. Nothing in this CAFO shall prevent EPA from taking any necessary action to address conditions at Respondent's facility/facilities that may present an imminent and substantial endangerment to public health or the environment. Nor shall this CAFO be construed to, nor is it intended to operate in any way to, resolve any criminal liability or any other civil liability of Respondent.

19. Except as described in Paragraph 15, each party shall bear its own costs and fees in this proceeding.

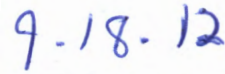
20. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTIES enter into this CAFO:

For DiGiorgi Roofing and Siding, Inc.:



David DiGiorgi, President
DiGiorgi Roofing and Siding, Inc.



Date

For U.S. EPA, Region 1:



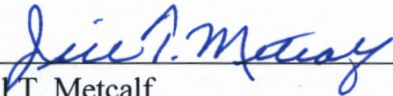
Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

9/27/12

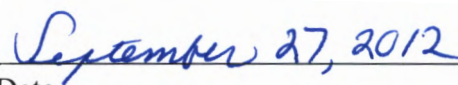
Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1



Date

In the Matter of: DiGiorgi Roofing and Siding, Inc.
Docket No. TSCA-01-2012-0030

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
By Hand Delivery:

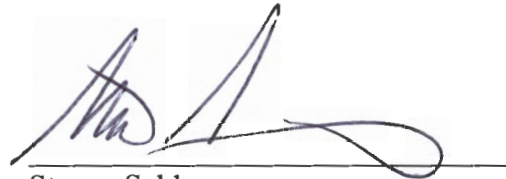
Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

One copy, By Certified Mail,
Return Receipt Requested:

David DiGiorgi
President
DiGiorgi Roofing and Siding, Inc.
33 Lancaster Drive
Beacon Falls, CT 06403

Dated: _____

9/25/12



Steven Schlang
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912