



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

**VIA OVERNIGHT MAIL**

Mr. Divyakant Patel  
RMMI, Inc.  
936 Beatrice Parkway  
Edison, NJ 08820

NOV 19 2009

and

Mr. Michael Sancilardi  
MJS Contracting, Inc.  
85 Bridge Street  
Sewaren, NJ 07077

**RE: Consent Agreement Docket (Former Holiday Inn) Docket No. CAA-3-2009-0091**

Dear Messrs. Patel and Sancilardi:

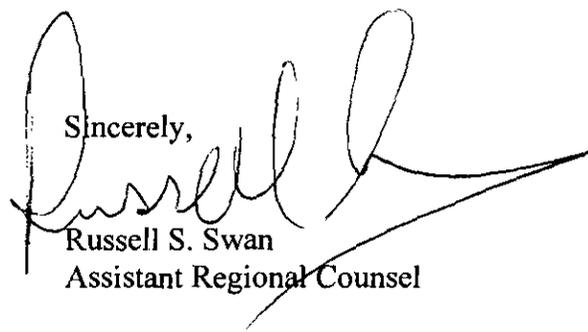
Enclosed, please find the final Consent Agreement ("CA") resolving case number: CAA-3-2009-0091. The first payment is due 30 days after the CA was filed. The, CA was filed on November 19, 2009, so the first payment is due by December 19, 2009. Subsequent payments are due within corresponding 30 day time periods.

Payment of the penalty shall be made by cashier's check, certified check, electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the case caption and docket number CAA-03-2009-0091.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

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

Thank you for your cooperation in this matter. If you have any questions, I can be reached at (215) 814-5387.

Sincerely,  
  
Russell S. Swan  
Assistant Regional Counsel

Enclosure

cc: Richard Ponak

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

In the matter of:

DOCKET NO. CAA-03-2009-0091

RMMI, Inc.  
936 Beatrice Parkway  
Edison, NJ 08820,

and

MJS Contracting, Inc.  
85 Bridge Street  
Sewaren, NJ 07077,

Respondents,

Former Holiday Inn Hotel  
Route 447  
Monroe County  
East Stroudsburg, PA 18301,

Facility.

**CONSENT AGREEMENT  
AND  
FINAL ORDER**

I.

Preliminary Statement

1. Pursuant to Section 113(a)(3) and (d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(a)(3) and (d), the Director of the Waste and Chemicals Management Division for the United States Environmental Protection Agency (“EPA”), Region III, initiated this administrative proceeding for the assessment of civil penalties against RMMI, Inc., (“RMMI”), and MJS Contracting, Inc., (“MJS”), (hereinafter “Respondents”), by issuance of a Complaint and Notice of Opportunity to Request a Hearing (“Complaint”) dated February 20, 2009. The Complaint, incorporated herein by reference, alleges that the Respondents RMMI and MJS violated Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder at 40 C.F.R. Part 61, Subpart M, during an asbestos demolition project at the former Holiday Inn Hotel (the “Facility”),

located at Route 447, East Stroudsburg, Pennsylvania 18301. The Complaint was issued by the Director of the Waste and Chemicals Management Division for the United States Environmental Protection Agency, Region III ("Complainant").

2. Respondents admit the jurisdictional allegations set forth in the Complaint.
3. Except as provided in paragraph 2 above, Respondents neither admit nor deny the factual allegations contained in the Complaint and in the Findings of Fact set forth in this Consent Agreement.
4. Respondents neither admit nor deny the legal conclusions contained in the Complaint and in the Conclusions of Law set forth in this Consent Agreement.
5. Respondents hereby expressly waive their right to a hearing on any issue of fact or law set forth herein and waive their right to appeal the attached Final Order.
6. Respondents consent to the issuance of the attached Final Order, hereinafter recited, and consent to the payment of the civil penalty in the amount and in the manner set forth in this Consent Agreement.
7. Complainant and Respondents agree to pay their own costs and attorney fees.
8. This Consent Agreement and the accompanying Final Order (collectively, "CAFO") resolve only the civil claims which are alleged against Respondents in the Complaint, incorporated herein by reference. Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions.
9. EPA reserves any and all rights and remedies available to it to enforce the provisions of this Consent Agreement and the attached Final Order, the Act, its implementing provisions and regulations, and of any other federal laws and/or regulations pursuant to which it has jurisdiction, following the entry of this Consent Agreement and the attached Final Order.
10. This Consent Agreement shall apply to and be binding upon Respondents, their officers, directors, trustees, successors and assigns.

11. Respondents herein certify to EPA that, upon investigation, to the best of their knowledge and belief, they are presently in compliance with the provisions of the Act and regulations promulgated thereunder pursuant to which violations were alleged against Respondents in the Complaint.

II.  
Findings of Fact

12. EPA incorporates by reference all factual allegations contained in the Complaint filed by EPA in this matter.

III.  
Conclusions of Law

13. EPA incorporates by reference all legal conclusions contained in the Complaint filed by EPA in this matter.
14. In view of the above incorporated Findings of Fact and Conclusions of Law, EPA concludes that Respondents failed to comply with the requirements of 40 C.F.R. §§ 61.145(b)(1), 61.145(c)(1), 61.145(c)(6)(i), and 61.145(c)(8) in violation of Section 112 of the Act, 42 U.S.C. § 7412, and on that basis, Respondents are liable to the United States for a civil penalty pursuant to Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d).

IV.  
Settlement Recitation

15. Complainant and Respondents enter into this Consent Agreement in order to fully settle and resolve all allegations set forth in the Complaint against Respondents without adjudication of any issue of law or fact, or admission or denial of any issue of law or fact by Respondents, except as provided in Paragraph 2 of this Consent Agreement.
16. In full settlement of any and all civil charges and allegations set forth in the Complaint against Respondents, and in consideration of each provision of this CAFO, Respondents consent to the assessment of a civil penalty of fifty one thousand dollars (\$51,000), plus applicable interest. Respondents consent to pay the civil penalty in the manner set forth in the following schedule:

Payment	Payment Due	Interest
Payment 1 (0-30 Days)	\$8,500.00	\$0.00
Payment 2 (30-60 Days)	\$8,604.79	\$104.79
Payment 3 (60-90 Days)	\$8,583.84	\$83.84
Payment 4 (90-120 Days)	\$8,562.88	\$62.88
Payment 5 (120-150 Days)	\$8,541.92	\$41.92
Payment 6 (150-180 Days)	\$8,520.96	\$20.96
<b>Totals</b>	<b>\$51,314.39 (Principle Plus Interest)</b>	<b>\$314.39</b>

17. Respondents shall pay the civil penalty assessed in paragraph 16 above, which includes applicable interest, in accordance with the schedule in paragraph 16, beginning on the effective date of this Consent Agreement and the attached Final Order.
18. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA - Region III.
19. The aforesaid settlement amounts are based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty assessment criteria in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the size of Respondents' businesses; the economic impact of the penalty on the Respondents; Respondents' full compliance history and good faith efforts to comply; the duration of the violations; the seriousness of the violations; the economic benefit of noncompliance; and the Clean Air Act Stationary Source Civil Penalty Policy, Appendix III.
20. Respondents agree not to deduct for federal tax purposes the civil penalty or any portion of the civil penalty specified in this CAFO.
21. Payment of the penalty shall be made by cashier's check, certified check, electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

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

Overnight deliveries shall be sent to:  
U.S. Environmental Protection Agency  
Fines and Penalties  
ATTENTION: Natalie Pearson  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101.

All electronic wire transfer payments shall be directed to:  
Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental  
Protection Agency"

Payments through ACH (also known as REX or remittance express) shall be directed to:  
Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact -- Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field. Open form and complete required fields.

22. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to Russell Swan, Esq., Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
23. Respondents' failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondents' failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.
24. The following notice concerns additional interest and late payment penalty charges that will accrue if the civil penalty is not paid as directed.

Pursuant to 31 U.S.C. § 3717, an executive agency 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. Interest will begin to accrue on this civil penalty if it is not paid as directed. 4 C.F.R. § 102.13(b). Additional interest will be assessed at the rate of the United States Treasury tax and loan rate. 4 C.F.R. § 102.13(c). In addition, a penalty charge of no more than six percent per year will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after any scheduled payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due. 4 C.F.R. § 102.13(e).

The undersigned representative of RMMI, Inc. certifies that he is fully authorized to execute this Consent Agreement and to legally bind RMMI, Inc., to this Consent Agreement.

8/28/09

Date



Divyakant Patel

The undersigned representative of MJS Contracting, Inc., certifies that he or she is fully authorized to execute this Consent Agreement and to legally bind MJS Contracting, Inc., to this Consent Agreement.

10-5-09  
Date

  
Michael Santardi

For Complainant:

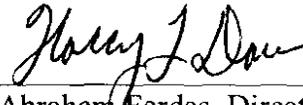
10/15/09  
Date



Russell Swan  
Senior Assistant Regional Counsel  
EPA Region III

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Judicial Officer issue the attached Final Order. The amount of the recommended civil penalty assessment is \$51,000.00, plus applicable interest.

11/6/2009  
Date



Abraham Ferdas, Director  
Land and Chemicals Division  
EPA Region III

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

In the matter of:	:	
	:	DOCKET NO. CAA-03-2009-0091
	:	
RMMI, Inc.	:	
936 Beatrice Parkway	:	
Edison, NJ 08820,	:	
	:	
and	:	
	:	
MJS Contracting, Inc.	:	
85 Bridge Street	:	
Sewaren, NJ 07077,	:	
	:	
	:	
Respondents,	:	
	:	
	:	
Former Holiday Inn Hotel	:	
Route 447	:	
Monroe County	:	<b>CONSENT AGREEMENT</b>
East Stroudsburg, PA 18301,	:	<b>AND</b>
	:	<b>FINAL ORDER</b>
	:	
	:	
Facility.	:	
	:	

**FINAL ORDER**

Complainant and Respondents have executed a document entitled "Consent Agreement," which I ratify as a Final Order in accordance with Section 22.18(b)(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. § 22.18(b)(3). The terms of the forgoing Consent Agreement are hereby accepted by the undersigned and incorporated into this Order.

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**NOW THEREFORE**, pursuant to 40 C.F.R. § 22.18(b)(3), the undersigned ratifies the foregoing Consent Agreement and hereby orders that the Respondents, RMMI, Inc., and MJS Contracting, Inc., (collectively “settling Respondents”), shall be liable for a civil penalty of fifty one thousand dollars (\$51,000), plus interest. The effective date of the accompanying Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk of U.S. EPA Region III.

Date: 11/18/09

  
Renée Sarajian  
Regional Judicial Officer

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

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**CONSENT AGREEMENT  
AND  
FINAL ORDER**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on the date provided below, the original and one true and correct copy of the foregoing Consent Agreement and Final Order were hand-delivered to and filed with the Regional Hearing Clerk (3RC30), U.S. EPA - Region III, 1650 Arch Street,

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Philadelphia, PA, and that true and correct copies were served via overnight mail to:

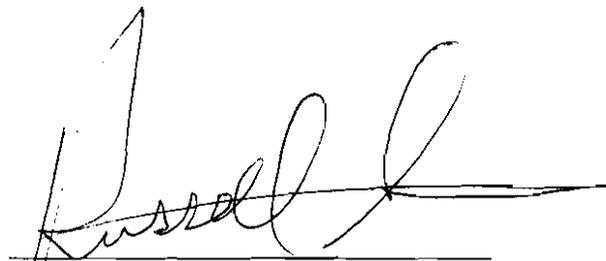
Divyakant Patel  
RMMI, Inc.  
936 Beatrice Parkway  
Edison, NJ 08820,

and

Michael J. Sancilardi  
President, MJS Contracting, Inc.  
85 Bridge Street  
Sewaren, NJ 07077

Date:

11/19/09

A handwritten signature in black ink, appearing to read "Russell S. Swan", written over a horizontal line.

Russell S. Swan  
Assistant Regional Counsel  
U.S. EPA - Region III