\*\* FILED \*\* 065EP2016 - 02:53PM U.S.EPA - Region 09

#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX

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#### IN THE MATTER OF:

Rodan Builders, Inc. 859 Cowan Road Burlingame, CA 94010 Respondent Docket No.TSCA-09-2016- 0018

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

#### EXPEDITED SETTLEMENT AGREEMENT

- The U.S. Environmental Protection Agency ("EPA"), Region IX, through the duly delegated Chief of the Waste and Chemical Section of the Enforcement Division, ("Complainant") alleges that Rodan Builders, Inc. ("Respondent") failed to comply with the Toxic Substances Control Act ("TSCA"), 42 U.S.C. § 2601 et seq., and its implementing regulations at 40 C.F.R. Part 745, Subpart E.
- 2. Under 40 C.F.R. §745.81(a)(2)(ii), Respondent was required to obtain a firm certification from EPA under 40 C.F.R. §745.89 before offering to perform seven renovations for compensation in six child-occupied facilities (McKinley Elementary School, Sutro Elementary School, Buena Vista Elementary School, Sarah B. Cooper CDC Preschool, New Academic Center (San Miguel) and Longfellow Elementary School in San Francisco) in 2012, 2014 and 2015, respectively and failed to do so.
- Complainant and Respondent agree that settlement of this matter for a civil penalty of \$7,000 (SEVEN THOUSAND DOLLARS) is in the public interest.
- Complainant is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b).
- 5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to TSCA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to any conditions specified in the Agreement and to the assessment of the civil penalty; and (5) waives any right to contest the allegations contained herein or appeal the attached final order.
- 6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected; and (2) Respondent has submitted proof of payment of

civil penalty with this Agreement.

- 7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- 8. No portion of the civil penalty paid by Respondent pursuant to this Agreement shall be claimed by Respondent or any other person as a deduction from federal, state, or local income taxes.
- 9. EPA reserves all of its rights to take enforcement action against Respondent for any other past, present, or future violations of TSCA, any other federal statute or regulation, or this Agreement.
- 10. Each party shall bear its own costs and fees, if any.
- 11. The undersigned representative of Respondent and the undersigned representative of Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.
- 12. This Agreement is binding upon Respondent and its successors and assigns, and in accordance with 40 C.F.R. 22.31(b), is effective upon the filing of the Final Order attached to the Agreement.

IT IS SO AGREED.

FOR RESPONDENT, RODAN BUILDERS, INC.

DAN DLIVER Name (print): Title (print): Signature:

FOR COMPLAINANT, EPA REGION IX

Douglas K. McDaniel Chief, Waste and Chemical Section Enforcement Division U.S. Environmental Protection Agency, Region IX

Date 8/5/16

Date 8/31/16

In re: Rodan Builders, Inc.

## FINAL ORDER

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

IT IS SO ORDERED:

Steven L. Jawgiel Regional Judicial Officer U.S. EPA, Region IX

Date 09/06/16

In re: Rodan Builders, Inc.

## CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Rodan Builders, Inc. was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Dan Oliver, Chief Financial Officer Rodan Builders, Inc. 859 Cowan Road Burlingame, CA 94010

## CERTIFIED MAIL NUMBER: 7015 3010 0000 3883 7677

And an additional copy was hand-delivered to the following U.S. EPA case attorney:

Carol Bussey Office of Regional Counsel U.S. EPA, Region IX 75 Hawthorne Street San Francisco, CA 94105

9/6/16

Regional Hearing Clerk U.S. EPA, Region IX Date

# Receipt for Federal Lead Based Paint Firm Certification

**Dan Oliver** 859 Cowan Rd Burlingame, CA, 94010

Your payment has been submitted to Pay.gov.

Transaction Date: 8/8/2016

Application Number: R489835\$300.00Application Type: RRPSubmission Type: InitialPay.gov Tracking ID: 25T71POJAgency Tracking ID: EPA489835001

Total

\$300.00