



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

July 22, 2021

REPLY TO THE ATTENTION OF

VIA ELECTRONIC MAIL

Mr. Robert Zak
Training Program Manager
ZOTA Safety Services, LLC
5701 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

bob@zotapro.com

Expedited Settlement Agreement and Final Order – In the Matter of:
ZOTA Safety Services, LLC, Docket No. TSCA-05-2021-0009

Dear Mr. Zak:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order in resolution of the above case. This document was filed on July 22, 2021 with the Regional Hearing Clerk.

The civil penalty in the amount of \$2,600 is to be paid in the manner described in paragraphs 7 and 8. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

Michael Todd

Digitally signed by
Michael Todd
Date: 2021.07.09
10:01:32 -05'00'

Michael Todd
Pesticides and Toxics Compliance Section

Enclosure

cc: Robert Guenther (C-14J)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. TSCA-05-2021-0009
)
)
ZOTA Safety Services, LLC,)
Brooklyn Center, Minnesota) EXPEDITED SETTLEMENT
) AGREEMENT AND
Respondent.) FINAL ORDER
)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that ZOTA Safety Services, LLC (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. Respondent, ZOTA Safety Services, LLC, is a corporation organized under the laws of the State of Minnesota which owns and operates a training facility at 5701 Shingle Creek Parkway, Brooklyn Center, Minnesota.
3. Specifically, EPA alleges that beginning on, or about, April 1, 2019 to June 14, 2020, Respondent's training program provided, offered, or claimed to provide EPA accredited lead-based paint activities courses or renovator or dust sampling courses in violation of TSCA as follows:
 - a. The training manager of Respondent's training program on nine occasions failed to notify EPA of course cancellations or other changes to the original notification at least 2 business days prior to the start of courses offered for renovators, dust sampling technicians or lead-based paint activities, as required by 40 C.F.R. § 745.225(c)(13)(iv), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
 - b. The training manager of Respondent's training program failed on two (2) occasions to provide EPA with the required 10 business day notice after completion of in-person lead-based paint activities courses and in two (2) other instances failed to provide notification via the Central Data Exchange for e-learning renovator refresher courses that do not include hands-on training, which are required to be submitted no later than the 10th day of the month and include all students trained in the previous month, pursuant to 40 C.F.R. § 745.225(c)(14)(i), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
4. EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,600 is in the public interest.
5. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225 (a); (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; and (4) consents to the assessment of this penalty.

7. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$2,600 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of: ZOTA Safety Services, LLC"), and the docket number of this Agreement.

8. Respondent must send a notice of payment when it pays the penalty that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to the following addresses:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Michael Todd (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Robert Guenther (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

9. This civil penalty is not deductible for federal tax purposes.
10. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
11. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
12. This Agreement resolves only Respondent's liability for federal civil penalties for the violations

alleged in the Agreement.

13. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
15. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
16. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
17. The terms of this Agreement bind Respondent, and its successors and assigns.
18. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
19. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.
20. Each party shall bear its own costs and fees, if any.
21. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

ZOTA Safety Services, LLC


NAME (print): Robert Zak

TITLE (print): Owner

SIGNATURE: 

DATE: 6/4/2021

APPROVED BY EPA:

Harris,
Michael 

Digitally signed by Harris,
Michael
Date: 2021.07.12
12:22:04 -05'00'

DATE: 7/12/21

Michael D. Harris
Division Director
Land Enforcement and Compliance Assurance Division
United States Environmental Protection Agency
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2021.07.21
15:08:12 -05'00'

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

<https://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu>

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

<https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman> or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

<https://www.epa.gov/compliance>

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

<https://www.complianceassistance.net>

EPA-sponsored Compliance Assistance Centers provide the information you need, in a way that helps make sense of environmental regulations. Each Center addresses real world issues faced by a specific industry or government sector. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

<https://www.epa.gov/agriculture>

Automotive Recycling

<http://www.ecarcenter.org>

Automotive Service and Repair

<https://ccar-greenlink.org/> or 1-888-GRN-LINK

Combustion—Boilers, Generators, Incinerators, Wood Heaters

<https://www.combustionportal.org/>

Construction

<http://www.cicacenter.org>

Education

<https://www.nacubo.org/>

Healthcare

<http://www.hercenter.org>

Local Government

<https://www.lgean.net/>

Oil/ Natural Gas Energy Extraction

<https://www.eciee.org/>

Paints and Coatings

<https://www.paintcenter.org/>

Ports

<https://www.portcompliance.org/>

Surface Finishing

<http://www.sterc.org/>

Transportation

<https://www.tercenter.org/>

U.S. Border Compliance and Import/Export Issues

<https://www.bordercenter.org/>

Veterinary Care

<https://www.vetca.org/>

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific information on regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

<https://www.epa.gov/tribal>

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has several such policies that may apply to small businesses. More information is available at:

- **EPA's Small Business Compliance Policy**
- <https://www.epa.gov/compliance/small-business-compliance>
- **EPA's Audit Policy**
- www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a Small Business Administration (SBA) National Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the SBA's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, you can call the SBA National Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or submit a comment online at <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

Expedited Settlement Agreement and Final Order
In the Matter of: ZOTA Safety Services, LLC
Docket Number: TSCA-05-2021-0009

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on July 22, 2021, this day in the following manner to the addressees:

Copy by e-mail to
Respondent:

Mr. Robert Zak
Training Program Manager
ZOTA Safety Services, LLC
5701 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430
bob@zotapro.com

Copy by e-mail to
Attorney for Complainant:

Robert Guenther
guenther.robert@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: _____

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5