

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

IN RE:)	DOCKET NO. TSCA-03-2013-002
)	
Professional Training Associates, Inc. One Library Place Suite 205 Duquesne, PA 15110)	EXPEDITED CONSENT AGREEMENT
)	
Respondent.)	Proceeding under Sections 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615(a) and 2689
)	

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 EPA REGION III
 PHILADELPHIA, PA

EXPEDITED CONSENT AGREEMENT

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA” or “Agency”) and Professional Training Associates, Inc. (hereinafter “Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, the federal regulations set forth at 40 C.F.R. Part 745, Subpart L, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)).
2. EPA finds that Respondent was subject to the “Lead-Based Paint Activities” (“LBPA”) Rule set forth at 40 C.F.R. Part 745, Subpart L, promulgated under Section 402 of TSCA, 15 U.S.C. § 2682, based upon the fact that Respondent is an entity and a “person” (as defined by 40 C.F.R. § 745.223) accredited under 40 C.F.R. § 745.225 to offer lead based paint activities courses, and is therefore a “training provider” as defined by 40 C.F.R. § 745.223. The violation identified and settled herein pertains to the “Renovator Initial Training Course” which Respondent conducted at its facility located at 46 S. Linden Street, Duquesne, PA on March 14, 2012.
3. EPA finds that Respondent failed to comply with the LBPA Rule by failing to: a) have each student at the March 14, 2012 initial renovator course successfully complete the hands-on skills assessment (as required by 40 C.F.R. § 745.225(c)(7) and 40 C.F.R. § 745.225(d)(6)). In violating the LBPA rule, Respondent violated sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and 40 C.F.R. § 745.235.
4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order.

5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations, the legal conclusions and the alleged violations set forth in this Expedited Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Expedited Consent Agreement, the issuance of the attached Final Order, or the enforcement of the Expedited Consent Agreement and Final Order.
7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Expedited Consent Agreement and any right to appeal the attached Final Order.
8. Respondent consents to the issuance of this Expedited Consent Agreement and agrees to comply with its terms and conditions.
9. Each Party to this Expedited Consent Agreement shall bear its own costs and attorney's fees.
10. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up to \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.
11. The parties enter into this Expedited Consent Agreement in order to settle the civil violation alleged above. Pursuant to TSCA and the Consolidated Rules of Practice, based on the nature of the violation, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$1,000**.
12. Respondent agrees that within 30 days of the effective date of this Expedited Consent Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (TSCA-03-2013-0122), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to Louis F. Ramalho, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, Region III (Mail Code 3RC50), 1650 Arch Street, Philadelphia, PA 19103, and Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.
13. Respondent certifies, subject to civil and criminal penalties for making a false statement to the U.S. Government, that it has corrected the violation and is in full compliance with the LBPA rule as cited herein.

14. This Expedited Consent Agreement settles EPA's civil penalty claims against Respondent for the violation specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA or any other federal statute or regulation.

15. Nothing in this Expedited Consent Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Expedited Consent Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. If Respondent does not sign and return this Expedited Consent Agreement **within 20 days** of the date of its receipt, this proposed Expedited Consent Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violation identified herein.

17. This Expedited Consent Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Expedited Consent Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Expedited Consent Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he is fully authorized to execute this Expedited Consent Agreement and to legally bind Professional Training Associates, Inc. to this Expedited Consent Agreement.

APPROVED BY: Professional Training Associates, Inc.

Name (print): Gregory S. Ashman
Title (Print): President
Signature: 

FOR COMPLAINANT:

Date: 9-16-2013



Louis F. Ramalho
Sr. Assistant Regional Counsel
Office of Regional Counsel
EPA Region III

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

9/16/13
Date

James Taylor
for
John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

IN RE:)
)
Professional Training Associates, Inc.)
One Library Place)
Suite 205)
Duquesne, PA 15110)
)
)
Respondent.)
)

DOCKET NO. TSCA-03-2013-0122

FINAL ORDER

Proceeding under Sections 16(a) and 40
of the Toxic Substances Control Act,
15 U.S.C. §§ 2615(a) and 2689

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PHILA. PA

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FINAL ORDER

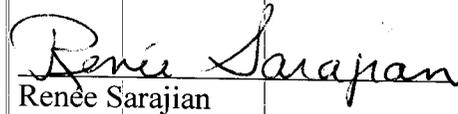
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned Respondent have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

WHEREFORE, pursuant to the authority of Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615, for a violation of the Lead-Based Paint Activities Rule set forth at 40 C.F.R. Part 745, Subpart L, promulgated under Section 402 of TSCA, 15 U.S.C. § 2682, and having determined, based on the representations of the parties to the attached Expedited Consent Agreement, that the agreed-upon one thousand dollar (\$1,000) civil penalty was based upon consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of one thousand dollars (\$1,000) in accordance with the payment provisions set forth in the attached Expedited Consent Agreement.

Docket. No. TSCA-03-2013-0122

The effective date of the foregoing Consent Agreement and this **FINAL ORDER** is the date on which the CONSENT AGREEMENT AND FINAL ORDER are filed with the EPA Regional Hearing Clerk.

9/17/13
Date


Renee Sarajian
Regional Judicial Officer
U.S. EPA - Region III

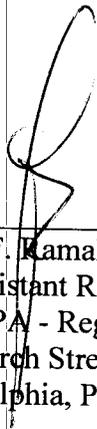
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, **Docket No. TSCA-03-2013-0122**, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

Counsel for Respondent:

Harry Klodowski, Esquire
Hull & Klodowski, LLC.
6400 Brooktree Court
Suite 250
Wexford, PA 15090

Date *9-17-2013*



Louis F. Kamalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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