

FILED

February 29, 2024

5:07 P.M. PST

**U.S. EPA REGION 10
HEARING CLERK**

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:)	
)	DOCKET NO. TSCA-10-2024-0003
)	
NORTHWEST INDEPENDENT)	EXPEDITED SETTLEMENT
CONTRACTORS ASSOCIATION)	AGREEMENT AND
)	FINAL ORDER
)	
Wenatchee, Washington)	
)	
Respondent.)	
)	

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Northwest Independent Contractors Association (“Respondent”) failed to comply with 404(b) of TSCA, 15 U.S.C. § 2684(b), et seq. (“TSCA”).

2. The State of Washington is authorized under Section 404(a) of TSCA, 15 U.S.C. § 2684(a), and 40 C.F.R. § 745.324(d) to administer and enforce requirements for the lead-based paint activities (LBPA) program in accordance with Section 402(a) of TSCA, 15 U.S.C. § 2682(a)(2). Section 404(b) of TSCA, 15 U.S.C. § 2684(b), makes it unlawful for any person to violate or fail or refuse to comply with any requirement of a state program authorized under Section 404 of TSCA, 15 U.S.C. § 2684.

3. Based on the accreditation certification issued to the Respondent on November 22, 2021, the respondent is an accredited training provider as defined by the Washington Administrative Code (WAC) 365-230-020(5).

4. WAC 365-230-100(2)(a) states the training manager must provide the department with notification after the completion of any lead-based paint activities or renovator and dust sampling technician course no later than 10 business days following course completion to the Washington State Department of Commerce in accordance with the requirements of WAC 365-230-100.

5. On May 22, 2023, the Respondent provided a RRP Renovator Initial training at 1115A Walla Walla Avenue Suite 101, Wenatchee, Washington 98801, for 13 registered students.

6. The Respondent sent the post notification to Washington State Department of Commerce via online data system on August 28, 2023, 70 days after the RRP Initial Renovator training was provided.

7. The Respondent's failed to send the post notification to Washington State Department of Commerce at least ten business days after the May 22, 2023, training, in violation of WAC 365-230-100(2)(a).

8. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is **\$1,000**.

9. Upon signing this Expedited Settlement Agreement ("Agreement"), Respondent shall deposit the civil penalty amount listed in paragraph 8 by one of the following methods:

9.1 Send a cashier's or certified check or money order with a notation for TSCA-10-2024-0003 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. TSCA-10-2024-0003
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197-9000

9.2 Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx or United Parcel Service of America, Inc.) with a notation for TSCA-10-2024-0003 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979078
Docket No. TSCA-10-2024-0003
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

9.3 Make electronic payment (Pay.gov) at [EPA Miscellaneous Payments - Cincinnati Finance Center](#) following the online directions to pay the civil penalty, electronic funds transfer (EFT).

10. Concurrently with the deposit under paragraph 9, Respondent shall forward a scanned, ink signed PDF copy of the Agreement, and a copy of the cashier's or certified check or money order or documentation of a wire transfer via email to Kim Farnham, Lead-Based Paint Compliance Officer, at the following email address: farnham.kim@epa.gov. By written notice to Respondent, EPA may change the address and/or person listed above.

11. EPA is authorized to enter into this Agreement, and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).

12. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the attached Final Order.

13. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) agrees to provide a deposit for payment of the civil penalty as set forth in paragraph 8; (b) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in paragraph 9; and (c) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

14. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 8, Respondent shall be relieved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

15. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

16. 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.

17. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded for collection of the amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

18. Each party shall bear its own costs and fees, if any.

19. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

20. 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,

Respondent Name (print): Mary Yerabek

Respondent Title (print): Director

Respondent Signature: Mary W Yerabek

Date: 2/1/2024

APPROVED BY EPA:

EDWARD KOWALSKI
Digitally signed by EDWARD KOWALSKI
Date: 2024.02.28 10:24:50 -08'00'

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Date: _____

FINAL ORDER

Pursuant to the authority of Section 16 of TSCA, 15 U.S.C. § 2615, and according to the terms of the Expedited Settlement Agreement, IT IS HEREBY ORDERED THAT:

This agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this _____ day of _____, 2024.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Northwest Independent Contractors Association, Docket Number TSCA-10-2024-0003** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered electronically to:

Kim Farnham
Lead-Based Paint Compliance Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, 20-C04
Seattle, Washington 98101
farnham.kim@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Ms. Mary Yerabek
Director
Northwest Independent Contractors Association (NICA)
1900 Number 2 Canyon Road
Wenatchee, Washington 98801
nicasafety@gmail.com

DATED this _____ day of _____, 2024.

Regional Hearing Clerk
EPA Region 10