



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

SEP 26 2019

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7016 0910 0001 3399 7008

Ms. Bridget Davis  
President  
GWS Environmental Contractors  
105 Fresh Ponds Road  
Jamesburg, NJ 08831

Re: In the Matter of Johnston Court, Inc. and GWS Environmental Contractors  
Docket No. TSCA-02-2019-9104

Dear Ms. Davis:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the thirty (30) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check or other reasonable proof that such payment has been made is promptly mailed to:

Vivian Chin, Environmental Engineer  
USEPA, Region 2  
2890 Woodbridge Avenue, MS-225  
Edison, New Jersey 08837

Please contact Ms. Chin at (732) 906-6179, or by electronic mail at [chin.vivian@epa.gov](mailto:chin.vivian@epa.gov), should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief  
Pesticides and Toxic Substances Compliance Branch

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

SEP 26 2019

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7016 0910 0001 3399 7022

Mr. William Goodwin  
Johnston Court, Inc.  
5 Second Street  
Trenton, NJ 08611

Re: In the Matter of Johnston Court, Inc. and GWS Environmental Contractors  
Docket No. TSCA-02-2019-9104

Dear Mr. Goodwin:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the thirty (30) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check or other reasonable proof that such payment has been made is promptly mailed to:

Vivian Chin, Environmental Engineer  
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2890 Woodbridge Avenue, MS-225  
Edison, New Jersey 08837

Please contact Ms. Chin at (732) 906-6179, or by electronic mail at [chin.vivian@epa.gov](mailto:chin.vivian@epa.gov), should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief  
Pesticides and Toxic Substances Compliance Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

-----X  
:   
In the Matter of :   
:   
: CONSENT AGREEMENT  
: AND  
Johnston Court, Inc. ; :   
: FINAL ORDER  
GWS Environmental Contractors, :   
:   
Respondents. :   
:   
: Docket No.  
Proceeding under Section 16(a) of : TSCA-02-2019-9104  
the Toxic Substances Control Act. :   
:   
-----X

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

The Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Johnston Court, Inc. and GWS Environmental Contractors (collectively referred to as "Respondents") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated

biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1). EPA and Respondents agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondents are Johnston Court, Inc. and GWS Environmental Contractors.
2. Respondent Johnston Court, Inc. owns the facility located in and around 483 South Broad Street, Trenton, New Jersey (hereinafter "the facility").
3. Respondent GWS Environmental Contractors acted as an environmental consultant for Johnston Court, Inc. overseeing underground storage tank decommissioning activities at the facility.
4. PCB waste was shipped from the facility for off-site disposal without being identified as PCBs on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).
5. On or about April 17, 2019, Complainant sent to Respondents a Notice of Opportunity Related to Enforcement Action Under The Toxic Substances Control Act, which alleged that Respondents had violated the PCB regulations at 40 C.F.R. Part 761.
6. On June 10, 2019, the parties met for an informal settlement conference.

#### CONCLUSIONS OF LAW

1. Respondents are subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.
2. Each Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest form 8700-22 is a violation of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondents, that Respondents agrees to, and shall comply with, the following terms:

1. Respondents shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it with respect to the facility.

2. For the purposes of entering into this Consent Agreement only, Respondents (a) admit that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

3. Respondents shall pay, by cashier's or certified check, a civil penalty in the full collective amount of **THIRTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-THREE DOLLARS (\$39,873)** to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

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

Alternatively, payment may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment;
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045;
- 3) Account: 68010727;
- 4) ABA number: 021030004;
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency";

- 6) Name of Respondents; and
- 7) Docket Number

Payment must be received at the above address (or account of EPA) on or before **30 calendar days** after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the “due date”).

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. Full payment of the penalty described in paragraph 3, above, shall only resolve, fully and finally, Respondents’ liability for federal civil penalties for the violations and facts EPA alleges as described in paragraph 4 in the “Findings of Fact” section, above, and paragraph 3 in the “Conclusions of Law” section, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violations of law.

5. Respondents explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agree to pay the penalty in accordance with the terms of this Consent Agreement.

6. Complainant and Respondents hereby waives their right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the “Findings of Fact” section, above, and the allegations contained in the “Conclusions of Law” section, above, or on any allegations arising thereunder. Respondents further waives their right otherwise to contest all such assertions and/or allegations solely for the purposes of this Consent Agreement.

7. Respondents agrees not to contest the validity or any term of this Consent Agreement and Final Order in any action brought: a) by the United States, including EPA, to enforce this Consent Agreement or Final Order; or b) to enforce a judgment relating to this Consent Agreement and Final Order. Any failure by Respondents to perform fully any requirement herein will be considered a violation of this Consent Agreement and Final Order,

8. This Consent Agreement does not waive, extinguish, or otherwise affect Respondents' obligation to comply with all applicable federal, state, or local laws, rules, or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondents' obligation to comply with all applicable provisions of TSCA and the regulations promulgated thereunder.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Based upon knowledge and belief, Respondents certifies that as of the date of its execution of this CAFO, they are in compliance with all relevant requirements of TSCA at the facility.

11. Each party shall bear its own costs and fees in this matter.

12. Any responses, documentation, and other communications submitted to EPA in connection with this Consent Agreement shall be sent to:

Vivian Chin, Environmental Engineer  
U.S. Environmental Protection Agency – Region 2  
2890 Woodbridge Avenue, MS-225  
Edison, NJ 08837

Unless the above-named EPA contact is later advised otherwise in writing, EPA shall address any future written communications related to this matter (including any correspondence related to payment of the penalty) to Respondents at the following address:

For Johnston Court, Inc.:  
Mr. William Goodwin  
Johnston Court, Inc.  
5 Second Street  
Trenton, NJ 08611

For GWS Environmental Contractors:  
Ms. Bridget Davis, President  
GWS Environmental Contractors  
105 Fresh Ponds Road  
Jamesburg, NJ 08831

13. Respondents consents to service upon Respondents of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT: BY: William Goodwin  
Johnston Court, Inc.

NAME: WILLIAM GOODWIN  
(PLEASE PRINT)

TITLE: Pres.

DATE: 9/13/19



RESPONDENT:

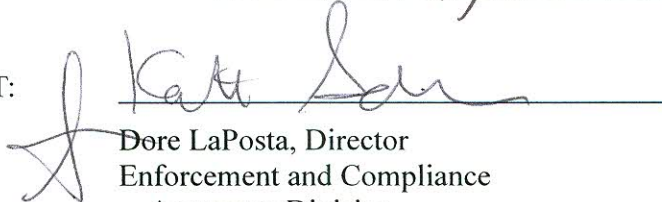
BY:   
GWS Environmental Contractors

NAME: Bridget Davis, Pcs  
(PLEASE PRINT)

TITLE: President

DATE: 9-13-19

COMPLAINANT:



Dore LaPosta, Director  
Enforcement and Compliance  
Assurance Division  
U.S. Environmental Protection  
Agency, Region 2  
290 Broadway  
New York, New York 10007

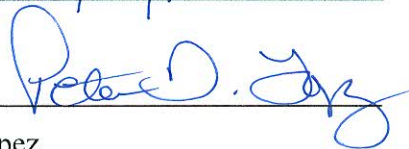
DATE: SEP 24 2019

In the Matter of Johnston Court, Inc. and GWS Environmental Contractors  
Docket Number TSCA-02-2019-9104

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Johnston Court Inc. and GWS Environmental Contractors, bearing Docket Number TSCA-02-2019-9104. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: 9/24/19



Peter Lopez  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007

In the Matter of Johnston Court, Inc. and GWS Environmental Contractors  
Docket Number TSCA-02-2019-9104

CERTIFICATE OF SERVICE

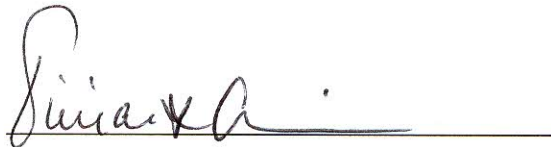
This is to certify that on the 26<sup>th</sup> day of September 2019, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket Number TSCA-02-2019-9104, by certified mail, return receipt requested, to:

Mr. William Goodwin  
Johnston Court, Inc.  
5 Second Street  
Trenton, NJ 08611

and

Ms. Bridget Davis, President  
GWS Environmental Contractors  
105 Fresh Ponds Road  
Jamesburg, NJ 08831

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 two copies of the foregoing Consent Agreement and Final Order.



A handwritten signature in cursive script, appearing to read "Diana", is written over a horizontal line.