

2014 AUG 12 PM 12: 17

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY EPA - REGION IX REGION IX HEARING CLERK

IN THE MATTER OF:

) Docket No.TSCA-09-2014- 0010

) Southland Construction Management, Inc. 3942 Valley Avenue, Suite A Pleasanton, CA 94566 Respondent

) EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

- 1. 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 Southland Construction Management, 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 a renovation for compensation in a child-occupied facility (Bret Harte Elementary School in San Francisco) in 2013 and failed to do so.
3. Complainant and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (ONE THOUSAND DOLLARS) is in the public interest.
4. 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 violation has been corrected; and (2) Respondent has submitted proof of payment of the 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, SOUTHLAND CONSTRUCTION MANAGEMENT, INC.

Name (print): Anita Hayden

Title (print): Treasurer

Signature: 

Date 7/31/14

FOR COMPLAINANT, EPA REGION IX



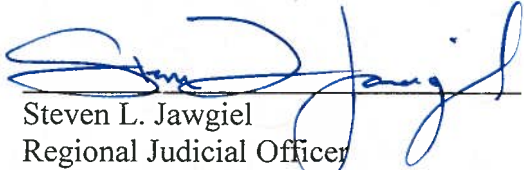
Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region IX

Date 8/6/14

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 08/11/14

Penalty Payment Instructions

The civil penalty shall be paid by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America,"

(or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

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

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank

1005 Convention Plaza

Mail Station SL-MO-C2GL

ATTN Box 979077

St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17th Street, NW

Washington, DC 20074

ABA = 051036706

Transaction Code 22 – checking

Environmental Protection Agency

Account 31006

CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "sfo1.1" in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both:

- a) Regional Hearing Clerk
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

- b) Lynn Kuo
Waste and Chemical Section, Enforcement Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Southland Construction Management, 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:

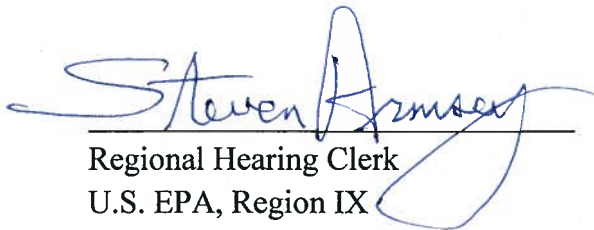
A copy was mailed via CERTIFIED MAIL to:

Kenneth Hayden
President
Southland Construction Management, Inc.
3942 Valley Avenue, Suite A
Pleasanton, CA 94566

CERTIFIED MAIL NUMBER: 70110470000291983754

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


Regional Hearing Clerk
U.S. EPA, Region IX

08-12-2014
Date