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

IN THE MATTER OF:

Stronger Building Services 31119 San Benito Street Hayward, CA 94544 Respondent

Docket No.TSCA-09-2015-0004

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 Stronger Building Services ("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 2014 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, STRONGER BUILDING SERVICES

Name (print): Gerardo Peinado

Title (print): Sec 1 Tres

Signature: Gerardo Peinado

Date 3/10/15

FOR COMPLAINANT, EPA REGION IX

DKM

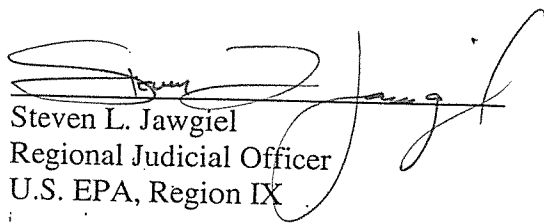
Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region IX

Date 3/16/15

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 03/20/15

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Stronger Building Services 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:

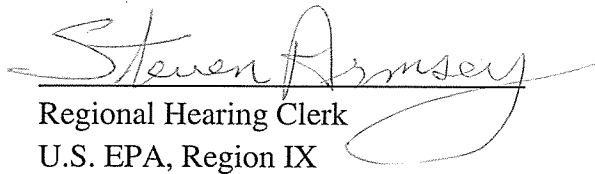
A copy was mailed via CERTIFIED MAIL to:

Gerardo Peinado
Secretary/Treasurer
Stronger Building Services
31119 San Benito Street
Hayward, CA 94544

CERTIFIED MAIL NUMBER: 70110470000291983808

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

Mar. 24, 2015
Date

BBVA Compass

CASHIER'S CHECK

502157102

CHEQUE DE CAJA

Date/Fecha: 03/10/2015 529

61-118/620

PAY TO THE ORDER OF
TREASURER, UNITED STATES OF AMERICA
Paguese por este cheque a lo orden de

***** \$1,000.00 *****

*** ONE THOUSAND DOLLARS AND 00 CENTS ***

Remitter/Remitente: STRONGER BUILDING SERVICE
Description/Descripción: DOCKET NO. TSCA-09-2015

Drawee:
Compass Bank
Birmingham, AL 35233

AUTHORIZED SIGNATURE / FIRMA AUTORIZADA

MP

⑈ 502157102 ⑈ ⑆ 062001186 ⑆ 151 5611 2 ⑈

BBVA Compass

CASHIER'S CHECK / CHEQUE DE CAJA

502157102

NOTICE TO CUSTOMERS

If this check is lost, misplaced, or stolen, the purchase of an indemnity bond may be required before this check may be replaced.

AVISOS A LOS CLIENTES

Si este control se ha perdido, extraviado o robado, la compra de un bono de indemnización podrá ser antes de que el cheque puede ser reemplazado.

PAY TO THE ORDER OF
TREASURER, UNITED STATES OF AMERICA
Paguese por este cheque a lo orden de

Date/Fecha: 03/10/2015 529

61-118/620

***** \$1,000.00 *****

*** ONE THOUSAND DOLLARS AND 00 CENTS ***

Ver Detrás de Cheque.
Características de la Seguridad Incluidas.
Compass Bank

Completion Checklist

User
Information
✓

Firm
Information
✓

Info. Review
and Payment
✓

Validation
and
Signature ✓

Form Complete

Application Number: C378944

Date/time: 3/10/2015

Your application has been received and is currently being reviewed by the EPA. Once the review process is complete, you will receive a confirmation email from flpp.notify@epa.gov. You may wish to add this sender to your 'safe' list as it may be classified as spam by some email programs.

CDX Help Desk: 888-890-1995 | (970) 494-5500 for callers from Puerto Rico and Guam

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