

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steve Schlang 3/3/14
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2014-0008

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Attorney Paul English
16 Salmon St.
Manchester, NH 03104

Total Dollar Amount of Receivable \$ 2,980.00 Due Date: 3/23/14

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1ST \$ _____ on _____
2ND \$ _____ on _____
3RD \$ _____ on _____
4TH \$ _____ on _____
5TH \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912: 48

RECEIVED
2014 MAR
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Steven C. Schlang
Enforcement Counsel
617-918-1773 (phone)
617-918-1809 (fax)

March 3, 2014

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1
5 Post Office Square
Mail Code – ORA18-1
Boston, Massachusetts 02109-3912

Re: Gerard Therrien
Docket Number: TSCA-01-2014-0008

Dear Ms. Santiago,

Please find enclosed for filing an original and one copy of a Settlement Agreement resolving the above-matter.

Please do not hesitate to contact me should you have any questions regarding the enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Schlang".

Steven C. Schlang

cc: Attorney Paul C. English

**In the Matter of: Gerard Therrien
Docket Number RSCA-01-2014-0008**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Settlement Agreement and Memo has been sent to the following persons on the date noted below:

Original and one copy
hand delivered:

Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy by Certified Mail-
Return Receipt Requested

Attorney Paul C. English
16 Salmon Street
Manchester, NH 03104

Date: March 3, 2014



Steven C. Schlang
Office of Environmental Stewardship U.S.
Environmental Protection Agency
Region I
Five Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3219
tel: (617) 918-1773
fax: (617) 918-0773



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

RRP Settlement Agreement

Issued under Section 16 of TSCA, 15 U.S.C. § 2615 | P 2:49

and 40 C.F.R. § 22.13(b) and 22.18(b)

Docket Number TSCA-01-2014-0008

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

The U.S. Environmental Protection Agency ("EPA") finds that Respondent, Gerard Therrien of 1474 Wellington Road, Manchester, New Hampshire 03104, failed to comply with the "Renovation, Repair and Painting" ("RRP") Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Section 402(c) and 406(b) of the Toxic Substances Control Act ("TSCA"), §§ 2682(c) and 2686(b), during a "renovation," as defined at section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83, of "target housing," as defined at 40 C.F.R. § 745.224, at 103 Wilkins Street, Manchester, New Hampshire 03101.

EPA finds that Respondent was subject to the RRP Rule and failed to comply with: 1) the work practice requirements of 40 C.F.R. § 745.85(a)(2)(i)(D) (by failing to cover interior surfaces with plastic sheeting); 2) the work practice requirements of 40 C.F.R. § 745.85(a)(2)(ii)(C) (by failing to cover the ground with plastic sheeting); 3) the work practice requirements of 40 C.F.R. § 745.85(a)(4)(i) (by failing to contain waste from renovation activities to prevent releases of dust and debris); 4) the renovation firm certification requirements of 40 C.F.R. § 745.81(a)(2)(ii) (by failing to obtain initial firm certification from EPA); 5) the renovator certification requirements of 40 C.F.R. § 745.81(a)(3) (by failing to obtain a course completion certificate); and 6) the notification requirements of 40 C.F.R. § 745.85(a)(1) (by failing to post signs clearly defining a work area). In violating the RRP Rule, Respondent violated sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and 40 C.F.R. § 745.87(a).

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.

For the purpose of this proceeding, Respondent admits that he is subject to the RRP Rule and TSCA and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies the specific factual allegations stated above, consents to the assessment of the penalty below, and waives any objections he may have to EPA's jurisdiction in this matter.

The parties enter into this RRP Settlement Agreement ("Agreement") in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$2,980**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent agrees that, within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check, with case name and docket number noted ("In the Matter of Gerard Therrien, Docket No TSCA-01-2014-0008"), for the amount specified above, payable to "Treasurer, United States of America," to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall also submit a copy of the check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (ORA18-1), Boston, MA 02109-3912 and Alexander Aman, Environmental Engineer, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES05-4), Boston, MA 02109-3912.

Respondent consents to the assessment of the penalty and waives his right to: (1) contest the findings of violation specified in this Agreement; (2) a judicial or administrative hearing or appeal on any issue of

law or fact set forth herein; and (3) appeal the Final Order accompanying this Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that he has corrected all violations and is in full compliance with the RRP Rule including, as necessary, obtaining renovator and/or firm certification and training.

This Agreement settles EPA's civil penalty claims against Respondent for the violations 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 of any other federal statute or regulation.

Nothing in this agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this 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. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

If Respondent does not sign and return this Agreement within 20 days of the date of its receipt, this proposed settlement may be withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

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

APPROVED BY GERARD THERRIEN:

Name (print): GERARD Therrien

Title (print): _____

Signature: [Signature] Date: 2/13/14

APPROVED BY EPA:

[Signature] Date: 2/27/14

Joanna Jensen, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA - Region 1 (New England)

IT IS SO ORDERED:

[Signature] Date: 2/27/14

LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA - Region 1 (New England)