

**\*\*FILED\*\***  
**22 JUNE 2021**  
**U.S.EPA - REGION IX**

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

<b>IN THE MATTER OF:</b>	)	Docket No.: TSCA-09-2021-0046
	)	
	)	
<b>Mackone Development, Inc.</b>	)	<b>EXPEDITED SETTLEMENT</b>
<b>2244 Beverly Boulevard</b>	)	<b>AGREEMENT AND</b>
<b>Los Angeles, CA 90057</b>	)	<b>FINAL ORDER</b>
<b>Respondent</b>	)	
	)	
	)	
	)	

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**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”), Region IX, through the duly delegated Manager of the Toxics Branch of the Enforcement and Compliance Assurance Division, (“Complainant”) alleges that Mackone Development, 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) and 89(b)(1)(iii), Respondent was required to obtain firm re-certification from EPA under 40 C.F.R. § 745.89(a) before offering to perform renovations for compensation at one child-occupied facility (Western Avenue Elementary School) in 2017 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, MACKONE DEVELOPMENT, INC

Name (print): MATT DUGAN

Title (print): VECK PRESIDENT

Signature: 

Date 5/19/21

FOR COMPLAINANT, EPA REGION IX

MATTHEW SALAZAR Digitally signed by MATTHEW SALAZAR  
Date: 2021.05.19 09:22:35 -07'00'

Date 5/19/2021

Matt Salazar, P.E.  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

In re: Mackone Development, Inc.

**FINAL ORDER**

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

**IT IS SO ORDERED:**

**STEVEN JAWGIEL** Digitally signed by STEVEN JAWGIEL  
Date: 2021.06.21 12:42:53 -07'00'

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Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA, Region IX

In re: Mackone Development, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Mackone Development Inc. (TSCA-09-2021-0046) was filed with the Regional Hearing Clerk, and a true and correct copy of the same was sent as follows:

Via E-mail:

FOR RESPONDENT:

Matt Dugan  
Vice President  
Mackone Development, Inc.  
2244 Beverly Boulevard  
Los Angeles, CA 90057  
mdugan@mackone.com

Via E-mail:

FOR COMPLAINANT:

Carol Bussey  
Assistant Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
Bussey.Carol@epa.gov

Date: \_\_\_\_\_

**Armsey,** Digitally signed by  
**Steven** Armsey, Steven  
Date: 2021.06.22  
19:50:15 -07'00'

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Steven Armsey  
Regional Hearing Clerk  
EPA - Region IX