

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for William Chin 3/21/12  
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2011-0037

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:

David B. Van Slyke, Esq.  
Preeti Flaherty Beliveau + Pachias  
One City Center  
Portland, ME 04112-9546

Total Dollar Amount of Receivable \$ 23,551.00 Due Date: \_\_\_\_\_

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1 <sup>st</sup> \$ <u>2,000.00</u> on <u>3/30/12</u>	6 <sup>th</sup> <u>1,500</u> on <u>8/1/12</u>
2 <sup>nd</sup> \$ <u>1,000.00</u> on <u>4/1/12</u>	7 <sup>th</sup> <u>1,051</u> on <u>9/1/12</u>
3 <sup>rd</sup> \$ <u>1,500.00</u> on <u>5/1/12</u>	
4 <sup>th</sup> \$ <u>1,500.00</u> on <u>6/1/12</u>	
5 <sup>th</sup> \$ <u>1,500.00</u> on <u>7/1/12</u>	

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 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

RECEIVED

2012 MAR 21 A 11:03

March 21, 2012

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK  
WS

Via Hand Delivery

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

RE: In the Matter of: Colin Wentworth  
Docket No. TSCA-01-2011-0037

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Consent Agreement and Final Order and a Certificate of Service.

Thank you for your assistance.

Sincerely,

William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1

Enclosures

cc: David B. Van Slyke, Esq.  
Judge Barbara A. Gunning

In the Matter of: Colin Wentworth  
Docket No. TSCA-01-2011-0037

### CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,  
By Hand Delivery:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

One copy, By Certified Mail,  
Return Receipt Requested:

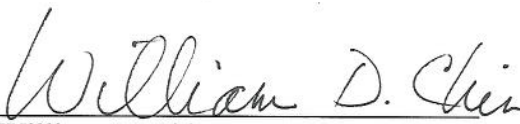
David B. Van Slyke, Esq.  
Preti Flaherty Beliveau & Pachios  
LLP  
One City Center  
P.O. Box 9546  
Portland, ME 04112-9546

One copy, By Fax and Pouch Mail

Judge Barbara A. Gunning  
U.S. EPA  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code: 1900L  
Washington, D.C. 20460

Dated: \_\_\_\_\_

3/21/12



William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION1

RECEIVED

2012 MAR 21 A 11:03

In the Matter of:

Colin Wentworth  
6 Lake Avenue  
Rockland, Maine 04841

Respondent.

Proceeding under Section 16(a) of the  
Toxic Substances Control Act,  
42 U.S.C. § 2615(a)

Docket No.  
TSCA-01-2011-0037

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK *WS*

**CONSENT AGREEMENT  
AND FINAL ORDER**

**CONSENT AGREEMENT**

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and in accordance with 40 C.F.R. § 22.18 of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

**I. INTRODUCTION**

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, initiated this proceeding against Respondent, Colin Wentworth, by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”), pursuant to Section 16(a) of TSCA on May 6, 2011.

3. Pursuant to 40 C.F.R. § 22.14(c), since Respondent had not yet filed its answer to the Complaint, Complainant filed an Amended Complaint and Notice of Opportunity for Hearing in this matter on October 6, 2011.

4. On October 28, 2011, Respondent filed its Answer to Amended Complaint, Statement of Defenses and Request for Formal Hearing.

5. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Amended Complaint.

## II. TERMS OF SETTLEMENT

6. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors and assigns in their capacity as such.

7. Respondent agrees that EPA has jurisdiction over the subject matter alleged in the Amended Complaint, and hereby waives any defenses it might have as to jurisdiction and venue.

8. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Amended Complaint.

9. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

10. Without admitting or denying the facts and violations alleged in the Amended Complaint, Respondent consents to the terms and the issuance of this CAFO, and consents, for the purposes of settlement, to the payment of the civil penalty as set forth in this CAFO.

11. Respondent certifies by the signing of this CAFO that it is presently in compliance with Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, the Residential Lead-Based

Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 et seq., and the federal regulations promulgated thereunder, entitled “Residential Property Renovation,” as set forth at 40 C.F.R. Part 745, Subpart E.

12. After consideration of the nature of the violations alleged in the Amended Complaint and other relevant factors, including Respondent’s ability to pay, Complainant has determined that it is fair and proper that Respondent pay a civil penalty in the amount of \$10,000 (plus interest) in settlement of this matter.

Penalty Payment

13. Respondent shall pay the civil penalty set forth in this CAFO (plus interest) in accordance with the following schedule:

- a. \$2,000 within 10 days of the effective date of this CAFO;
- b. \$1,000 by not later than April 1, 2012;
- c. \$1,500 by no later than May 1, 2012;
- d. \$1,500 by no later than June 1, 2012;
- e. \$1,500 by no later than July 1, 2012;
- f. \$1,500 by no later than August 1, 2012; and
- g. \$1,051 by no later than September 1, 2012.

14. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.

15. If Respondent fails to pay any installment of the civil penalty by the required date, then the remaining balance of the civil penalty plus interest at the rate specified in 31 C.F.R. § 901.9(b)(2) shall automatically and immediately become due and payable. The method of payment shall be in accordance with the provisions of Paragraph 16 herein.

16. Respondent shall make each penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "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 note the case name ("In the Matter of: Colin Wentworth") and the docket number ("TSCA-01-2011-0037") of this action on each payment check and in an accompanying cover letter, and shall provide copies of each check and letter to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

and:

William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912

17. 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 as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid as set forth in Paragraph 13. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). If payment is not made in accordance with the schedule set forth in Paragraph 13, a charge will be assessed to cover the costs of debt collection, including processing and handling costs and

attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after final payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

18. The civil penalty described in Paragraphs 12-13, and any interest, non-payment penalties, and/or other charges as described in Paragraph 17, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

Additional Provisions

19. Compliance with this CAFO, including payment of any penalties, interest, and/or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

20. This CAFO constitutes a settlement by EPA of, and resolves Respondent's liability for Federal civil penalties pursuant to Section 16 of TSCA for, the violations and facts alleged in the Amended Complaint. Nothing in this CAFO shall prevent EPA from taking any necessary action to address conditions at Respondent's facility/facilities that may present an imminent and substantial endangerment to public health or the environment. Nor shall this CAFO be construed to, nor is it intended to operate in any way to, resolve any criminal liability or any other civil liability of Respondent.

21. Except as described in Paragraph 17, each party shall bear its own costs and fees in this proceeding.



22. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTY enters into this CAFO for *In the Matter of: Colin Wentworth*, Docket No. TSCA-01-2011-0037.

For Colin Wentworth:

Colin R. Wentworth

Colin R. Wentworth  
6 Lake Avenue  
Rockland, Maine 04841

March 7, 2012

Date

David B. Van Slyke

David B. Van Slyke, Esq.  
Counsel for Respondent  
Preti Flaherty Beliveau & Pachios, LLP  
One City Center  
P.O. Box 9546  
Portland, ME 04112-9546

3-9-12

Date

THE UNDERSIGNED PARTY enters into this CAFO for *In the Matter of: Colin Wentworth*, Docket No. TSCA-01-2011-0037.

For U.S. EPA, Region 1:



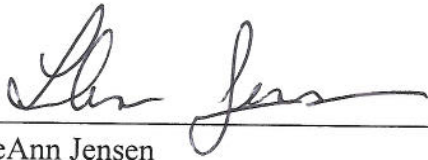
Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA, Region 1

3/20/12

Date

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1



\_\_\_\_\_  
Date