

2014 MAY -2 AM 11:11

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

REGION IX
HEALTH AND CLERK

IN THE MATTER OF:

) Docket No. TSCA-09-2014- 0006
)
)

Regency Construction Company, Inc.
21 West Carmel Valley Road
Carmel Valley, CA 93924
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 Regency Construction Company, 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 performing renovations for compensation in target housing in 2011 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, REGENCY CONSTRUCTION COMPANY, INC.

Name (print): TIM SCHERER

Title (print): OWNER / PRESIDENT

Signature: 

Date 4/11/14

FOR COMPLAINANT, EPA REGION IX



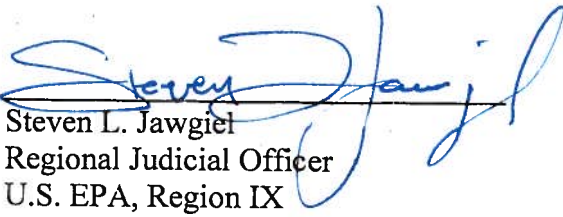
Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region IX


Date 4/28/14

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 05 01 / 14




Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

Customer Copy

1155303151

04/10/2014

Void after 7 years

Remitter: REGENCY CONSTRUCTION CO. INC

\$ 1,000.00 ****

Pay To The Order Of: TREASURER, UNITED STATES OF AMERICA

Drawer: **JPMORGAN CHASE BANK, N.A.**

NON NEGOTIABLE

Memo: _____

Note: For information only. Comment has no effect on bank's payment.

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HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

CASHIER'S CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



Date

04/10/2014

Void after 7 years

1155303151

1221

Remitter: REGENCY CONSTRUCTION CO. INC

Pay To The Order Of: TREASURER, UNITED STATES OF AMERICA

Pay: ONE THOUSAND DOLLARS AND 00 CENTS

\$ 1,000.00 ****

Drawer: **JPMORGAN CHASE BANK, N.A.**

Senior Vice President
JPMorgan Chase Bank, N.A.
Phoenix, AZ

Do not write outside this box

MEMO: *ISCA-09-2014*

Note: For information only. Comment has no effect on bank's payment.



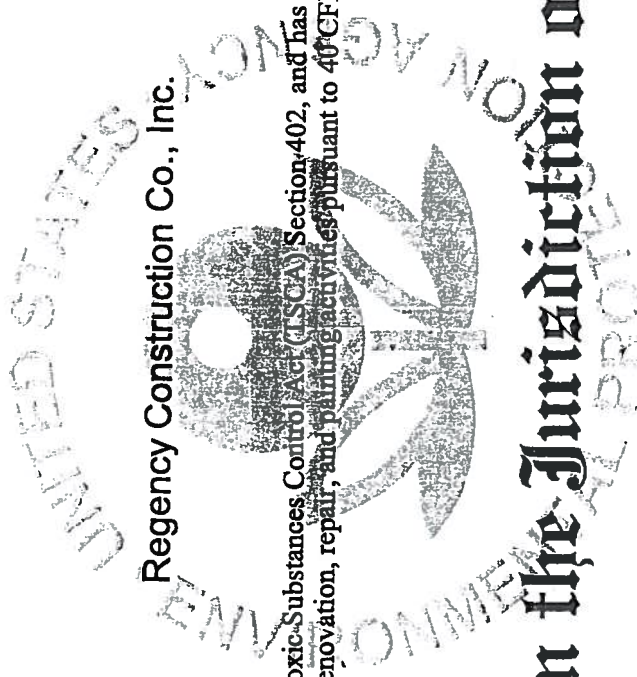
United States Environmental Protection Agency



This is to certify that

Regency Construction Co., Inc.

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89



In the Jurisdiction of:

All EPA Administered States, Tribes, and Territories

This certification is valid from the date of issuance and expires February 27, 2017

NAT-121636-1

Certification #

February 15, 2012

Issued On

A handwritten signature in cursive script, appearing to read "Michelle Price".

Michelle Price, Chief

Lead, Heavy Metals, and Inorganics Branch

CERTIFICATE OF SERVICE

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

Tim Scherer
Regency Construction Company, Inc.
21 West Carmel Valley Road
Carmel Valley, CA 93924

CERTIFIED MAIL NUMBER: ~~7000 1640 0001 2190 7724~~ 7012 1640 0001 2190 7724

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

(Interim) Steven Ramsey
Regional Hearing Clerk
U.S. EPA, Region IX

May 2, 2014
Date