



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
December 3, 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7676 4377
RETURN RECEIPT REQUESTED

Mr. Michael Esaw
M & J Environmental Institute
16304 70th Avenue North
Maple Grove, Minnesota 55311

Expedited Settlement Agreement and Final Order in the
Matter of M & J Environmental Institute Docket No. TSCA-05-2014-0002

Dear Mr. Esaw:


I have enclosed a copy of an original fully executed Expedited Settlement Agreement and Final Order in resolution of the above case. This document was filed on December 3, 2013 with the Regional Hearing Clerk.

The civil penalty in the amount of \$400.00 is to be paid in the manner described in paragraphs 6 and 7. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by January 3, 2014 (within 30 calendar days of the filing date).

The Expedited Settlement Agreement and Final Order states that it is effective upon the EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in EPA files. If you have any further questions, please feel free to contact me at the following number, (312) 886-1824.

Thank you for your cooperation in resolving this matter.

Sincerely,


Paul Fericelli
Pesticides and Toxic Compliance Section

Enclosures

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

M & J Environmental Institute
Maple Grove, Minnesota

Respondent.



Docket No. TSCA-05-2014-0002

EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

MICRO-BUSINESS EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that M & J Environmental Institute (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 42 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. Specifically, EPA alleges that on, or about, June 7, 2013, the Respondent's training program provided, offered, or claimed to provide EPA accredited lead-based paint activities courses or renovator or dust sampling courses in violation of TSCA as follows:
 - a. Respondent's training program's training manager failed to provide notification following completion of renovator, dust sampling technician, or lead-based paint activities courses, pursuant to 40 C.F.R. § 745.225(c)(14), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
 - b. Respondent's training program's training manager failed to provide EPA with notification of all renovator, dust sampling technician, or lead-based paint activities courses offered at least 7 business days prior to the start of any renovator, dust sampling technician, or lead-based paint activities course, pursuant to 40 C.F.R. § 745.225(c)(13)(i), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$400 is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225(a); (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; and (4) consents to the assessment of this penalty.

6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$400 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of: M & J Environmental Institute"), and the docket number of this Agreement.

7. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the addresses listed in paragraph 7, above, when it pays the penalty.
8. This civil penalty is not deductible for federal tax purposes.
9. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
11. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
15. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
16. The terms of this Agreement bind Respondent, and its successors and assigns.
17. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

18. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.

19. Each party shall bear its own costs and fees, if any.

20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

NAME (print): Michael Esau

TITLE (print): President

SIGNATURE: Michael Esau DATE: 11-13-13

APPROVED BY EPA:

Margaret Guerriero

DATE: 11/25/2013

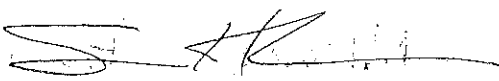
Margaret Guerriero, Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

11/27/13
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5



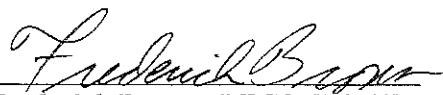
CERTIFICATE OF SERVICE

This is to certify that a copy of this Expedited Settlement Agreement and Final Order in the resolution of the civil administrative action involving M & J Environmental Institute, was filed on December 3, 2013, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Blvd. Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7009 1680 0000 7676 4377 to:

Mr. Michael Esaw
M & J Environmental Institute
16304 70th Avenue North
Maple Grove, Minnesota 55311

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Jeffery A. Cahn, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD


Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. **TSCA-05-2014-0002**

