



REGION 1
BOSTON, MA 02109

12/4/23

Received by
EPA Region 1
Hearing Clerk

Dated via electronic signature

BY EMAIL

Hon. LeAnn W. Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code 4-MI)
Boston, MA 02109-3912
Jensen.Leann@epa.gov

Re: *In the matter of Citadel Properties, LLC, et al., Docket No. CAA-01-2023-0010*
Request for Approval of Consent Agreement and proposed Final Order

Dear Ms. Jensen:

In accordance with 40 C.F.R. § 22.18(b)(2), and simultaneously transmitted with this letter, please find a Consent Agreement and proposed Final Order (“CAFO”) to settle the above-referenced enforcement proceeding that EPA initiated through the filing of a complaint on September 8, 2023. The Consent Agreement has been signed by the parties and is now being submitted to you with a request for your approval and signature on the Final Order.

If signed by you, the CAFO will resolve administrative civil penalty liability of the Respondents, Citadel Properties, LLC and Strive Construction, LLC, for alleged violations of Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, and the National Emission Standard for Hazardous Air Pollutants for asbestos regulations, codified at 40 C.F.R. Part 61, Subpart M (Asbestos NESHAP), pertaining to a regulated demolition operation that occurred at a facility located at 663 Admiral Street, Providence, Rhode Island in September 2021.

EPA’s complaint was issued under the Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits and Sections 113(a)(3) and (d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3) and (d), and sought to assess a penalty of \$39,011. The Respondents filed an answer and request for hearing in this proceeding on October 6, 2023. Under the terms of the CAFO, without admitting or denying the alleged violations, Respondents must pay a civil penalty of \$24,800 to settle the violations alleged in the complaint.

Ms. LeAnn Jensen, Regional Judicial Officer
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Pursuant to the authority granted at 40 C.F.R. § 22.31(c) and after findings by EPA under 40 C.F.R. §§ 13.11(a)(2) and 13.18(a), payment of the penalty in 6 monthly installments, with interest, as specified in the CAFO, is recommended as appropriate and in the best interest of the government since this will better ensure timely payment from these Respondents by providing sufficient time to secure and direct monies needed to cover the full penalty amount.

The settlement and agreed-upon penalty amount are consistent with the factors enumerated in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), EPA's October 25, 1991 "Clean Air Act Stationary Source Civil Penalty Policy" and Appendix III thereto (the May 5, 1992 "Asbestos Demolition and Renovation Civil Penalty Policy"), the Civil Monetary Penalty Inflation Adjustment Rule (40 C.F.R. Part 19), EPA's latest civil penalty inflationary guidance ("Amendments to EPA's Civil Penalty Policies to Account for Inflation," effective January 15, 2022), and such other factors as justice may require, including Respondents' financial ability to pay a penalty.

The parties' consent to the use of digital signatures (as well as Respondents' consent to electronic service of the CAFO, once filed) is included in the CAFO. This settlement does not have any public notice requirements.

Thank you for your attention to this matter.

Respectfully submitted,

Kevin Pechulis, Senior Enforcement Counsel
Counsel for Complainant
U.S. EPA Region 1

Enclosure

cc (by email): John T. Longo, Attorney for Citadel Properties, LLC and Strive Construction, LLC, john@striveri.com