

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order, (hereinafter "this Agreement").
5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.
7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.
8. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.
9. Each Party to this Agreement shall bear its own costs and attorney's fees.
10. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up to \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.
11. The parties enter into this Agreement in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice, based on the nature of the violations, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$4,000**.
12. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (TSCA-03-2015-0034), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously Russell Swan, U.S. Environmental Protection Agency, Region III (Mail Code 3RC50), 1650 Arch Street, Philadelphia, PA 19103, and Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.
13. Respondent certifies, subject to civil and criminal penalties for making a false statement to the U.S. Government, that it has corrected all violations and is in full compliance with the RRP rule including, obtaining renovator and/or firm certification and training.

14. This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA or any other federal statute or regulation.

15. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. If Respondent does not sign and return this Agreement **within 20 days** of the date of its receipt, this proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind Jimmy Johns Construction, LLC to this Agreement.

APPROVED BY:

Name (print): James R Johns

Title (Print): President

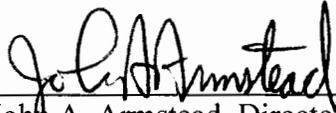
Signature: James R Johns Date: 1/5/15

FOR COMPLAINANT:

Russell Swan Date: 2/2/15
Russell Swan
Office of Regional Counsel
EPA Region III

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

2.12.15
Date



John A. Armstead, Director
Land and Chemicals Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

REGIONAL ADMINISTRATIVE CLERK
EPA REGION III PHILADELPHIA, PA

2015 FEB 23 PM 2:01

RECEIVED

IN RE:) DOCKET NO. TSCA-03-2015-0034
)
)
Jimmy Johns Construction, LLC) **EXPEDITED CONSENT AGREEMENT**
1286 Lakemont Drive) **AND FINAL ORDER**
Pittsburgh, PA 15243)
)
Respondent.) Proceeding under Sections 16(a) and 409
) of the Toxic Substances Control Act,
) 15 U.S.C. §§ 2615(a) and 2689

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned Respondent have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

WHEREFORE, pursuant to the authority of Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615, for violations of the RRP Rule, and having determined, based on the representations of the parties to the attached Expedited Consent Agreement, that the agreed-upon four thousand dollar (\$4,000) civil penalty was based upon consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of four thousand dollars (\$4,000) in accordance with the payment provisions set forth in the attached Expedited Consent Agreement.

The effective date of the foregoing Expedited Consent Agreement and this **FINAL ORDER** is the date on which this **FINAL ORDER** is filed with the EPA Regional Hearing Clerk.

02-20-2015
Date



Heather Gray
Regional Judicial Officer
U.S. EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:)
)
Jimmy Johns Construction, LLC)
1286 Lakemont Drive)
Pittsburgh, PA 15243)
)
Respondent.)

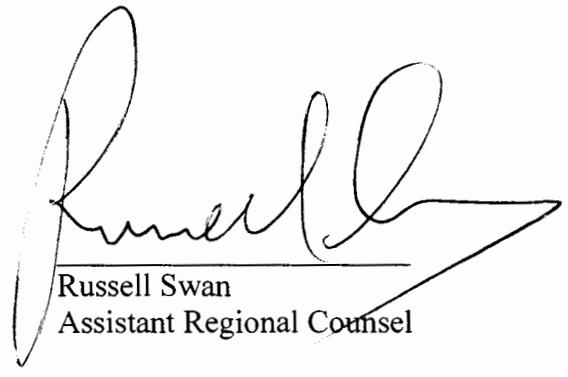
DOCKET NO. TSCA-03-2015-0034)
)
EXPEDITED CONSENT AGREEMENT)
AND FINAL ORDER)
)
Proceeding under Sections 16(a) and 409)
of the Toxic Substances Control Act)
15 U.S.C. §§ 2615(a) and 2689)

RECEIVED
2015 FEB 23 PM 2:01
REGIONAL HEARING CLERK
EPA REGION III PHILADELPHIA

I hereby certify that the original and one copy of the foregoing Consent Agreement and Final Order was hand-delivered to and filed with the Regional Hearing Clerk, EPA, Region III, and that a true and correct copy was mailed via overnight mail, to the following:

James Johns, President
Jimmy Johns Construction, LLC
1286 Lakemont Drive
Pittsburgh, PA 15243

Date: 2/23/15



Russell Swan
Assistant Regional Counsel

