

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA-04-2022-0003(b)

**This ESA is issued to: Underground Excavating, Inc.  
6362 U.S. Highway 84  
Patterson, Georgia 31557**

**for violating monitoring, reporting, and/or recordkeeping (MRR) requirements in  
40 C.F.R. Part 61, Subpart M (National Emission Standard for Asbestos) and Section 112  
of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Underground Excavating, Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

ALLEGED VIOLATIONS

Based on information sent via electronic mail to the EPA by the Respondent, the EPA alleges that Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. Part 61, Subpart M. Specifically, the EPA alleges the Respondent failed to conduct a thorough inspection for asbestos-containing materials prior to beginning demolition activity, as required by 40 C.F.R. § 61.145(a), at a commercial building located at or near 5753 East Main Street in Patterson, Georgia 31557 (the facility). The EPA also alleges the Respondent failed to provide written notice to the Georgia Environmental Protection Division (EPD) 10 working days prior to beginning the demolition activity, as required by 40 C.F.R. § 61.145(b). No notice was provided to the EPD. Demolition commenced at the facility on or around December 29, 2021.

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$7,393**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the

allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent is currently in compliance with the National Emission Standard for Asbestos regulations promulgated at 40 C.F.R. Part 61, Subpart M.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$7,393**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$7,393** in payment of the full penalty amount to one of the following addresses or via wire transfer:

**For payment sent via electronic transfer:**

The payment should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Beneficiary: "U.S. Environmental Protection Agency"

**\*The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.**

**For payment sent via Standard Delivery:**

U.S. Environmental Protection Agency  
Cincinnati Finance Center Box 979077  
St. Louis, MO 63197-9000

**For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.):**

U.S. Environmental Protection Agency  
Cincinnati Finance Center Box 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Delivery Location Phone Number: 314-425-1819

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, or proof of electronic payment, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
R4\_Regional\_Hearing\_Clerk@epa.gov,

and

Pamela Storm  
Air Enforcement Branch  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
Storm.Pamela@epa.gov

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:

  
\_\_\_\_\_

Date: 7-12-22

Name (print): Harris Echols

Title (print): President

FOR COMPLAINANT:

for

\_\_\_\_\_  
Carol L. Kemker  
Director  
Enforcement and Compliance Assurance Division

**FINAL ORDER**

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

\_\_\_\_\_  
Tanya Floyd  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of Underground Excavating, Inc., Docket No. CAA-04-2022-0003(b), were filed and copies of the same were emailed to the parties as indicated below.

**Via email to all parties at the following email addresses:**

To Respondent: Mr. Harris Echols  
Underground Excavating, Inc.  
hechols@undergroundexcavating.com  
6362 U.S. Highway 84  
Patterson, Georgia 31557  
912-288-6808

To EPA: Pamela Storm, Case Development Officer  
Storm.Pamela@epa.gov  
404-562-9197

Marirose Pratt, Associate Regional Counsel  
Pratt.Marirose@epa.gov  
404-562-9023

U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

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Shannon L. Richardson, Regional  
Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960