

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

FILED

Apr 01, 2024

6:12 am

U.S. EPA REGION 4
HEARING CLERK

DOCKET NO: CAA-04-2023-0015(b)

**This ESA is issued to: Wells Contracting, Inc.
9530 Veterans Parkway
Midland, Georgia 31820**

**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 Wells Contracting, 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 acquired from a tip received by EPA and discussions with the Georgia Department of Environmental Protection (EPD) and with the Respondent regarding the demolition of a commercial building located at 2913 Cusseta Road in Columbus, Georgia 31903 (the Facility), 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 provide written notice 10 working days prior to beginning the demolition activity, as required by 40 C.F.R. § 61.145(b), at the Facility. "Working day" is defined in 40 C.F.R. § 61.141 as Monday through Friday, including holidays. Although the EPD was unable to locate a record of receiving any written notice, the Respondent alleges he provided written notice, dated April 7, 2023, for the demolition which began on April 17, 2023. Respondent said that this notice was mailed on April 7, 2023. April 7, 2023, was 10 calendar days (rather than working days) prior to April 17, 2023. EPA is considering this notice to having been provided to EPD late but prior to the beginning of demolition activities. According to Respondent, demolition activities commenced at the Facility on April 17, 2023.

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 violation cited above, for the total penalty amount of **\$195**.

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 **\$195**. Payment shall be made by cashier's check, certified check, or electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express).

If paying by check, the check shall be payable to: Treasurer, United States of America, and the **Respondent's name and Docket Number of this ESA must be included on the face of the check.**

If Respondent sends payment by standard U.S. Postal Service delivery, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, MO 63197-9000

If Respondent sends payment by non-standard mail delivery (e.g. FedEx, DHL, UPS, USPS certified, registered, etc.), the payment shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: Environmental Protection Agency

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
REX (Remittance Express): 1-866-234-5681

Respondent shall send proof of payment within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Pamela Storm
Case Development Officer
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.

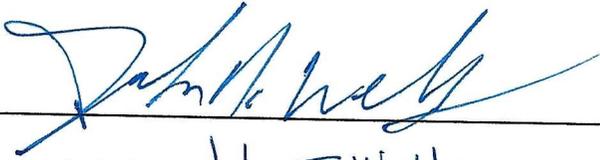
Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violation alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

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: 3-14-24

Name (print): John T Wells

Title (print): President

FOR COMPLAINANT:

Acting 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 Wells Contracting, Inc., Docket No. CAA-04-2023-0015(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: John Thomas Wells
 Wells Contracting, Inc.
 wellscontractinginc@gmail.com
 9530 Veterans Parkway
 Midland, Georgia 31820
 706-660-0444

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

Shannon L. Richardson, Regional
Hearing Clerk