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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX US EPA REGION IX HEARING CLERK

IN THE MATTER OF: ) Docket No.TSCA-09-2015-0005
Southwest Construction & Property Management ) EXPEDITED SETTLEMENT
1213 San Mateo Avenue ) AGREEMENT AND
San Bruno, CA 94066 ) FINAL ORDER
Respondent )

EXPEDITED SETTLEMENT AGREEMENT

- 1. The U.S. Environmental Protection Agency ("EPA"), Region IX, through the duly delegated Chief of the Waste and Chemical Section of the Enforcement Division, ("Complainant") alleges that Southwest Construction & Property Management. ("Respondent") failed to comply with the Toxic Substances Control Act ("TSCA"), 42 U.S.C. § 2601 et seq., and its implementing regulations at 40 C.F.R. Part 745, Subpart E.
2. Under 40 C.F.R. §745.81(a)(2)(ii), Respondent was required to obtain a firm certification from EPA under 40 C.F.R. §745.89 before offering to perform a renovation for compensation in a child-occupied facility (Bret Harte Elementary School in San Francisco) in 2014 and failed to do so.
3. Complainant and Respondent agree that settlement of this matter for a civil penalty of \$1,000 (ONE THOUSAND DOLLARS) is in the public interest.
4. Complainant is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to TSCA; (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; (4) consents to any conditions specified in the Agreement and to the assessment of the civil penalty; and (5) waives any right to contest the allegations contained herein or appeal the attached final order.
6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected; and (2) Respondent has submitted proof of payment of the civil penalty with this Agreement.

7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. No portion of the civil penalty paid by Respondent pursuant to this Agreement shall be claimed by Respondent or any other person as a deduction from federal, state, or local income taxes.
9. EPA reserves all of its rights to take enforcement action against Respondent for any other past, present, or future violations of TSCA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. The undersigned representative of Respondent and the undersigned representative of Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.
12. This Agreement is binding upon Respondent and its successors and assigns, and in accordance with 40 C.F.R. 22.31(b), is effective upon the filing of the Final Order attached to the Agreement.

IT IS SO AGREED.

FOR RESPONDENT, SOUTHWEST CONSTRUCTION & PROPERTY MANAGEMENT

Name (print): James T. Gardner

Title (print): Vice President

Signature: \_\_\_\_\_

Date 2/25/15

FOR COMPLAINANT, EPA REGION IX



Date 3/18/15

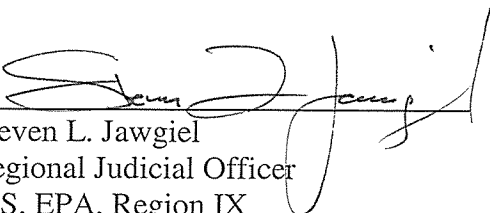
\_\_\_\_\_  
Douglas K. McDaniel  
Chief, Waste and Chemical Section  
Enforcement Division  
U.S. Environmental Protection Agency, Region IX

In re: Southwest Construction & Property Management

**FINAL ORDER**

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

**IT IS SO ORDERED:**

  
Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA, Region IX

Date 03/20/15

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Southwest Construction was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

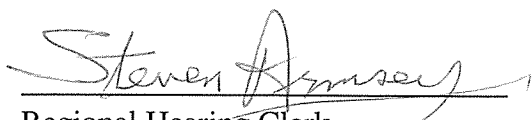
A copy was mailed via CERTIFIED MAIL to:


James T. Gardner  
Vice President  
Southwest Construction and Property Management  
P.O. Box 5410  
South San Francisco, CA 94083

**CERTIFIED MAIL NUMBER:** 70110470000291983846

And an additional copy was hand-delivered to the following U.S. EPA case attorney:

Carol Bussey  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
Regional Hearing Clerk  
U.S. EPA, Region IX

  
Date



U.S. ENVIRONMENTAL PROTECTION AGENCY

APPLICATION FOR FIRMS TO CONDUCT LEAD-BASED PAINT ACTIVITIES AND/OR RENOVATIONS

Important: This application is required by 40 CFR §745.89(a) for renovations and is a substitute for the letter required by §745.226(f)(2) for abatement. Consult the instructions for firms applying for certification to conduct lead-based activities or renovations. For abatement activities, persons seeking individual certification should use the Application for Individuals instead of this form. Please fill out all sections. Type or print responses in black or blue ink only.

A. Application Type (select only one box from Option 1, 2, 3 or 4 of Section A)

1. Option 1: Renovation, Repair, and Painting (RRP and Dust Sampling Technician) Firm Certification

Initial  or Recertification  Renovation, Repair and Painting Firm Certification (\$300)

or

2. Option 2: Abatement (Abatement, Risk Assessment, and Inspection) or Abatement/RRP Combination Firm Certification

Initial  or Recertification  Abatement Firm Certification (\$550 for first jurisdiction and \$35 for each additional jurisdiction – list jurisdiction(s) below)

Initial  or Recertification  Combination Abatement/RRP Firm Certification (\$550 for RRP and one abatement jurisdiction, \$35 for each additional abatement jurisdiction – list abatement jurisdiction(s) below)

List abatement jurisdiction(s):

1) \_\_\_\_\_ (\$550) 2) \_\_\_\_\_ (\$585) 3) \_\_\_\_\_ (\$620)

(Please note, if applying for more than three jurisdictions add an additional \$35 for each jurisdiction and list them on a separate sheet of paper)

or

3. Option 3: Amend Existing Certification

Update firm information (no fee required)

Add abatement jurisdiction (\$35 per abatement jurisdiction)

List abatement jurisdiction(s) being added to your existing certification:

1) \_\_\_\_\_ (\$35) 2) \_\_\_\_\_ (\$70) 3) \_\_\_\_\_ (\$105)

or

4. Option 4: Replace Certificate

Replace Certificate (\$15)

B. Enter total application fee \$300.00

Note 1: See instructions for additional fee information and examples of required fees.

Note 2: If you are a federally recognized Indian Tribe seeking certification as a firm check yes in the question below and see Fees Schedule in the instructions to determine fee required.

Yes  No  Indicate whether you are a federally-recognized Indian tribe seeking certification as a firm.

C. Applicant Information

Name of Firm: Southwest Construction & Property Management

Business Address: 1213 San Mateo Avenue San Bruno CA 94066
Street Address, Suite Number (Please no P.O. Box) City State Zip Code

Mailing Address: (if different from above) Street Address, Suite Number City State Zip Code

Name of Attesting Individual: Gardner James Terence
Last First Middle

Firm's Phone #: 650-877-0717 ext #: Attesting Individual's Phone #: 650-877-0717 ext.:

Attesting Individual's E-mail Address: swc-ca@southwestcpm.com

**D. Website Listing**

Once certified your firm will be listed on EPA's web based search tool. Please select the type of service(s) your firm will provide:

Renovation       Evaluation       Lead Abatement

**E. Lead-Based Paint Activity or Renovation Violation[s]**

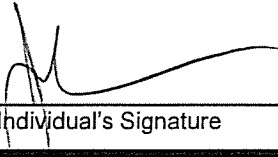
Does the firm have any past, present, or pending lead-based paint violations of EPA, State, U.S. territory, or Indian tribal land(s) regulations? If yes, please attach a written explanation.

Yes       No

**F. Certification Statement**

I hereby attest and affirm the following:

- The information included on this application, including any attachments, is true and accurate to the best of my belief and knowledge.
- This firm shall only employ appropriately qualified individuals to conduct lead-based paint activities and renovations.
- This firm and its employees shall follow the work practice standards set forth in 40 CFR § 745.227 for conducting lead-based paint activities or 40 CFR § 745.85 for conducting renovations at all times.
- I acknowledge that any certification issued pursuant to this application, including any attachments, will be subject to revocation if issuance was based on incorrect or inadequate information that materially affected the decision to issue the certification.

	Vice President	2/25/15
Attesting Individual's Signature	Title	Date Signed

(Please sign legibly within the boundaries of the box above.)

Privacy Act Statement: This statement is provided pursuant to the Privacy Act of 1974, 5 U.S.C. §552a. The authority for collecting this information is 40 C.F.R. Part 745, and 15 U.S.C. §§2682 and 2684. The information collected on this form will be used to establish the applicant's eligibility for certification to conduct lead-based paint activities and renovations in target housing and child-occupied facilities. Disclosure of this information is voluntary; however, the failure to provide this information may delay or prevent an applicant's certification. This information may be disclosed in appropriate and limited circumstances to: EPA employees, contractors, grantees or others when performing duties that are compatible with the purpose for which this information is collected and when this information is necessary to complete the task; a member of Congress in response to a request made with your consent and on your behalf; to appropriate law enforcement agencies responsible for investigating, enforcing, prosecuting or implementing specific statutes, codes or regulations and this information is relevant to that responsibility; an appropriate adjudicative body when such disclosure is compatible with the purpose for which this information is collected and the EPA or the United States has an interest in the proceeding; and the Department of the Treasury, the General Services Administration, the General Accounting Office and other Federal, State, and Local Agencies for authorized activities related to this information.

**Before you mail your application and certification fee, make sure that you have:**

- Filled out all applicable sections of the application
- Signed and dated the application
- Made a copy of your application for your files
- Enclosed the appropriate certification fees (check or money order)
  - Make check payable to U.S. EPA
  - Printed "Lead Program User Fees" on the check or money order
  - For more information, see the fees section of the instructions

**Mail original completed application, supporting materials, and the certification fee to:**

U.S. EPA  
Lead User Fees  
P.O. Box 979072  
St. Louis, MO 63197-9000

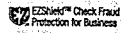
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**SOUTHWEST CONSTRUCTION & PROPERTY MANAGEMENT**

P.O. BOX 5410  
SOUTH SAN FRANCISCO, CA 94083-5410  
(650) 794-9427

Wells Fargo Bank, N.A.

11-4288-1210



3/10/2015

PAY TO THE ORDER OF Treasurer, United States of America

\$ \*\*1,000.00

One Thousand and 00/100\*\*\*\*\* DOLLARS

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



*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

MEMO: *Docket# TSCA-09-2015*  
Southwest Construction & Property Management

⑈021079⑈ ⑆121042882⑆ 3368100735⑈

**SOUTHWEST CONSTRUCTION & PROPERTY MANAGEMENT**

21079

Treasurer, United States of America

Date 3/10/2015 Type Bill Reference Docket# TSCA-09-2015

Original Amt. 1,000.00

Balance Due 1,000.00

3/10/2015 Discount

Payment 1,000.00  
1,000.00

Check Amount

WFB - Checking 3368 Southwest Construction & Property Management

1,000.00

**SOUTHWEST CONSTRUCTION & PROPERTY MANAGEMENT**

21079

Treasurer, United States of America

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