

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

<p>In the Matter of:</p> <p>Color World Housepainting, Inc.</p> <p>Powell, Ohio</p> <p style="text-align: center;">Respondent.</p> <hr style="border: 1px solid black;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. TSCA-05-2023-0003</p> <p>Proceeding to Assess a Civil Penalty Under Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a)</p>
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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and Sections 22.1(a)(5), 22.13(b), and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Color World Housepainting, Inc., an Ohio corporation with a place of business located at 94 Village Point Drive, Powell, Ohio 43065.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). *See* 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations set forth in this CAFO.

8. Respondent admits the specific factual allegations but neither admits nor denies the legal conclusions set forth in this CAFO.

9. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including its right to request a hearing or petition for judicial review under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and under 40 C.F.R. § 22.15(c), its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06, any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

Statutory and Regulatory Background

10. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102-550, Oct. 28, 1998 (Title X), Congress found, among other things, that low-level lead poisoning was widespread among American children, afflicting as many as 3,000,000 children under age six (6); at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of

childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards. *See* 42 U.S.C. § 4851.

11. Section 1021 of Title X amended TSCA, 15 U.S.C. § 2601 *et seq.*, by adding Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692.

12. Section 402(a) of TSCA, 15 U.S.C. § 2682(a), requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety.

13. Section 402(c) of TSCA, 15 U.S.C. § 2682(c), requires the Administrator of EPA to promulgate guidelines for the conduct of renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

14. Section 406(b) of TSCA, 15 U.S.C. § 2686(b), requires the Administrator of EPA to promulgate regulations to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

15. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting

requirements as may be necessary to ensure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

16. Section 11 of TSCA, 15 U.S.C. § 2610, provides EPA with authority to conduct inspections upon the presentation of appropriate credentials and written notice.

17. Under Section 409 of TSCA, 15 U.S.C. § 2689, it shall be unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

18. Under Section 15 of TSCA, 15 U.S.C. § 2614, it shall be unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

19. Pursuant to Sections 402, 406, and 407 of TSCA, 15 U.S.C. §§ 2682, 2686, and 2687, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for: the accreditation of renovator training programs; certification of individuals and firms engaged in lead-based paint activities; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. *See 73 Fed. Reg.* 21691 (Apr. 22, 2008).

20. 40 C.F.R. § 745.82(a) provides that Subpart E applies to all renovations performed in target housing and child-occupied facilities, with certain exceptions not relevant here.

21. 40 C.F.R. § 745.83 defines *firm* to mean a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

22. 40 C.F.R. § 745.83 defines *pamphlet* to mean the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under Section 406(a) of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revisions or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information).

23. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by Part 745 (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components; the removal of building components; weatherization projects; and interim controls that disturb painted surfaces.

24. 40 C.F.R. § 745.83 defines *renovator* to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA authorized State or Tribal Program.

25. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

26. 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, applies to all renovations performed for compensation in target housing and child-occupied facilities, with exceptions not relevant here. *See* 40 C.F.R. § 745.82.

27. 40 C.F.R. § 745.85(a) requires that renovations must be performed by certified firms, in accordance with 40 C.F.R. § 745.89, using certified renovators in accordance with 40 C.F.R. § 745.90.

28. 40 C.F.R. § 745.86(a) requires firms performing renovations to retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following completion of the renovation.

29. 40 C.F.R. § 745.86(b)(6) requires a firm to retain records that document compliance with the work practice standards in 40 C.F.R. § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

30. 40 C.F.R. § 745.87(b) requires firms performing renovations to establish and maintain records and make them available or permit access to or copying of records.

31. 40 C.F.R. § 745.81(a)(2)(ii) requires that on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a).

32. Under 15 U.S.C. § 1689 and 40 C.F.R. § 745.87(a), failing to comply with any requirement of 40 C.F.R. Part 745, Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689,

which may subject the violator to administrative penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

33. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$46,989 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after November 2, 2015, where penalties are assessed on or after January 6, 2023.

General and Factual Allegations

34. Complainant reincorporates Paragraphs 1 through 33, above, as though fully set forth herein.

35. At all times relevant to this CAFO, Respondent was a firm as that term is defined by 40 C.F.R. § 745.83.

36. On October 26, 2010, Respondent was issued an initial firm certification (Firm Certificate # NAT-86693-1), pursuant to 40 C.F.R. § 745.89, which expired on November 9, 2015.

37. On December 28, 2021, Complainant issued a request for information to Respondent, seeking, among other things, a copy of the renovator certification showing completion of an EPA accredited training course, a copy of the firm certification received by EPA, copies of all contracts and/or agreements for renovation, and copies of all acknowledgements of receipt of a pamphlet by the owners and occupants of residential housing.

38. On February 24, 2021, Respondent was issued a firm recertification (Certificate # NAT-86693-2). Respondent provided its firm certification records via electronic mail to the Complainant on March 22, 2021.

39. On April 30, 2021, Respondent provided Complainant with documents responsive

to the request for information referenced in Paragraph 37, above.

40. Based on information provided to Complainant by Respondent and building-year information publicly available on the Franklin County, Ohio property value assessment websites (accessed on February 10, 2021), the Respondent directed workers to perform for compensation, the following modifications of existing structures that resulted in disturbances of painted surfaces in the following residential housing, each built prior to 1978:

Line Number	Property Address	Residence Type	Built Year	Contract Date	Contracted Work
1	112 Academy Court Columbus, OH 43230	Single-Family	1974	07/28/2020	Exterior Painting
2	112 Aldrich Road Columbus, OH 43214	Single-Family	1930	07/12/2020	Exterior Painting
3	115 South Spring Westerville, OH 43081	Single-Family	1972	06/10/2020	Exterior Painting
4	1212 Clubview Blvd S Columbus, OH 43235	Single-Family	1966	06/03/2020	Exterior Painting
5	1396 Kenwick Rd Columbus, OH 43209	Single-Family	1956	11/17/2020	Exterior Painting
6	1440 Eastwood Ave Columbus, OH 43203	Single-Family	1925	08/28/2020	Exterior Painting
7	1451 Elmwood Ave Columbus, OH 43212	Single-Family	1925	10/06/2020	Exterior Painting
8	1571 Francisco Rd Columbus, OH 43220	Single-Family	1971	06/25/2020	Exterior Painting
9	1603 Vinton Ave Columbus, OH 43220	Single-Family	1971	08/24/2020	Exterior Painting
10	1687 Greenville Rd Columbus, OH 43223	Single-Family	1970	08/30/2020	Exterior Painting
11	178 N. Sinsbury Dr Columbus, OH 43085	Single-Family	1959	09/06/2020	Exterior Painting
12	1781 Millwood Dr Columbus, OH 43221	Single-Family	1962	08/26/2020	Exterior Painting
13	1787 Hickory Hill Dr Columbus, OH 43228	Single-Family	1973	05/22/2020	Exterior Painting

14	185 W. Weisheimer Rd Columbus, OH 43214	Single-Family	1945	10/28/2020	Exterior Painting
15	2500 Gardner Road Galloway, OH 43119	Single-Family	1933	05/04/2020	Exterior Painting
16	262 Hennessey Ave Columbus, OH 43085	Single-Family	1962	05/12/2020	Exterior Painting
17	2666 Tremont Rd Columbus, OH 43221	Single-Family	1937	04/29/2020	Exterior Painting
18	2963 Fremont St Columbus, OH 43204	Single-Family	1930	09/28/2020	Exterior Painting
19	3112 Kellner Pl Columbus, OH 43209	Single-Family	1953	10/23/2020	Exterior Painting
20	315 Columbian Ave. Columbus, OH 43223	Single-Family	1924	08/31/2020	Exterior Painting
21	5073 Doral Ave Columbus, OH 43213	Single-Family	1976	07/30/2020	Exterior Painting
22	5418 N. Meadows Blvd Columbus, OH 43229	Single-Family	1959	07/07/2020	Exterior Painting
23	555 S Spring Rd Westerville, OH 43081	Single-Family	1976	11/19/2020	Exterior Painting
24	5987 Cosgray Road Dublin, OH 43016	Single-Family	1900	11/03/2020	Exterior Painting
25	64 East Kelso Road Columbus, OH 43202	Single-Family	1926	04/24/2020	Exterior Painting
26	6489 Jessamine Ct Westerville, OH 43081	Single-Family	1974	08/20/2020	Exterior Painting
27	665 Bunker Hill Court Westerville, OH 43081	Single-Family	1977	08/14/2020	Exterior Painting
28	88 Acton Road Columbus, OH 43214	Single-Family	1925	05/28/2020	Exterior Painting

41. At the twenty-eight contracted renovations referenced in Paragraph 40, above, Respondent performed or directed individuals to perform modifications of the buildings' existing structures that resulted in disturbance of painted surfaces. Therefore, Respondent performed

renovations, as that term is defined in 40 C.F.R. § 745.83, at each of the twenty-eight residences referenced in Paragraph 40, above.

42. The twenty-eight renovations referenced in Paragraph 40, above, were each performed at residential housing built prior to 1978. Therefore, the residential housing was target housing, as that term is defined in 40 C.F.R. § 745.103.

43. On December 16, 2021, EPA advised Respondent by letter that EPA was planning to commence a civil administrative action against Respondent for specific alleged violations of the Residential Property Renovation Rule and that the EPA would seek a civil penalty. EPA asked Respondent to identify any factors Respondent thought EPA should consider before initiating a civil administrative action for penalties. If Respondent believed there were financial factors which bore on Respondent's ability to pay a civil penalty, EPA asked Respondent to submit specific financial documents.

44. On December 16, 2021, Respondent received the pre-filing notice letter referred to in Paragraph 43, above. On December 21, 2021, Respondent replied to the letter and requested a conference call to discuss the alleged violations. On January 10, 2022, Respondent asserted an inability to pay (ATP) the proposed penalty and submitted financial records to support its ATP.

45. Complainant has considered all of the information provided by Respondent in assessing the alleged violations and proposing a penalty.

Count 1 – Failure to Obtain Firm Recertification

46. Complainant reincorporates Paragraphs 1 through 45, above, as though fully set forth herein.

47. 40 C.F.R. § 745.81(a)(2)(ii) provides that no firm may perform, offer, or claim to perform renovations in target housing without certification from EPA.

48. 40 C.F.R. § 745.89(a)(1) requires firms that perform renovations for compensation to apply to EPA for certification to perform renovations or dust sampling.

49. 40 C.F.R. § 745.89(b)(1)(iii) requires firms that perform, offer, or claim to perform renovations for compensation to stop renovations or dust sampling if they do not obtain recertification under 40 C.F.R. § 745.89(a).

50. Respondent was not certified as a firm, under 40 C.F.R. § 745.89, during each renovation described in Paragraph 40, above, and did not qualify for an exemption under 40 C.F.R. § 745.82(a).

51. Respondent's performance of each renovation described in Paragraph 40, above, without firm certification from EPA constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Counts 2 to 29 – Failure to Provide the Owner of the Unit with the EPA-Approved

Lead Hazard Information Pamphlet

52. Complainant reincorporates Paragraphs 1 through 45, above, as though fully set forth herein.

53. 40 C.F.R. § 745.84(a)(1) requires firms performing renovations, no more than sixty days before beginning renovation activities, to provide the owner of the unit with the pamphlet and either obtain, from the owner, a written acknowledgement that the owner has received the pamphlet, or obtain a certificate of mailing at least seven days prior to the renovation. *See* 40 C.F.R. § 745.84(a).

54. For each of the twenty-eight renovations described in Paragraph 40, above, Respondent failed to either obtain from each owner the written acknowledgement that the

respective owner had received the pamphlet, or obtain a certificate of mailing at least seven days prior to the contracted renovations.

55. Respondent's failure to provide the owners of the twenty-eight single-family residences described in Paragraph 40, above, with the EPA-approved lead hazard informational pamphlet no more than 60 days before beginning renovation activities constitutes twenty-eight separate violations of 40 C.F.R. § 745.84(a)(1) and 15 U.S.C. § 2689.

Count 30 to 57 – Failure to Retain All Records Necessary to Demonstrate Compliance with 40 C.F.R. Part 745, Subpart E

56. Complainant reincorporates Paragraphs 1 through 45, above, as though fully set forth herein.

57. 40 C.F.R. § 745.86(b)(6) requires a firm to retain the following records:

- a. Documentation of compliance with the work practice standards in 40 C.F.R. § 745.85,
- b. Documentation that a certified renovator was assigned to the project,
- c. Documentation that the certified renovator provided on-the-job training for workers used on the project,
- d. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a), and
- e. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

58. At the twenty-eight renovations described in Paragraph 40, above, Respondent failed to retain:

- a. Documentation of compliance with the work practice standards in 40 C.F.R. § 745.85,
- b. Documentation that a certified renovator was assigned to the project,
- c. Documentation that the certified renovator provided on-the-job training for workers used on the project,
- d. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a), and
- e. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

59. Respondent's failure to retain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following the completion of all twenty-eight renovations in Paragraph 40, above, constitutes twenty-eight separate violations of 40 C.F.R. § 745.86(b)(6), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Civil Penalty

60. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$126,000. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

61. Within 30 days after the effective date of this CAFO, Respondent must pay the civil \$126,000 penalty for the TSCA violations by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.

62. Respondent must send a notice of payment that states Respondent’s name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
R5hearingclerk@epa.gov

Michael Todd (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
todd.michael@epa.gov

Andrew Futerman (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
futerman.andrew@epa.gov

63. This civil penalty is not deductible for federal tax purposes.

64. If Respondent does not timely pay the civil penalty, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

65. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling

charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

66. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: futerman.andrew@epa.gov (for Complainant) and brianmahoneyjd@gmail.com (for Respondent).

67. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

68. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO shall resolve only those causes of action alleged herein. *See* 40 C.F.R. § 22.31(a).

69. This CAFO does not affect Respondent's responsibility to comply with TSCA, Title X, the Residential Lead-Based Paint Disclosure Program, and other applicable federal, state, and local laws.

70. Respondent certifies that it is complying with TSCA and 40 C.F.R. Part 745.

71. This CAFO constitutes a "prior such violation" as that term is used in EPA's Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent's "history of prior such violations" under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

72. The terms of this CAFO bind Respondent, and its successors and assigns.

73. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

74. Each party agrees to bear its own costs and attorney's fees in this action.
75. This CAFO constitutes the entire agreement between the parties.
76. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk.

**Consent Agreement and Final Order
In the Matter of: Color World Housepainting, Inc.
Docket No. TSCA-05-2023-0003**

Color World Housepainting, Inc., Respondent

3/15/23
Date



Mr. Thomas Hodgson
President
Color World Housepainting, Inc.

**Consent Agreement and Final Order
In the Matter of: Color World Housepainting, Inc.
Docket No. TSCA-05-2023-0003**

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.03.16
15:21:09 -05'00'

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

**Consent Agreement and Final Order
In the Matter of: Color World Housepainting, Inc.
Docket No. TSCA-05-2023-0003**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2023.03.17 11:39:34
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Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5