

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrea Simpson 6/27/19
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2019-0023

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Earl W. Cole dba E W Cole Home Improvement
4 Hill Street
Portland, ME 04102

Total Dollar Amount of Receivable \$ 400 Due Date: 7/27/19

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

JUN 26 2019

RECEIVED

Wanda Santiago, Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, 04-6
Boston, MA 02109-3912

JUN 26 2019
EPA ORC
Office of Regional Hearing Clerk

Re: Earl W. Cole dba E W Cole Home Improvement
Docket No. TSCA-01-2019-0023

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Expedited Settlement Agreement. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Andrea Simpson".

Andrea Simpson
Senior Enforcement Counsel

cc: E W Cole Home Improvement

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, the original and one copy of the Expedited Settlement Agreement in the matter of Earl W. Cole dba, E W Cole Home Improvements were filed with the EPA Regional Hearing Clerk, and a copy was sent to Respondent, as set forth below:

Original and one copy
by hand delivery to:

Wanda Santiago, Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, 04-6
Boston, MA 02109-3912

Copy by certified mail to:

Earl W. Cole
dba E W Cole Home Improvements
4 Hill Street
Portland, ME 04102

Date: 6/26/19


Andrea Simpson, Senior Enforcement Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, 04-2
Boston, MA 02109-3912
(617) 918-1738
simpson.andrea@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

Expedited Settlement Agreement

Issued under Section 16 of TSCA, 15 U.S.C. § 2615

and 40 C.F.R. § 22.13(b) and 22.18(b)

Docket Number TSCA-01-2019-0023

JUN 26 2019
EPA ORC
Office of Regional Hearing Clerk

The U.S. Environmental Protection Agency (“EPA”) finds that Respondent, Mr. Earl W. Cole dba E.W. Cole Home Improvements, 4 Hill Street, Portland, ME 04102, (“Respondent”) failed to comply with the Renovation, Repair and Painting (“RRP”) Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Sections 402(c) and 406(b) of the Toxic Substances Control Act (“TSCA”), §§ 2682(c) and 2686(b), during a “renovation,” as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83, of “target housing,” as defined at 40 C.F.R. § 745.103, at 1 and 3 Cumberland Ave., Portland, ME.

EPA finds that Respondent was subject to the RRP Rule and failed to comply with the following requirements when it performed renovation work at 1 – 3 Cumberland Avenue, Portland, ME:

- 1) Certification requirements by failing to obtain initial firm certification, under 40 C.F.R. § 745.89(a) pursuant to 40 C.F.R. § 745.81(a)(2)(ii); and
- 2) Training and certification requirements by failure of a renovator to obtain certification, under 40 C.F.R. § 745.90(a) pursuant to 40 C.F.R. § 745.81(a)(3).

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, authorize assessment of a civil penalty of up to \$39,873 per day per violation, for violations occurring on or after November 2, 2015.

For the purpose of this proceeding, Respondent admits it is subject to the RRP Rule and TSCA and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies the specific factual allegation stated above, consents to the assessment of the penalty below, and waives any objections it may have to EPA’s jurisdiction in this matter.

The parties enter into this Expedited Settlement Agreement (“Agreement”) in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violation and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$400**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent certifies that Respondent has sent a certified check, with case name and docket number noted (“In the Matter of Mr. Earl W. Cole, dba E.W. Cole Home Improvements

Docket No. TSCA-01-2019-0023”), in the amount of **\$400**, payable to "Treasurer, United States of America," and mailed the check to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Respondent shall also submit a copy of the check to:

EPA Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, 04-6
Boston, MA 02109-3912

and to:

Diane Boudrot, Paralegal Specialist
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, 04-4
Boston, MA 02109-3912.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Respondent consents to the assessment of the penalty and waives its right to: (1) contest the findings of violation specified in this Agreement; and (2) a judicial or administrative hearing or appeal on any issue of law or fact set forth herein.

Additionally, 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 firm certification.

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 of any other federal statute or regulation.

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. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

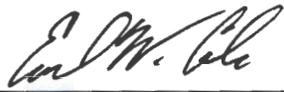
If Respondent does not sign and return this Agreement within **thirty (30) calendar days** of the date of its receipt, this proposed settlement is withdrawn without prejudice to EPA’s ability to file any other enforcement action for the violations identified herein.

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.

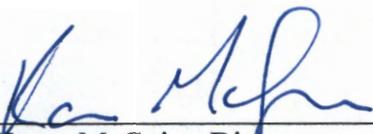
APPROVED BY E.W. Cole Home Improvements:

Name (print): EARL W. COLE

Title (print): OWNER

Signature:  Date: 06/05/19

APPROVED BY EPA:

 Date: 6-13-19
Karen McGuire, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 1 (New England)

IT IS SO ORDERED:

 Date: 6/18/19
LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 1 (New England)