

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven Schlang 7/1/13
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2012-0102

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:

Collegiate Entrepreneurs, Inc.
150 Wood Road, Suite 401
Braintree, MA 02184

Total Dollar Amount of Receivable \$ 30,000 Due Date: 10/1/14

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1 st \$ <u>2,500</u> on <u>7/28/13</u>	6 th <u>2,544</u> on <u>12/1/13</u>
2 nd \$ <u>2,569</u> on <u>8/1/13</u>	7 th <u>2,688</u> on <u>5/1/14</u>
3 rd \$ <u>2,563</u> on <u>9/1/13</u>	8 th <u>2,531</u> on <u>6/1/14</u>
4 th \$ <u>2,556</u> on <u>10/1/13</u>	9 th <u>2,525</u> on <u>7/1/14</u>
5 th \$ <u>2,550</u> on <u>11/1/13</u>	10 th <u>2,519</u> on <u>8/1/14</u>
	11 th <u>2,513</u> on <u>9/1/14</u>
	12 th <u>2,506</u> on <u>10/1/14</u>

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, MA 02109-3912

BY HAND

June 28, 2013

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912



Re: In the Matter of Collegiate Entrepreneurs, Inc., Docket No. TSCA-01-2012-0102

Dear Ms. Santiago:

Enclosed are the original and one copy of a Consent Agreement and Final Order for filing in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Schlang".

Steven Schlang
Enforcement Counsel

Enclosures

cc: Mr. Eric C. Crews

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)
)
Collegiate Entrepreneurs, Inc.)
150 Wood Road, Suite 401)
Braintree, MA 02184)
)
Respondent)
)
)
)
Proceeding under Section 16(a) of)
The Toxic Substances Control Act,)
15 U.S.C. § 2615(a).)
_____)

Docket No. TSCA-01-2012-0102



CONSENT AGREEMENT

1. This Consent Agreement and Final Order (“CAFO”) is issued under authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

I. INTRODUCTION

2. The United States Environmental Protection Agency – Region 1 (“EPA”), as Complainant, initiated this proceeding against Respondent, Collegiate Entrepreneurs, Inc. (“Collegiate”), by issuing an Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”), pursuant to Section 16(a) of TSCA on November 15, 2012.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint.

4. Complainant and Respondent (collectively, the “Parties”) enter into this Consent Agreement and Final Order (“CAFO”) by mutual consent. This CAFO concludes the cause of action described in the Complaint pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and the Consolidated Rules of Practice. The Parties agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

5. Therefore, before any hearing or the taking of any testimony, without adjudication of any issue of fact or law herein, the Parties agree to comply with the terms of this CAFO.

II. TERMS OF SETTLEMENT

6. The provisions of this CAFO shall apply to and be binding on the Respondent, its officers, directors, successors and assigns.

7. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint. Respondent waives any defenses it might have as to jurisdiction, venue, and statute of limitations.

8. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

9. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

10. Without admitting or denying the factual findings or allegations in the Complaint, Respondent consents to the terms and the issuance of this CAFO, and consents, for the purposes of settlement, to the payment of the civil penalty as set out in this CAFO.

11. Respondent certifies that it is now operating its business in compliance with Sections 402(c) and 406(b) of TSCA, 15 U.S.C. §§ 2682(c) and 2686(b), and the federal regulations promulgated thereunder, entitled the “Renovation, Repair and Painting Rule” (“RRP Rule”), as set forth at 40 C.F.R. Part 745, Subpart E.

12. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), in light of the nature of the violations alleged in the Complaint, as well as other relevant factors, Complainant has determined that it is fair and proper that Respondent pay a civil penalty to settle this action in the amount of \$30,000 (plus 3% interest).

Penalty Payment

13. Respondent shall pay the civil penalty set forth in this CAFO (plus 3% interest) in accordance with the following schedule:

- a. \$2,500 within 30 days of the effective date of this CAFO;
- b. \$2,569 by no later than August 1, 2013;
- c. \$2,563 by no later than September 1, 2013;
- d. \$2,556 by no later than October 1, 2013;
- e. \$2,550 by no later than November 1, 2013;
- f. \$2,544 by no later than December 1, 2013;
- g. \$2,688 by no later than May 1, 2014;
- h. \$2,531 by no later than June 1, 2014;
- i. \$2,525 by no later than July 1, 2014;

- j. \$2,519 by no later than August 1, 2014;
- k. \$2,513 by no later than September 1, 2014;
- l. \$2,506 by no later than October 1, 2014.

14. Within thirty (30) days of the Effective Date of this CAFO (the "Effective Date" shall be the date that the CAFO is filed with the EPA Regional Hearing Clerk), Respondent shall start the payment schedule set forth in paragraph 13 above by submitting a bank, cashier's or certified check, with the title of the CAFO ("In Re: Collegiate Entrepreneurs, Inc.") and docket number ("TSCA-01-2012-0102") noted on the payment check, to the order of the "Treasurer, United States of America," to:

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

Respondent shall follow these instructions for each subsequent payment as set forth in paragraph 13 above. In addition, at the time of payment, notice of each partial payment of the civil penalty and copies of each payment check must be mailed to the Regional Hearing Clerk:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Mail Code: ORA18-1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and to:

Steven Schlang, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Mail Code: OES04-4
5 Post Office Square, Suite 100
Boston, MA 02109-3912

15. If Respondent fails to make any payment required by paragraph 13 above by the required due date, the total penalty amount of \$30,000, plus all accrued interest (less payments already made), shall become due immediately to the United States upon such failure. Then, interest as calculated under paragraphs 12 and 13 above shall continue to accrue on any unpaid amounts until the total amount due has been received by the United States. Respondent shall be liable for such amount regardless of whether EPA has notified Respondent of its failure to pay or made a demand for payment. All payments to the United States under this paragraph shall be made by cashier's or certified checks as described in paragraph 14 above.

16. 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 as well as a charge to cover the costs of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil penalty if it is not made in accordance with the schedule set forth in paragraph 13. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees if payment is not made in accordance with the schedule set forth in paragraph 13 above. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due in accordance with 31 C.F.R. § 901.9(d). Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due.

III. COMPLIANCE REPORT

17. To further ensure compliance with the requirements of the RRP Rule, Respondent shall:

- a. Within 90 days of the Effective Date of this CAFO, submit to EPA a list of the contracts (“List of Contracts”) that Respondent entered into between May 1, 2013 and September 1, 2013, to perform repairs and/or renovations of target housing for compensation where more than 6 square feet of interior painted surfaces and/or 20 square feet of exterior painted surface were disturbed (even if it is not known that the painted surfaces contained lead-based paint). For each contract, the Respondent shall include the following: (a) the date of the contract; (b) the date(s) when work was performed; (c) the property address where work was performed; and (d) a brief description of the work performed including total cost.

Respondent shall submit the List of Contracts by first class mail to:

Alexander Aman, Toxics and Pesticides Technical Unit
U.S. Environmental Protection Agency, Region 1
Mail Code OES05-2
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and to:

Steven Schlang
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Mail Code OES04-2
5 Post Office Square, Suite 100
Boston, MA 02109-3912

- b. Upon review of the List of Contracts, EPA will request in writing, copies of all documents demonstrating compliance with the RRP Rule (“Compliance Report”) for individual contracts selected by EPA in its sole discretion.
- c. Within 14 days of receipt of EPA’s written request for Compliance Reports, Respondent shall submit the requested Compliance Report for each selected contract to EPA by first class mail to the addresses set forth in paragraph 17.a. above.
- d. With respect to the Compliance Report, Respondent shall comply with the document retention, document production and certification requirements set forth in paragraph 19 below.

18. In the event that Respondent fails to submit the List of Contracts and/or any Compliance Report as required by paragraph 17 above, Respondent shall pay \$100 per day in stipulated penalties until the List of Contracts and/or Compliance Report is received by EPA.

19. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this CAFO for not less than three (3) years from the Effective Date of this CAFO and shall provide the documentation of any such underlying research and data to EPA not more than (14) days after a request for such information. For all documents or reports submitted to EPA pursuant to this CAFO, Respondent shall sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fines and imprisonment.”

20. This CAFO constitutes a final settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA for the violations alleged in the Complaint. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in the Complaint or this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law.

21. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all of its other enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

22. Consistent with paragraph 20 above, neither assessment nor payment of an administrative penalty, nor shall entering into this CAFO, relieve Respondent of its obligations to comply with all applicable provisions of federal, state, or local law; nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which the Complaint and this CAFO are based, or for Respondent's violation of any applicable provision of law.

23. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. §§ 2601 *et seq.*, or any regulations promulgated thereunder.

24. The civil penalty described in paragraphs 12 and 13 above, and any interest, non-payment penalties, stipulated penalties, or charges described in paragraph 16 above that arise pursuant to this CAFO, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Section 1.162-21 of the Internal Revenue Code, 26 U.S.C § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

25. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of the activity, even if no notice of such violation is sent to Respondent.

26. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA. Respondent shall pay interest on any stipulated penalty, or portion thereof, that is not paid within fifteen (15) days of EPA's written demand. Payment of stipulated penalties and interest, if any, shall be made by certified or cashier's check payable to "Treasurer, United States of America" in accordance with the procedures specified in paragraph 14 above.

27. The parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive any right to recover such costs from the other parties pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

28. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTIES enter into this CAFO:

For Collegiate Entrepreneurs, Inc.:



Eric C. Crews
President
Collegiate Entrepreneurs, Inc.

06-27-13

Date

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For United States Environmental Protection Agency, Region 1:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

6/28/13

Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY



LeAnn Jensen, Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

6/28/13
Date

Timothy Williamson Acting RJO or LAT

In the Matter of: Collegiate Entrepreneurs, Inc.
Docket No. TSCA-01-2012-0102

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
By Hand Delivery:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

One copy, By Certified Mail,
Return Receipt Requested:

Eric C. Crews
President
Collegiate Entrepreneurs, Inc.
150 Wood Road, Suite 401
Braintree, MA 02184

Dated: 6/28/2013



Steven Schlang
Senior Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912