

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590 February 12, 2015

REPLY TO THE ATTENTION OF: LC-~8J

CERTIFIED MAIL: No.7011 1150 0000 2643 8265 RETURN RECEIPT REQUESTED

Mr. Scott Saber 37720 Interchange Dr. Arch Environmental Group Farmington Hills, Michigan 48335

Expedited Agreement and Final Order In the Matter of
Arch Environmental Group, Inc., Docket No.
TSCA-05-2015-0002

Mr. Saber:

Enclosed pleased find a copy of a fully executed Expedited Agreement and Final Order in resolution of the above case. This document was filed on February 12, 2015 with the Regional Hearing Clerk.

The civil penalty in the amount of \$1,000 is to be paid in the manner described in paragraphs 6 and 7. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by March 14, 2015 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Pamela Grace

Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:)	Docket No. TSCA-05-2015-	0002 HEARING
Arch Environmental Group, Inc. Farmington Hills, Michigan) ·)	/W	enante d
Respondent)	AGREEMENT AND FINAL ORDER	U.S. ENVIRONMENTAL PROTECTION AGENCY

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

- 1. The United States Environmental Protection Agency (EPA) alleges that Arch Environmental Group, Inc. (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 42 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
- 2. EPA alleges that on a number of occasions from October 5, 2010 through October 21, 2013, the Respondent's training program provided, offered, or claimed to provide EPA accredited lead-based paint activities courses or renovator or dust sampling courses in violation of TSCA as follows:

Respondent's training manager failed to provide EPA with notification following completion of all renovator, dust sampling technician, or lead-based paint activities courses, pursuant to 40 C.F.R. § 745.225(c)(14), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.

- 3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1000 is in the public interest.
- 4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
- 5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225(a); (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; and (4) consents to the assessment of this penalty.
- 6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$1000 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

- The check must state the case title ("In the Matter of: Arch Environmental Group, Inc."), and the docket number of this Agreement.
- 7. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA, ATTN: Pamela Grace, 77 West Jackson Boulevard, Chicago, Illinois 60604, when it pays the penalty.
- 8. This civil penalty is not deductible for federal tax purposes.
- 9. If Respondent does not pay timely 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). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
- 10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue 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.
- 11. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
- 12. This Agreement 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.
- 13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
- 14. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
- 15. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
- 16. The terms of this Agreement bind Respondent, and its successors and assigns.
- 17. 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.
- 18. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.

19. Each party shall bear its own costs and fees, if any.

United States Environmental Protection Agency

Region 5

20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.	
NAME (print): SCOTT STABLES	
TITLE (print): PRESIDENT	
SIGNATURE: STAMULE	DATE: >ec. 5, 2015
APPROVED BY EPA;	
Margaret Guerriero	DATE: 2/9/2015
Director \ /	•
Land and Chemicals Division	

FINAL ORDER

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

IT IS SO ORDERED.

Date

Susan Hedman

Regional Administrator

United States Environmental Protection Agency

Region 5

In the matter of: Arch Environmental Group Inc.

Docket Number: TSCA-05-2015-0002

CERTI FICATE OF SERVICE

I certify that a true and correct copy of the forgoing **Expedited Agreement and Final Order**, in the Matter of Arch Environmental Group Inc., which was filed on February 12, 2015 in the following manner to the addressees:

Copy by Certified Mail

Return Receipt: No.7011 1150 0000 2643 8265

Mr. Scott Saber 37720 Interchange Dr. Arch Environmental Group

Farmington Hills, Michigan 48335

Copy by e-mail to Attorney for Complainant:

Mary Mc Auliffe

Auliffe.mary@epa.gov

Copy by e-mail to

Regional Judicial Officer:

Ann Coyle

Coyle.ann@epa.gov

Dated

Landawn Whitehead, Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 5

77 West Jackson Boulevard Chicago, Illinois 60604

(312) 886-3713