



U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION 1 – NEW ENGLAND

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Office of Regional Counsel

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BY ELECTRONIC MAIL

May 5, 2020

David Magee, Owner
Build-It Bros., LLC
38 Mussey Road
Scarborough, ME 04074

Re: In the Matter of Build-It Bros., LLC, Docket No. TSCA-01-2019-0055
IMPORTANT NOTICE REGARDING POTENTIAL DEFAULT ACTION

Dear Mr. Magee:

This is to provide notice that, after numerous, unsuccessful attempts to communicate directly with you over several months in a good faith effort to resolve the above-referenced enforcement action through a mutually-agreed upon settlement under the Consent Agreement I sent for your review *more than a month ago*, I still have not heard anything back from you. Given your persistent failure to communicate, I can only assume that you are no longer interested in pursuing settlement and that EPA must now pursue another course of action to conclude this case.

Accordingly, please note that unless I receive signatures from you, **within one week of the date of this letter**, on the two documents previously forwarded for your review —namely, the Consent Agreement and a single-page Certification form I sent *over two months ago*— then EPA will look to pursue a Motion for Default in this case. Be aware that such a motion, if granted by the Regional Judicial Officer, would likely require payment of the full, unreduced penalty amount within 30 days of the default order. Also, in the event of nonpayment, I would expect the matter to be referred for collection, possibly through the U.S. Department of the Treasury, to ensure that any outstanding penalties, interest and fees are remitted as a debt owed to the United States.

I am, of course, disappointed we've been unable to finalize the settlement in principle I thought we'd reached many weeks ago but, again, your total silence offers few options. For the moment, if you wish to discuss this any further, you should contact me immediately.

Letter to David Magee
May 5, 2020

In the Matter of Build-It Bros., LLC, TSCA-01-2019-0055

Here's hoping that you and yours remain healthy and safe throughout this difficult time.

Sincerely,

Hugh W. Martinez, Senior Enforcement Counsel
Counsel for Complainant

cc: M. Molly Magoon, EPA Region 1