

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:)	
)	DOCKET NO. TSCA-10-2020-0073
)	
2N Clean-up & Restoration LLC)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
)	FINAL ORDER
Nampa, Idaho,)	
)	
Respondent.)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that 2N Clean-up & Restoration LLC (“Respondent”) failed to comply with Section 402(c) of the U.S. Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. (“TSCA”).
2. Under Section 402(c) of TSCA and 40 C.F.R. § 745.81(a)(2)(ii), Respondent was required to obtain initial firm certification from EPA before performing, offering, or claiming to perform renovations for compensation.
3. On July 30, 2019, the Respondent invoiced the property owner of 809 North 18th Street, Boise, Idaho, 83702, for work that was described as “hazardous materials remediation and demolition.”
4. The property located at 809 North 18th Street, Boise, Idaho, 83702 was constructed in 1915, and is target housing within the meaning of 15 U.S.C. § 2681(17).

5. The Respondent was not firm certified when it offered, performed or claimed to perform a renovation at the property located at 809 North 18th Street, Boise, Idaho, 83702, in violation of 40 C.F.R. § 745.81(a)(2)(ii).

6. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is \$1,000.

7. Upon signing this Expedited Settlement Agreement, Respondent shall deposit the civil penalty amount listed in paragraph 5 by one of the following methods:

6.1 Send a cashier's or certified check or money order with a notation for TSCA-10-2020-0073 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. TSCA-10-2020-0073
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

6.2 Send a cashier's or certified check or money order by an overnight/common carrier (*e.g.*, FedEx® or United Parcel Service of America, Inc.) with a notation for TSCA-10-2020-0073 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza

SL-MO-C2-GL
St. Louis, Missouri 63101

6.3 Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

8. Concurrently with the deposit under paragraph 6, Respondent shall forward the original signed Expedited Settlement Agreement, a copy of the cashier's or certified check or money order or documentation of a wire transfer to the following address:

Kim Farnham, Lead Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

By written notice to Respondent, EPA may change the address and/or person listed above.

9. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).

10. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the attached Final Order.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) is

currently in compliance with the firm certification requirements as stated in 40 C.F.R. § 745.81(a)(2)(ii); (b) agrees to provide a deposit for payment of the civil penalty as set forth in Paragraph 6; (c) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in Paragraph 7; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

12. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) is currently in compliance with the firm certification requirements as stated in 40 C.F.R. § 745.81(a)(2)(ii); (b) agrees to provide a deposit for payment of the civil penalty as set forth in Paragraph 6; (c) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in Paragraph 7; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

13. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 6, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

14. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

15. 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.

16. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection of the

amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

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

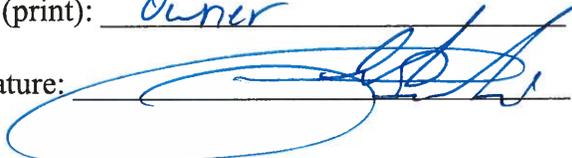
18. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

19. 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,

Respondent Name (print): Nate Pancheberd

Respondent Title (print): Owner

Respondent Signature: 

Date: 04/9/20

APPROVED BY EPA:

Date: _____

Edward J. Kowalski, Director
Enforcement & Compliance Assurance Division
EPA Region 10