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HEARINGS CLERK
EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
)
)
 Thomas and Judith)
 Murray)
)
)
 Marysville, Washington,)
)
)
 Respondents.)

DOCKET NO. TSCA-10-2017-0186
CONSENT AGREEMENT

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

1.2. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Thomas and Judith Murray ("Respondents") agree to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”) against Respondents on September 29, 2017. Pursuant to 40 C.F.R. § 22.18(b), this proceeding shall be concluded when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of TSCA is proposed to be assessed.

2.3. In the Complaint, EPA alleged that Respondents failed to comply with the requirements of Section 1018(b)(5) of the Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. Part 745 Subpart F in violation of Section 409 of TSCA, 15 U.S.C. § 2689.

2.4. The complete factual and jurisdictional allegations for proposing the assessment of a civil penalty are set forth in the Complaint and are incorporated herein by reference.

III. TERM OF SETTLEMENT

3.1. Respondents admit the jurisdictional allegations of the Complaint.

3.2. Respondents neither admit nor deny the specific factual allegations contained in the Complaint.

3.3. As required by Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), EPA has taken into account the nature, circumstances, extent, and gravity of the violations, and with respect to Respondents, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. After considering these factors, EPA has determined and Respondents agree that an appropriate penalty to settle this action is \$20,000 (the "Assessed Penalty").

3.4. Respondents agree to pay the Assessed Penalty and \$402.04 in interest according to the payment schedule in Attachment A to this Consent Agreement and Final Order.

3.5. Payment under this Consent Agreement and Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondents must note on the check the title and docket number of this action.

3.6. Concurrently with payment, Respondents must serve photocopies of the check, or proof of other payment method, described in Paragraph 3.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
young.teresa@epa.gov

Jennifer Sulcer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Sulcer.jennifer@epa.gov

3.7. If Respondents fail to pay any portion of the Assessed Penalty or interest in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondents may be subject to a civil action to collect the assessed penalty or interest under Section 16(a)(4) of TSCA, 15 U.S.C. § 2615(a)(4). In any collection action, the validity, amount, and appropriateness of the penalty are not subject to review.

3.8. If Respondents fail to pay any portion of the Assessed Penalty or interest in full by its due date, Respondents shall be responsible for payment of interest on any unpaid portion of the Assessed Penalty at the rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

3.9. The Assessed Penalty and interest, including any additional costs incurred under Paragraph 3.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

3.10. The undersigned Respondents certify that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondents to this document.

3.11. The undersigned Respondents also certify that, as of the date of Respondents' signatures of this Consent Agreement, Respondents have corrected the violations alleged in the Complaint.

3.12. Except as described in Paragraph 3.8, each party shall bear its own costs and attorney's fees in bringing or defending this action.

3.13. For the purposes of this proceeding, Respondents expressly waive any right to contest the allegations contained in the Complaint and to appeal the Final Order. Respondents expressly waive the notice requirement and their opportunity to request a hearing on the Final Order pursuant to Section 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2).

3.14. The provisions of this Consent Agreement and the Final Order shall bind Respondents and their agents, servants, employees, successors, and assigns.

3.15. The above provisions in Part III are STIPULATED AND AGREED upon by Respondents and EPA Region 10.

DATED:

October 23, 2017

October 23, 2017

DATED:

10/23/2017

RESPONDENTS:

Thomas Murray
THOMAS MURRAY

Judith Murray
JUDITH MURRAY

FOR COMPLAINANT:

Edward J. Kowalski
EDWARD J KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	
)	DOCKET NO. TSCA-10-2017-0186
Thomas and Judith)	
Murray,)	FINAL ORDER
)	
Marysville, Washington,)	
)	
Respondents.)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has re delegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondents are ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under TSCA for the violations alleged in the Complaint. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondents' obligations to comply with all applicable provisions of TSCA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2017.

M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

ATTACHMENT A

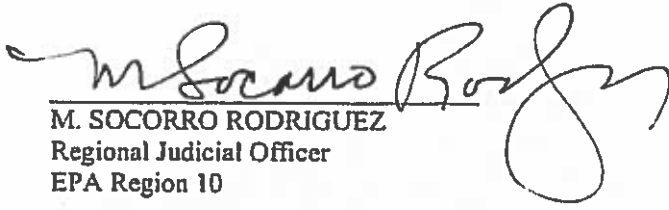
PAYMENT SCHEDULE FOR THOMAS AND JUDITH MURRAY

<u>Payment Due Date</u>	<u>Total Payment Due</u>
1st Payment within 30 days of the Effective date of the CAFO:	\$4,000
2nd Payment – within 1 year of the Effective Date of the CAFO	\$4,100.51
3rd Payment - within 2 years of the Effective Date of the CAFO	\$4,100.51
4th Payment - within 3 years of the Effective Date of the CAFO	\$4,100.51
5th Payment – within 4 years of the Effective Date of the CAFO	\$4,100.51
<u>Total</u>	<u>\$20,402.04</u>

The payment includes \$402.04 of interest. The current interest rate is the treasury current value of funds rate of 1%.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 24th day of October, 2017.


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Thomas and Judith Murray, Docket No.: TSCA-10-2017-0186**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Robert Hartman
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-113, Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Thomas Murray
Mrs. Judith Murray
220 Old Tulalip road
Marysville, Washington 98271

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

David S. Steele
PERKINSOIE
The PSE Building
10885 NE Fourth Street, Suite 700
Bellevue, WA 98004-5579

DATED this 26th day of October 2017



Candace H. Smith
Backup Regional Hearing Clerk
EPA Region 10

