



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via Federal Express

Benjamin M. Cohan
Office of Regional Counsel
(215) 814-2618 (tel.)
(215) 814-2603 (fax)

May 22, 2013

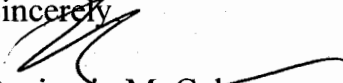
Ms. Nancy Cornwell (On Behalf of Respondent *Pro Se*)
Environmental Engineering & Technology, Inc.
712 Gum Rock Court
Newport News, VA 23606

Re: Environmental Engineering & Technology, Inc.
EPA Docket No. TSCA-03-2013-0115

Dear Ms. Cornwell:

Enclosed you will find a true and correct copy of the executed settlement (CAFO) in the above captioned matter, which was filed with the Regional Hearing Clerk today. Please note that the settlement is effective today, March 22, 2013. Paragraph 12 of the CAFO sets forth your Company's payment obligations. Thank you for working with us toward resolution of this matter.

Sincerely


Benjamin M. Cohan
Senior Assistant Regional Counsel

Enclosures
cc: Demian Ellis (3LC61)

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2013 MAY 22 PM 12: 23

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III REGIONAL HEARING CLERK
1650 Arch Street EPA REGION III, PHILA. PA
Philadelphia, Pennsylvania 19103-2029

IN RE:)	DOCKET NO. TSCA-03-2013-0115
)	
Environmental Engineering & Technology, Inc.)	EXPEDITED CONSENT AGREEMENT AND FINAL ORDER
712 Gum Rock Ct.)	
Newport News, VA 23606)	Proceeding under Sections 16(a) and 409 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615(a) and 2689
Respondent.)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA” or “Agency”) and Environmental Engineering & Technology, Inc. (hereinafter “Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, the federal regulations set forth at 40 C.F.R. Part 745, Subpart L, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)).

2. EPA finds that Respondent was subject to the “Lead-Based Paint Activities” (“LBPA”) Rule set forth at 40 C.F.R. Part 745, Subpart L, promulgated under Section 402 of TSCA, 15 U.S.C. §§ 2682, based upon the fact that Respondent is an entity and a “person” (as defined by 40 C.F.R. § 745.223) accredited under 40 C.F.R. § 745.225 to offer lead based paint activities courses, and is therefore a “training provider” as defined by 40 C.F.R. § 745.223. The violation identified and settled herein pertains to a “Renovator Initial Training Course” which Respondent conducted at its Newport News, VA offices on April 27, 2012 (“4/27/12 initial renovator course”).

3. EPA finds that Respondent failed to comply with the LBPA Rule by failing to: a.) have each student at the 4/27/12 initial renovator course successfully complete the hands-on skills assessment (as required by 40 C.F.R. § 745.225(c)(7). In violating the LBPA rule, Respondent violated section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.235.

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order, (hereinafter “this Agreement”).
5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.
7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.
8. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.
9. Each Party to this Agreement shall bear its own costs and attorney’s fees.
10. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up to \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.
11. The parties enter into this Agreement in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice, based on the nature of the violations, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$1,000**.
12. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (TSCA-03-2013-0115), for the amount specified above, payable to “**United States Treasury**,” U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to Benjamin Cohan, U.S. Environmental Protection Agency, Region III (Mail Code 3RC50), 1650 Arch Street, Philadelphia, PA 19103, and Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.
13. Respondent certifies, subject to civil and criminal penalties for making a false statement to the U.S. Government, that it has corrected all violations and is in full compliance with the LBPA rule as cited herein.

14. This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA or any other federal statute or regulation.

15. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. If Respondent does not sign and return this Agreement **within 20 days** of the date of its receipt, this proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

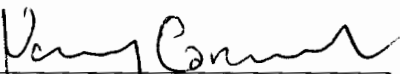
17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that she is fully authorized to execute this Agreement and to legally bind Respondent to this Agreement.

APPROVED BY Environmental Engineering & Technology, Inc.

Name (print): NANCY CORNWELL ✓

Title (Print): DIRECTOR

Signature: 

FOR COMPLAINANT:

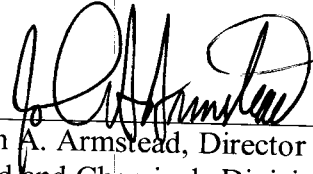
 Date: 5/6/13

Benjamin Cohan
Office of Regional Counsel
EPA Region III

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

5.13.13

Date



John A. Armstead, Director
Land and Chemicals Division

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
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REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN RE:) DOCKET NO. TSCA-03-2013-0115
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Environmental Engineering &) **EXPEDITED CONSENT AGREEMENT**
Technology, Inc.) **AND FINAL ORDER**
712 Gum Rock Ct.)
Newport News, VA 23606)
) Proceeding under Sections 16(a) and 409
) of the Toxic Substances Control Act,
Respondent.) 15 U.S.C. §§ 2615(a) and 2689

FINAL ORDER

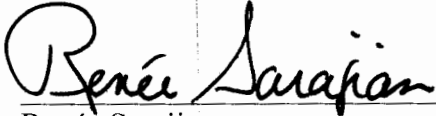
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned Respondent have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

WHEREFORE, pursuant to the authority of Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615, for violations of the LBPA Rule, and having determined, based on the representations of the parties to the attached Expedited Consent Agreement, that the agreed-upon one thousand dollar (\$1,000) civil penalty was based upon consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of one thousand dollars (\$1,000) in accordance with the payment provisions set forth in the attached Expedited Consent Agreement.

Environmental Engineering & Technology, Inc.
Docket No. TSCA-03-2013-0115

The effective date of the foregoing Expedited Consent Agreement and this **FINAL ORDER** is the date on which this **FINAL ORDER** is filed with the EPA Regional Hearing Clerk.

5/21/13
Date


Renée Sarajian
Regional Judicial Officer
U.S. EPA - Region III

TSCA-03-2013-0115

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Philadelphia, Pennsylvania 19103-2029

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Respondent.)	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the above captioned United States Environmental Protection Agency's **Expedited** Consent Agreement and Final Order, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order, along with its enclosures and/or attachments, were sent by UPS Overnight mail to:

Ms. Nancy Cornwell (On Behalf of Respondent *Pro Se*)
712 Gum Rock Court
Newport News, VA 23606

Sincerely,



Benjamin M. Cohan
Senior Assistant Regional Counsel

Date: MAY 22 2013