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EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
) DOCKET NO. TSCA-10-2012-0188
)
Kachina Contractor Solutions, LLC)
Elkins Park, Pennsylvania) **CONSENT AGREEMENT AND**
) **FINAL ORDER**
)
Respondent.)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement and Final Order (“CAFO”) 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. The Administrator has delegated the authority to issue the Final Order contained in Part IV of this CAFO to the Regional Administrator of EPA Region 10, who has re delegated this authority to the Regional Judicial Officer in EPA Region 10.

1.3. Pursuant to TSCA Section 16(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 Kachina Contractor Solutions, LLC (“Respondent”) agrees to issuance of, the Final Order contained in Part IV of this CAFO.

II. PRELIMINARY STATEMENT

2.1. On September 21, 2012, EPA initiated this proceeding against Respondent pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a) by issuing an administrative Complaint.

2.2. The factual and jurisdictional basis for proposing the assessment of a civil penalty is set forth in the Complaint and is incorporated herein by reference.

2.3. The Director of the Office of Air, Waste and Toxics, 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 Section 409 of TSCA is proposed to be assessed.

III. CONSENT AGREEMENT

3.1. Respondent admits the jurisdictional allegations contained in Part II of this CAFO.

3.2. Respondent neither admits nor denies the specific factual allegations set forth in Part II of this CAFO.

3.3. Based on Respondent's willingness to settle this matter without litigation; the nature, circumstances, extent, and gravity of the violations; Respondent's ability to pay, prior history of violations, degree of culpability, economic benefit or savings (if any) resulting from the violations; and such other matters as justice may require, and in accordance with the "Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule," dated August 2010, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$18,000.

3.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 3.3 within thirty (30) days of the effective date of the Final Order contained in Part IV of this CAFO.

3.5. Payment under this CAFO must be made by a cashier's check or certified check 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, MO 63197-9000

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

3.6. Respondent must serve photocopies of the check 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-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Wallace Reid, TSCA Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop AWT-128
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

3.7. Each party shall bear its own costs in bringing or defending this action.

3.8. If Respondent fails to pay the penalty assessed by this CAFO 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, Respondent may be subject to a civil action to collect the assessed penalty under TSCA. In any such collection action, the validity, amount, and appropriateness of the penalty are not subject to review.

3.9. Pursuant to Section 16(a)(4) of TSCA, 15 U.S.C. § 2615(a)(4), if Respondent fails to pay any portion of the penalty assessed by this CAFO in full by its due date, Respondent 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 31 U.S.C. § 3717(a)(1) 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 thirty (30) days of the effective date of the Final Order contained herein.

3.10. The penalty described in Paragraph 3.3., including any additional costs incurred under Paragraph 3.8, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

3.11. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

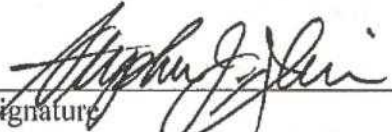
3.12. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this CAFO, Respondent has corrected the violation(s) alleged in Part II and is currently in compliance with all applicable TSCA requirements at each of the facilities under its control.

3.13. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part IV.

3.14. The provisions of this CAFO shall bind Respondent and its agents, servants, employees, successors, and assigns.

3.15. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

KACHINA CONTRACTOR SOLUTIONS, LLC



Signature

Dated: 1/10/14

Print Name: STEPHEN J. KLEIN

Title: PRESIDENT

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10


Kate Kelly, Director
Office of Air, Waste and Toxics

Dated: 1/21/14

IV. FINAL ORDER

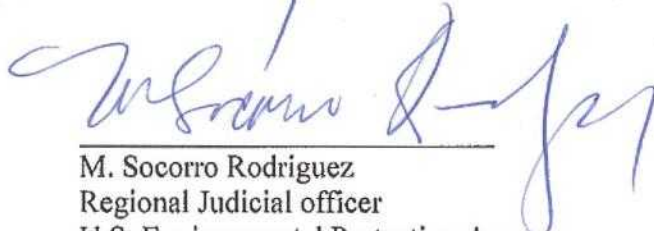
4.1. The terms of the foregoing Parts I-III are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

4.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to TSCA for the violations alleged in the Complaint. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO 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.

4.3. This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of TSCA and regulations promulgated or permits issued thereunder.

This Final Order shall become effective upon filing.

SO ORDERED this 22nd day of January, 2014.



M. Socorro Rodriguez
Regional Judicial officer
U.S. Environmental Protection Agency
Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER in: In the Matter of: Kachina Contractor Solutions, LLC, Docket No. TSCA-10-2012-0188**, was filed, and served as follows, on the signature date below.


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

Robert E. Hartman
U.S. Environmental Protection Agency
Region 10, M/S: ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

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

Kevin M. Tierney
Berenson LLP
1146 Walker Road, Suite C
Great Falls, Virginia 22066-1838

23rd of January 2014
Dated


Candace H. Smith
Regional Hearing Clerk
EPA Region 10

