

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Angela V. Páez _____
Name of Contact person Date

in the Pesticides/Asbestos Programs Branch (3LC62) at 215-814-2064
Office Phone number

_____ Non-SF Jud. Order/Consent Decree. DOJ COLLECTS Administrative Order/Consent Agreement. FMD COLLECTS PAYMENT

_____ SF Jud. Order/Consent Decree. FMD COLLECTS

_____ This is an original debt _____ This is a modification

Name of Person and/or Company/Municipality making the payment

Greater Grace World Outreach, Inc. _____

The Total Dollar Amount of Receivable \$0
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number TSCA-03-2010-0109 _____

The Site-Specific Superfund Acct. Number N/A _____

The Designated Regional/HQ Program Office Pesticides and Asbestos Programs Branch (3LC62) _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- | | |
|---|---|
| 1. Rosemarie Paceco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005 | 2. Originating Office (ORC)
3. Designated Program Office |
|---|---|

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 2. Designated Program Office |
| 3. Regional Hearing Clerk | 4. Regional Counsel |

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:

Greater Grace World Outreach, Inc.
6025 Moravia Park Drive
Baltimore, MD 21206

Docket No: TSCA-03-2010-0109

Consent Agreement

Respondent

CONSENT AGREEMENT

I. Preliminary Statement

This Consent Agreement ("CA"), issued under the authority set forth in sections 16 and 207 of TSCA, 15 U.S.C. §§ 2615 and 2647, is entered into, through delegation, by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III ("EPA" or "Complainant") and Greater Grace World Outreach, Inc. This CA includes the assessment of a civil penalty against Greater Grace World Outreach, Inc. ("Respondent"), because it is a local education agency liable for violations which occurred at Greater Grace Christian Academy, located at 6077 Moravia Park Drive, Baltimore, MD 21206 (the "Facility"), pursuant to the Toxic Substances Control Act ("TSCA"), Subchapter II (the Asbestos Hazard Emergency Response Act or "AHERA") 15 U.S.C. §§ 2641 to 2656; 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 the provisions set forth at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to herein as the "CAFO") address violations by Respondent of AHERA and the federal regulations implementing AHERA as set forth at 40 C.F.R. Part 763 Subpart E, and resolve Complainant's civil claims against Respondent arising from the violations of TSCA alleged herein.

II. General Provisions

1. For purpose of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Except as provided in paragraph 1, above, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the accompanying Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying Final Order.
5. Respondent shall not deduct for civil taxation purposes the civil penalty specified in this CAFO.
6. Section 22.13(b) of the Consolidated Rules of Practice provides that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order.

7. By signing this CA, Respondent certifies to EPA that, upon investigation and to the best of its knowledge, the Facility is in compliance with the provisions of the Asbestos Hazard Emergency Response Act ("AHERA"), Subchapter II of TSCA, 42 U.S.C. §§ 2641-2656, and regulations promulgated thereunder.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
9. Respondent shall bear its own costs and attorney's fees.
10. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.
11. By signing and executing this CA, Respondent certifies that it has already spent at least four thousand five hundred dollars (\$4,500) since the Maryland Department of the Environment's July 19, 2007 inspection for purposes of complying with Subchapter II of TSCA and the regulations promulgated thereunder, in accordance with § 207(a) of TSCA, 15 U.S.C. § 2647(a), and that Respondent has provided Complainant with all supporting cost documentation and information.
12. This CAFO shall apply to and be binding upon the EPA, Respondent, and the officers, directors, successors, and assigns of Respondent.

III. EPA's Findings of Fact and Conclusions of Law

13. Complainant has determined that Respondent has violated requirements of TSCA and the federal regulations implementing AHERA set forth at 40 C.F.R. Part 763, Subpart E. In accordance with the Consolidated Rules of Practice as set forth at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and

conclusions of law.

14. Respondent, Greater Grace World Outreach, Inc., is the "Local Education Agency" ("LEA") as that term is defined under Section 202(7) of TSCA, 15 U.S.C. § 2642(7) and 40 C.F.R. § 763.83, because it is the owner of a private, nonprofit, elementary, or secondary school building, including the Facility. The Facility, Greater Grace Christian Academy, located at 6077 Moravia Park Drive, Baltimore, MD, is a "school" as that term is defined at Section 202(12) of TSCA, 15 U.S.C. § 2642(12) and 40 C.F.R. § 763.83.
15. The Facility is a "school building" as that term is defined at Section 202(13) of TSCA, 15 U.S.C. § 2642(13) and 40 C.F.R. § 763.83.

COUNT I

16. The allegations contained in Paragraphs 1 through 15 are incorporated herein by reference.
17. Pursuant to 40 CFR §763.85(b)(1), at least once every 3 years after a management plan is in effect, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use as a school building.
18. During the July 19, 2007 inspection, the Maryland Department of the Environment (MDE) inspector discovered that the Respondent did not conduct an AHERA reinspection at the Greater Grace Christian Academy.

19. Respondent's failure to conduct an AHERA reinspection violated the requirements of 40 C.F.R. § 763.85(b)(1) at the Greater Grace Christian Academy.

COUNT II

20. The allegations contained in Paragraphs 1 through 19 are incorporated herein by reference.
21. Pursuant to 40 CFR §763.93(g)(4), upon submission of its management plan to the Governor and at least once each school year, the local education agency (LEA) shall notify in writing parent, teacher, and employee organizations of the availability of management plans and shall include in the management plan a description of the steps taken to notify such organizations, and a dated copy of the notification.
22. During the July 19, 2007 inspection, the Maryland Department of the Environment (MDE) inspector discovered that Respondent did not notify in writing parent, teacher, and employee organizations of the availability of management plans at the Greater Grace Christian Academy.
23. Respondent's failure to provide parent, teacher, and employee organizations of the required notification violated the requirements of 40 C.F.R. § 763.93(g)(4) at the Greater Grace Christian Academy.

COUNT III

24. The allegations contained in Paragraphs 1 through 23 are incorporated herein by reference.
25. Pursuant to 40 CFR §763.85(a) (1), except as provided in paragraph (a)(2) of this section,

before October 12, 1988, local education agencies shall inspect each school building that they lease, own, or otherwise use a school building to identify all locations of friable and nonfriable ACBM. Any building leased or acquired on or after October 12, 1988, that is to be used as a school building shall be inspected as described under paragraphs (a)(3) and (4) of this section prior to use of as a school building. During the July 19, 2007 inspection, the Maryland Department of the Environment (MDE) inspector discovered that Respondent did not conduct an initial asbestos inspection at the Greater Grace Christian Academy.

26. Respondent's failure to conduct an initial inspection violated the requirements of 40 C.F.R. § 763.85(a) and Section 207 of TSCA, 15 U.S.C. of § 2647, at the Greater Grace Christian Academy.

IV. Settlement Recitation

27. Based on the above Findings of Fact and Conclusions of Law, EPA concludes that Respondent is liable for a civil penalty pursuant to Section 207(a) of TSCA, 15 U.S.C. § 2647(a), for Respondent's TSCA violations. In full settlement of the violations alleged in this Consent Agreement, in consideration of each provision of this Consent Agreement and the accompanying Final Order, and pursuant to Sections 207(a) and (c) of TSCA, 15 U.S.C. §§ 2647(a) and (c), and other relevant factors, Complainant and Respondent have determined that a civil penalty of three thousand three hundred fifty three dollars (\$3,353) is appropriate.

28. The aforesaid assessed penalty is based upon EPA's consideration of a number of factors, including, but not limited to, the statutory factors set forth in Section 207(c) of TSCA, 15 U.S.C. § 2647(c), *i.e.*, the significance of the violation, the culpability of the violator, and the ability of the violator to continue to provide educational services to the community. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Interim Final Enforcement Response Policy for the Asbestos Hazard Emergency Response Act ("ERP")*, dated January 31, 1989, adjusted for inflation pursuant to 40 C.F.R. Part 19.
29. Respondent certifies that it has spent \$4,500 since MDE's July 19, 2007 inspection to comply with Subchapter II of TSCA. Therefore, pursuant to sections 16(a)(2)(C) and 207(a) of TSCA, 15 U.S.C. §§ 2615(a)(2)(C) and 2647(a), EPA agrees to the remittance of \$3,353 of the civil penalty assessed against Respondent.
30. Respondent consents to the assessment of three thousand three hundred fifty three dollars (3,353) civil penalty with a cash component of \$ 0 dollars.

V. Reservation of Rights

32. This CAFO resolves only the civil claims for the specific violations alleged in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated

Rules of Practice. Further, EPA reserves any rights and remedies available to it under Subchapter II of TSCA, 15 U.S.C. §§ 2641 to 2656, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

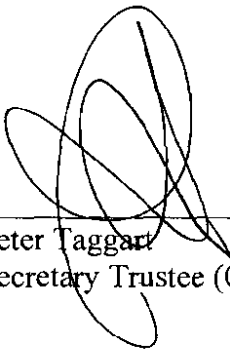
VI. Effective Date

33. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and to legally bind Respondent to this Consent Agreement.

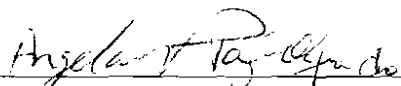
For Respondent:

2/2/2010
Date


Peter Taggart
Secretary Trustee (Comptroller)


For Complainant:

2/17/2010
Date


Angela V. Páez-Oquendo
Compliance Officer

Accordingly I hereby recommend that the Regional Administrator or his designee issue the Final Order attached hereto.

4/12/10
Date


Abraham Ferdas, Director
Waste and Chemicals Management Division



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

IN RE:

Greater Grace World Outreach, Inc,
6025 Moravia Park Drive
Baltimore, MD 21206

Respondent

Docket No. TSCA-03-2010-0109

Final Order

FINAL ORDER

The undersigned accepts and incorporates into this Final Order by reference all provisions set forth in the foregoing Consent Agreement.

NOW, **THEREFORE, IT IS HEREBY ORDERED THAT**, pursuant to Sections 16 and 207 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2615 and 2647, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, Respondent is assessed a civil penalty of three thousand three hundred fifty three dollars (\$3,353), but that the cash component of that civil penalty will be \$0.

In accordance with Section 207(a) of TSCA, 15 U.S.C. § 2647(a), the three thousand three hundred fifty three dollars (\$3,353) civil penalty assessed against Respondent is hereby remitted. The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

4/15/10
Date

Renee Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III





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

IN RE: :
 :
 : Docket No. TSCA-03-2010-0109
 :
 Greater Grace World Outreach, Inc, :
 6025 Moravia Park Drive :
 Baltimore, MD 21206 : **Final Order**
 :
 Respondent :

FINAL ORDER

The undersigned accepts and incorporates into this Final Order by reference all provisions set forth in the foregoing Consent Agreement.

NOW, **THEREFORE, IT IS HEREBY ORDERED THAT**, pursuant to Sections 16 and 207 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2615 and 2647, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, Respondent is assessed a civil penalty of three thousand three hundred fifty three dollars (\$3,353), but that the cash component of that civil penalty will be \$0.

In accordance with Section 207(a) of TSCA, 15 U.S.C. § 2647(a), the three thousand three hundred fifty three dollars (\$3,353) civil penalty assessed against Respondent is hereby remitted. The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

4/15/10
Date

Renée Sarajian
Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III



**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

IN RE:

Greater Grace World Outreach, Inc.
6025 Moravia Park Drive
Baltimore, MD 21206

DOCKET NO: TSCA-03-2010-0109

CONSENT AGREEMENT

Respondent

Grater Grace Christian Academy
6077 Moravia Park Drive
Baltimore, MD 21206

Facility

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date provided below, the original and one true and correct copy of the foregoing Consent Agreement and Final Order were hand-delivered to and filed with the Regional Hearing Clerk (3RC30), U.S.EPA - Region III, 1650 Arch Street, Philadelphia, PA, 19103-2029 and that true and correct copies were served regular U.S. Mail upon the following person:

Peter Taggart, Secretary Trustee (Controller)
Greater Grace World Outreach, Inc.
6025 Moravia Park Drive
Baltimore, MD 21206

Date: _____

04/21/10



Angela V. Páez-Oquendo
Compliance Officer
U.S. EPA - Region III