



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

**Certified Mail/Return Receipt Requested**

Dr. Norris Belcher, Jr., Pastor  
Church of the Open Door  
550 Baltimore Blvd.  
Westminster, MD 21157

SEP 5 2012

Re: **Carroll Christian Schools**  
**Docket No. TSCA-03-2012-0209**

Dear Dr. Belcher:

Enclosed please find the signed Consent Agreement ("CA") and Final Order (collectively "CAFO") identified by Docket No. TSCA-03-2012-0209.

The CAFO was signed by the Regional Judicial Officer on September 4, 2012 and filed with the Regional Hearing Clerk ("RHC") on September 5, 2012. This case will be considered closed when Church of the Open Door has paid the civil penalty of \$ 1,670 consistent with instructions provided in paragraph number 29 of the CAFO. Please read the payment instructions carefully to ensure that your payment is properly credited to your account.

I thank you and Mr. Kevin Hoffman for the responsiveness demonstrated in handling this matter. If you have any questions, I can be reached at (215)814-2128.

Sincerely,

A handwritten signature in black ink that reads "Magda Rodriguez-Hunt".

Magda Rodriguez-Hunt  
Enforcement Officer

Enclosure

cc: Kevin Hoffman, Maintenance Supervisor  
Carroll Christian Schools

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

IN RE:

Church of the Open Door  
550 Baltimore Blvd.  
Westminster, MD 21157

**Respondent**

Carroll Christian Schools  
550 Baltimore Blvd.  
Westminster, MD 21157

**Facility**

DOCKET NO: TSCA-03-2012-0209

CONSENT AGREEMENT

**CONSENT AGREEMENT**

**I. Preliminary Statement**

This Consent Agreement ("CA"), issued under the authority set forth in Sections 16 and 207 of the Toxic Substances Control Act ("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 Church of the Open Door. This CA includes the assessment of a civil penalty against Church of the Open Door ("Respondent"), because it is a local education agency liable for violations which occurred at Carroll Christian Schools, 550 Baltimore Blvd., Westminster, MD 21157 (the "Facility"), pursuant to TSCA Subchapter II, known as the Asbestos Hazard Emergency Response Act ("AHERA"), 15 U.S.C. §§ 2641 to 2656 ("TSCA AHERA"). This action is brought in accordance with TSCA AHERA

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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 TSCA AHERA and the federal regulations implementing TSCA 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 AHERA alleged herein.

## **II. General Provisions**

1. For the 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 TSCA AHERA and regulations promulgated thereunder at 40 C.F.R. Part 763 Subpart E.
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 One Hundred Ten Dollars (\$ 4,110) since MDE's May 7, 2009 inspection for purposes of complying with TSCA AHERA and the regulations promulgated thereunder, in accordance with Section 207(a) of TSCA AHERA, 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

AHERA and the federal regulations implementing TSCA 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, Church of the Open Door, is the "Local Education Agency" ("LEA") as that term is defined under Section 202(7) of TSCA AHERA, 15 U.S.C. § 2642(7) and 40 C.F.R. § 763.83, because it is the owner of a nonpublic, non-profit elementary, or secondary school building, including the Facility, and as such, is responsible for ensuring that the Facility is in compliance with the requirements of TSCA AHERA.
15. The Facility, Carroll Christian Schools, located at 550 Baltimore Blvd., Westminster, MD 21157 is a "school" as that term is defined at Section 202(12) of TSCA AHERA, 15 U.S.C. § 2642(12) and 40 C.F.R. § 763.83.
16. The Facility is a "school building" as that term is defined at Section 202(13) of TSCA AHERA, 15 U.S.C. § 2642(13) and 40 C.F.R. § 763.83.

#### COUNT I

17. The allegations contained in Paragraphs 1 through 16 are incorporated herein by reference.
18. 40 C.F.R § 763.93(a)(2) requires that if a building to be used as part of a school is leased or otherwise acquired after October 12, 1988, the local education agency shall include the new building in the management plan for the school prior to its use as a school building. The revised portions of the management plan shall be submitted to the Agency designated

by the Governor.

19. As a result of MDE's May 7, 2009 inspection at Carroll Christian Schools, EPA found that Church of the Open Door failed to prepare and submit the revised portions of the management plan to the Agency designated by the Governor.
20. By failing to prepare and submit revised portions of the management plan to the Agency designated by the Governor, Respondent violated the requirements of 40 C.F.R § 763.93(a)(2) and Section 207(a)(3) of TSCA AHERA, 15 U.S.C. § 2647(a)(3).

#### COUNT II

21. The allegations contained in Paragraphs 1 through 20 are incorporated herein by reference.
22. 40 C.F.R. § 763.93(g)(4) requires that upon submission of its management plan to the Governor and at least once each school year, the local education agency 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.
23. As a result of MDE's May 7, 2009 inspection at Carroll Christian Schools, EPA found that Church of the Open Door failed to provide notification to parent, teacher, and employee organizations or groups of the availability of the school's management plan since 1995.
24. By failing to provide notification, Respondent violated the requirements of 40 C.F.R § 763.93(g)(4) and Section 207(a)(3) of TSCA AHERA, 15 U.S.C. § 2647(a)(3).

#### **IV. Settlement Recitation**

25. 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 AHERA, 15 U.S.C. § 2647(a), for Respondent's TSCA AHERA 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 AHERA, 15 U.S.C. §§ 2647(a) and (c), and other relevant factors, Complainant and Respondent have determined that a civil penalty of Five Thousand Seven Hundred Eighty Dollars (\$ 5,780) is appropriate.
26. 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 AHERA, 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.
27. Respondent certifies that it has spent Four Thousand One Hundred Ten Dollars (\$ 4,110) since MDE's May 7, 2009 inspection to comply with TSCA AHERA. Therefore, pursuant to Section 16(a)(2)(C) of TSCA and Section 207(a) of TSCA AHERA, 15 U.S.C. §§ 2615(a)(2)(C) and 2647(a), EPA agrees to the remittance of Four Thousand

One Hundred Ten Dollars (\$ 4,110) of the civil penalty assessed against the Respondent.

28. Respondent consents to the assessment of a Five Thousand Seven Hundred Eighty Dollar (\$ 5,780) civil penalty with a cash component of One Thousand Six Hundred Seventy Dollars (\$ 1,670) dollars.

29. Within thirty (30) calendar days after the effective date of this CAFO, Respondent shall pay the cash component of the civil penalty as follows:

a. Mailing (*via first class U.S. Postal Service Mail*) a certified or cashier's check, made payable to the "United States Treasury" to the following address:

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

Contact: Craig Steffen 513-487-2091  
Eric Volck 513-487-2105

b. Via Overnight Delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

314-418-1028

c. All payment made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD



26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

d. By electronic funds transfer (“EFT”) to the following account:

Federal Reserve Bank of New York  
ABA 021030004  
Account No. 68010727  
SWIFT Address FRNYUS33  
33 Liberty Street  
NY, NY 10045

(Field tag 4200 of Fedwire message should read “D  
68010727 Environmental Protection Agency”)

e. By automatic clearinghouse (“ACH”), also known as Remittance Express (REX), to the following account:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA 051036706  
Account No. 310006  
Environmental Protection Agency  
CTX Format  
Transaction Code 22 - checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: John Schmid 202-874-7026  
or REX, 1-866-234-5681

f. Online payments can be made at [WWW.PAY.GOV](http://WWW.PAY.GOV) by entering “sfo 1.1” in the search field, and opening the form and completing the required fields.

All payments shall also reference the above case caption and docket number, Docket Number TSCA-03-2012-0209. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment to Lydia A. Guy,

Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to Magda Rodriguez-Hunt (3LC62), Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

30. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each

subsequent thirty (30) days the penalty remains unpaid. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### **V. Reservation of Rights**

31. 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 TSCA AHERA, 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**

32. 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:**

8/9/12  
Date

Norris E. Belcher, Jr.  
Dr. Norris Belcher, Jr.  
Pastor

**For Complainant:**

8/15/12  
Date

Magda Rodriguez-Hunt  
Magda Rodriguez-Hunt  
Enforcement Officer

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

8/29/12  
Date

Abraham Ferdas  
Abraham Ferdas, Director  
Land and Chemicals Division



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

IN RE:

Church of the Open Door  
550 Baltimore Blvd.  
Westminster, MD 21157

**Respondent**

Carroll Christian Schools  
550 Baltimore Blvd.  
Westminster, MD 21157

**Facility**

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FINAL ORDER

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**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 Section 16 of TSCA and Section 207 of TSCA AHERA, 15 U.S.C. §§ 2615 and 2647, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 207(c) of TSCA AHERA, 15 U.S.C. § 2647(c), Respondent is assessed a civil penalty of Five Thousand Seven Hundred Eighty Dollars (\$ 5,780), but that the cash component of that civil penalty will be One Thousand Six-Hundred Seventy Dollars (\$ 1,670).

In accordance with Section 207(a) of TSCA, 15 U.S.C. § 2647(a), Four Thousand One Hundred Ten Dollars (\$ 4, 110) of the civil penalty assessed against the Respondent is hereby



remitted. The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

9/4/12  
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 the Matter of:

Church of the Open Door  
550 Baltimore Blvd.  
Westminster, MD 21157

Respondent

Carroll Christian Schools  
550 Baltimore Blvd.  
Westminster, MD 21157

Facility

CONSENT AGREEMENT  
AND FINAL ORDER

Docket No. TSCA-3-2012-0209

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on September 5, 2012, the original and one true and correct copy of this Consent Agreement/Final Order and enclosures (Docket No. TSCA-03-2012-0209) was hand-delivered to and filed with the Regional Hearing Clerk (3RC30), U.S.EPA- Region III, 1650 Arch Street, Philadelphia, PA, 19103-2029. On September 6, 2012, a true and correct copy of the Consent Agreement/Final Order and enclosures (Docket No. TSCA-03-2012-0209) was sent by Certified Mail, Return Receipt Requested, to the addressees listed below.

Dr. Norris Belcher, Jr.  
Church of the Open Door  
550 Baltimore Blvd.  
Westminster, MD 21157

Kevin Hoffman  
Maintenance and Construction  
550 Baltimore Blvd.  
Westminster, MD 21157

Date: 9/6/12

*Magda Rodriguez-Hunt*  
Magda Rodriguez-Hunt  
Enforcement Officer  
U.S. EPA - Region 3