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2013 MAY 30 PM 4: 28

US EPA - REGION IX  
HEARING CLERK

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Assistant Regional Counsel  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
(415) 972-3882

ROBERT MOYER  
Acting Regional Counsel  
United States Environmental Protection Agency, Region IX

Attorneys for Complainant

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

_____	)	Docket No. TSCA-09-2012-0013
In the Matter of:	)	
	)	
Lighting Resources, LLC,	)	CONSENT AGREEMENT AND
	)	FINAL ORDER
Respondent	)	
_____	)	

I. CONSENT AGREEMENT

The United States Environmental Protection Agency, Region IX (“EPA Region IX”) and Lighting Resources, LLC, (“Respondent”) agree to settle this case initiated under the Toxic Substances Control Act (“TSCA” or the “Act”), 15 U.S.C. §§ 2601 et seq., and consent to the entry of this Consent Agreement and Final Order (“CAFO”).

A. AUTHORITY AND PARTIES

1. EPA initiated this civil administrative proceeding for the assessment of a civil administrative penalty pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the

Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, by issuing a Complaint and Notice of Opportunity for Hearing (the "Complaint") against Respondent on September 28, 2012.

2. The Complaint alleges that Respondent violated Section 15, 15 U.S.C. § 2614, of the Act and its implementing regulations at 40 C.F.R. Part 761.
3. EPA Region IX and Respondent have agreed to resolve and fully settle this civil administrative proceeding arising under the Act by executing this CAFO.

**B. RESPONDENT'S ADMISSIONS**

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO and to the assessment of the civil administrative penalty under Section I.C of this CAFO; (iv) waives any right to contest the allegations contained in the Complaint; and (v) waives the right to appeal the proposed final order contained in this CAFO.

**C. CIVIL ADMINISTRATIVE PENALTY**

5. Respondent hereby consents to the assessment of a civil penalty in the amount of SEVENTY-ONE THOUSAND AND FIVE HUNDRED DOLLARS (\$71,500), plus interest, according to the terms of this CAFO and Attachment 1, attached hereto, which specifies an installment payment plan and interest schedule. Payment shall be made by cashier's or certified check payable to the "Treasurer, United States of America," and shall be sent by certified mail, return receipt requested, to the following address:

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

The payment by check shall be accompanied by a transmittal letter identifying the case name, the case docket number, and this CAFO. Concurrent with delivery of the payment, Respondent shall send a copy of the check and transmittal letter to the following addresses:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

David H. Kim  
Office of Regional Counsel (ORC-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

6. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.
7. If Respondent fails to pay the civil administrative penalty by the deadlines specified in Attachment 1, then Respondent shall immediately pay to EPA the stipulated penalty of FIVE THOUSAND DOLLARS (\$5,000) plus the remaining balance of the penalty sum specified in Paragraph 5. In addition, failure to pay the civil administrative penalty may lead to any or all of the following actions:
  - a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such

collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.

- b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.
- c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.
- d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty within the deadlines specified in paragraph 5. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of

Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

#### D. RETENTION OF RIGHTS

8. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.
9. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

#### E. ATTORNEYS' FEES AND COSTS

10. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

#### F. EFFECTIVE DATE

11. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

G. BINDING EFFECT

12. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.
13. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

FOR LIGHTING RESOURCES, LLC:

April 23, 2013  
DATE

  
By: Daniel P. Gillespie  
Title: President,  
Address: 1919 Williams Street  
Simi Valley, CA 93065

FOR COMPLAINANT EPA REGION IX:

5/29/13  
DATE

  
Kathleen H. Johnson

Director  
Enforcement Division  
United States Environmental  
Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

**ATTACHMENT 1**

**INSTALLMENT PAYMENT AND INTEREST SCHEDULE  
DOCKET NO. TSCA-09-2012-0013**

<b>Principal</b>	<b>Days</b>	<b>Interest Payment</b>	<b>Principal</b>	<b>Installment Payment</b>
\$71,500	30	\$59.58	\$11,916	\$11,975.58
\$59,584	90	\$148.96	\$11,916	\$12,064.96
\$47,668	60	\$79.45	\$11,916	\$11,995.45
\$35,752	60	\$59.59	\$11,916	\$11,975.59
\$23,836	60	\$39.73	\$11,916	\$11,955.73
\$11,920	60	\$19.87_	\$11,920	\$11,939.87__
<b>Totals</b>		\$407.18	\$71,500	\$71,907.18

**1<sup>st</sup> Installment:      \$11,975.58      (Due within 30 days of the effective date of the Consent Agreement and Final Order)**

**2<sup>nd</sup> Installment:      \$12,064.96      (Due within 90 days after the deadline for the first installment payment)**

**3<sup>rd</sup> Installment:      \$11,995.45      (Due within 60 days after the deadline for the second installment payment)**

**4<sup>th</sup> Installment:      \$11,975.59      (Due within 60 days after the deadline for the third installment payment)**

**5<sup>th</sup> Installment:      \$11,955.73      (Due within 60 days after the deadline for the fourth installment payment)**

**6<sup>th</sup> Installment:      \$11,939.87      (Due within 60 days after the deadline for the fifth installment payment)**

**Total Payment:      \$71,907.18**

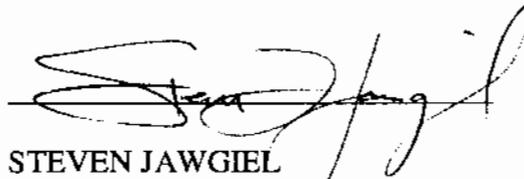
II. FINAL ORDER

EPA Region IX and Lighting Resources, LLC, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2012-0013) be entered, and Respondent shall pay a civil administrative penalty in the amount of \$71,500, plus interest, and otherwise comply with the terms set forth in the CAFO.

05/23/13

DATE



STEVEN JAWGIEL  
Regional Judicial Officer  
United States Environmental  
Protection Agency, Region IX

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Consent Agreement and Final Order was hand delivered to:

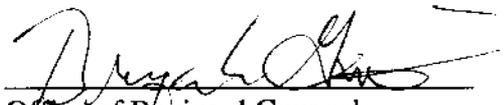
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and that a true and correct copy of the Consent Agreement and Final Order was placed in the United States Mail, addressed to the following:

Daniel Gillespie  
Lighting Resources, LLC  
1522 E. Victory Street, Suite 4  
Phoenix, AZ 85040

Susan Richard  
Controller  
Lighting Resources, LLC  
805 East Francis Street  
Ontario, CA 91761

Dated: 5/31/13

By:   
Office of Regional Counsel  
USEPA, Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

CERTIFIED MAIL NO. 7011 1570 0003 5224 2079  
RETURN RECEIPT REQUESTED  
In reply, refer to: Lighting Resources, LLC

MAY 30 2013

Daniel Gillespie  
Lighting Resources, LLC  
1522 E. Victory Street, Suite 4  
Phoenix, AZ 85040

Re: In the matter of Lighting Resources, LLC  
U.S. EPA Docket No. TSCA-09-2013-0013  
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Dear Mr. Gillespie:

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency (EPA).

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact David Kim at (415) 972-3882.

Sincerely,

Kathleen H. Johnson,  
Director, Enforcement Division

Enclosure

Cc Susan Richard, Lighting Resources, LLC  
(w/o Enclosure): Nicole Coronado ([Coronado.Nicole@azdeq.gov](mailto:Coronado.Nicole@azdeq.gov)), ADEQ