

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

Received by
EPA Region 7
Hearing Clerk

BEFORE THE ADMINISTRATOR

In the Matter of:)	
)	Docket No. TSCA-07-2022-0124
Landis Collections LLC)	
St. Louis, Missouri,)	CONSENT AGREEMENT
)	AND FINAL ORDER
<u>Respondent.</u>)	

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on or about January 9, 2023, pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), as amended, when the United States Environmental Protection Agency, Region 7 (“EPA” or “Complainant”) issued a Complaint and Notice of Opportunity for Hearing (“Complaint”) to Landis Collections LLC (“Respondent”).

The Complaint charged Respondent with violations of Section 409 of TSCA, 15 U.S.C. § 2689, and regulations EPA promulgated and codified at 40 C.F.R. Part 745, Subparts E and L.

Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (“CA/FO”) is the result of such negotiations.

CONSENT AGREEMENT

1. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits the jurisdictional allegations set forth in the Complaint;
 - (b) neither admits nor denies the specific factual allegations stated in the Complaint;
 - (c) consents to the assessment of a civil penalty, as stated herein;
 - (d) consents to the issuance of any specified compliance or corrective action order;
 - (e) consents to any conditions specified herein;
 - (f) consents to any stated Permit Action;
 - (g) waives any right to contest the allegations set forth herein; and
 - (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

2. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

3. Nothing contained the Final Order portion of this CA/FO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

4. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following Email address: deryl@att.net.

Penalty Payment

5. Respondent agrees that, in settlement of the claims alleged in the Complaint, Respondent shall pay a mitigated civil penalty of Seven Hundred Eight-Four Dollars (\$784) as set forth below.

6. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

7. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Jared Pessetto, Attorney-Adviser
pessetto.jared@epa.gov.

8. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year

compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Effect of Settlement and Reservation of Rights

9. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the Complaint. Complainant reserves the right to take any enforcement action with respect to any other violations of TSCA or any other applicable law.

10. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

11. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of TSCA and its implementing regulations.

12. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CA/FO does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA and regulations promulgated thereunder.

13. Complainant reserves the right to enforce the terms and conditions of this CA/FO.

14. This CA/FO constitutes a "prior such violation" as that term is used in EPA's Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent's "history of prior such violations" under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

General Provisions

15. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

16. This Consent Agreement shall not dispose of the proceeding without a Final Order ratifying the terms of this Consent Agreement. This CA/FO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk of EPA Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

17. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

18. This CA/FO shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CA/FO.

RESPONDENT
LANDIS COLLECTIONS LLC

Date: 4/13/23

By:  _____

Deryl Brown Jr.
Print Name

Owner
Title

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

David Cozad, Director
Enforcement and Compliance Assurance Division

Date: _____

Jared Pessetto, Attorney-Adviser
Office of Regional Counsel

FINAL ORDER

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, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
(For EPA use only.)

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Landis Collections, EPA Docket No. TSCA-07-2022-0124, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Jared Pessetto, Attorney-Adviser
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
pessetto.jared@epa.gov

Copy via Email to Respondent:

Mr. Deryl Brown, Jr.
Landis Collections LLC
1433 Kentucky Ave
St. Louis, Missouri 63110
deryl@att.net

Dated this _____ day of _____, _____.

Signed