

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2022-0004(b)

**This ESA is issued to: Marchese Construction, LLC
1525 Dean Forest Road Suite100A
Savannah, Georgia 31408**

for violating monitoring, reporting, and/or recordkeeping (MRR) requirements in 40 C.F.R. Part 61, Subpart M (National Emission Standard for Asbestos) and Section 112 of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Marchese Construction, LLC (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

ALLEGED VIOLATIONS

Based on information received in response to an information request letter the EPA sent via electronic mail on March 1, 2022, to Respondent, the general contractor, the EPA alleges that Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. Part 61, Subpart M. Specifically, the EPA alleges the Respondent failed to conduct a thorough inspection of a public building located at 619 East Anderson Street in Savannah, Georgia, 31401 (the "Facility") for asbestos-containing materials prior to beginning the demolition activity, as required by 40 C.F.R. § 61.145(a). The EPA also alleges the Respondent failed to notify the Georgia Environmental Protection Division (EPD) 10 days prior to the demolition as required by 40 C.F.R. § 61.145(b). Demolition activity occurred at the Facility in December 2021.

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$7,393**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the

Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent is currently in compliance with the National Emission Standard for Asbestos regulations promulgated at 40 C.F.R. Part 61, Subpart M.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$7,393**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$7,393** in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer:

The payment should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Beneficiary: "U.S. Environmental Protection Agency";

***The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.**

For payment sent via Standard Delivery:

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
St. Louis, MO 63197-9000

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.):

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Delivery Location Phone Number: 314-425-1819

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, or proof of electronic payment, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
R4_Regional_Hearing_Clerk@epa.gov,

and

Tony Spann
U.S. EPA Region 4
Air Enforcement Branch
61 Forsyth Street S.W.
Atlanta, Georgia 30303
Spann.Tony@epa.gov

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:

Joe Marchese
Name (print): Joe Marchese
Title (print): Owner

Date: 7/28/2022

FOR COMPLAINANT:

for

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of Marchese Construction, LLC Docket No. CAA-04-2022-0004(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Joe Marchese, Owner
Marchese Construction, LLC
joe@marchese.construction
1525 Dean Forest Road Suite100A
Savannah, Georgia 31408
912-330-8575

To EPA: Tony Spann, Case Development Officer
Spann.Tony@epa.gov
404-562-8971

Marirose Pratt, Associate Regional Counsel
Pratt.Marirose@epa.gov
404-562-9023

U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Shannon L. Richardson, Regional
Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960