



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
AUG - 2 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL:
RETURNED RECEIPT REQUESTED

Mr. D. Doc McClellon
Westside Environmental Plan of Action Committee, LLC
1821 West Butler Street
Peoria, Illinois 61605

Expedited Settlement Agreement in the Matter of:
Westside Environmental Plan of Action Committee, LLC. : Docket No.

TSCA-05-2016-0009

Mr. McClellon:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. This document was filed on 8/2/2016 with the Regional Hearing Clerk.

The civil penalty in the amount of \$3,000 is to be paid in the manner described in paragraph's 6 & 7. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bessler".

Scott Bessler
Pesticides and Toxics Compliance Section

Enclosure

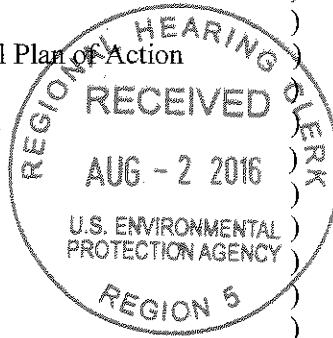
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

Docket No. **TSCA-05-2016-0009**

Westside Environmental Plan of Action)
Committee, LLC)
1821 West Butler Street)
Peoria, Illinois 61605)

Respondent)



EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that Westside Environmental Plan of Action Committee, LLC. (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 42 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. EPA alleges that on a number of occasions from April 28, 2012 through July 9, 2013, the Respondent's training program provided, offered, or claimed to provide EPA accredited lead-based paint activities courses or renovator or dust sampling courses in violation of TSCA as follows:
 - Failure by training manager to provide EPA with notification of all renovator courses offered at least 7 business days prior to the start date of any renovator course in violation of 40 C.F.R. § 745.225(c)(13)(i).
 - Failure of a training manager to provide EPA with notification of renovator courses offered no later than 10-business days following course completion in violation of 40 C.F.R. § 745.225(c)(14)(i).
 - Failure of a training manager to provide post-training notification to EPA that includes a digital photograph of each student in violation of 40 C.F.R. § 745.225(c)(14)(ii)(D)(6).
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$3,000 (\$1,000 per count) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225(a); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty.

6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$3,000 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of: Westside Environmental Plan of Action Committee, LLC."), and the docket number of this Agreement as identified on the first page herein.

7. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the following address within 30 days after the effective date of the Agreement:

U.S. EPA
Pesticides and Toxics Compliance Section
ATTN: Scott Bessler (LC-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604

8. This civil penalty is not deductible for federal tax purposes.
9. If Respondent does not pay timely the civil penalty (i.e., within 30 days after the effective date of the Agreement), EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
11. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.

15. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
16. The terms of this Agreement bind Respondent, and its successors and assigns.
17. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
18. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.
19. Each party shall bear its own costs and fees, if any.
20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

NAME (print): McClellon, D Doc

TITLE (print): President / Owner

SIGNATURE: W Doc McClellon

DATE: 8 JUN 16

APPROVED BY EPA:

Michael D Harris ^{for M.G.}

DATE: 7/27/2016

Margaret M. Guerriero
Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

July 28, 2016
Date

Robert A. Kaplan
Robert A. Kaplan
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: Westside Environmental Plan of Action Committee, LLC
Docket Number: **TSCA-05-2016-0009**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement** which was filed on 8/2/2016, in the following manner to the addressees:

Copy by Certified Mail
Return-receipt:

Mr. Doc McClellon
President
Westside Environmental Plan of Action Committee, LLC
1821 West Butler Street
Peoria, Illinois 61605

Copy by E-mail to
Attorney for Complainant:

Sarah Stillman
stillman.sarah@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: 8/2/2016


LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBERS:

7011 1150 0000 2640 6776