



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 15 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7017 3380 0000 7283 2816
RETURN RECEIPT REQUESTED

Mr. Jack Zaruba
Owner
BBC Construction & Remodeling, Inc.
408 Morton Street
Batavia, Illinois 60510

Expedited Settlement Agreement and Final Order – In the Matter of:
BBC Construction & Remodeling, Inc., Docket No. TSCA-05-2020-0001

Dear Mr. Zaruba:

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 October 15, 2019, with the Regional Hearing Clerk.

The civil penalty in the amount of \$600 is to be paid in the manner described in paragraphs 8 and 9. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Saldivar".

Christina Saldivar
Pesticides and Toxics Compliance Section

Enclosure

cc: Ian Cecala, (C-14J)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:) Docket No.
) TSCA-05-2020-0001
BBC Construction & Remodeling, Inc.)
Batavia, Illinois) EXPEDITED SETTLEMENT
) AGREEMENT AND
Respondent.) FINAL ORDER
)
_____)

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that BBC Construction & Remodeling, Inc. (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. Specifically, EPA alleges that Respondent performed, offered, or claimed to perform renovations of target housing or child-occupied facilities and failed to comply with the following TSCA requirements:
 - a. On or after October 28, 2015, Respondent performed, offered, or claimed to perform renovations of target housing or child occupied facilities without being certified by EPA under 40 C.F.R. § 745.89 to conduct renovation, repair, and/or painting activities in target housing and/or child-occupied facilities, as required by 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
 - b. Respondent failed to obtain from the owner of a dwelling unit a written acknowledgment that the owner received the pamphlet, pursuant to 40 C.F.R. § 745.84(a)(1)(i), or failed to obtain a certificate of mailing at least 7 days prior to the renovation, pursuant to 40 C.F.R. § 745.84(a)(1)(ii), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
 - c. Respondent failed to maintain the following records necessary to demonstrate compliance with the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, for a period of 3 years following completion of the renovation activities, pursuant to 40 C.F.R. § 745.86, in violation of Section 409 of TSCA, 15 U.S.C. § 2689:
 - i. Documentation of compliance with the requirements of 40 C.F.R. § 745.85, pursuant to 40 C.F.R. § 745.86(b)(6), including:
 1. Documentation that a certified renovator was assigned to the project.
 2. Documentation that the certified renovator provided on-the-job training for workers used on the project.
 3. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. §745.85(a).

4. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. §745.85(b).
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$600 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) and 22.18(b)(2)-(3).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.81(a) and 40 C.F.R. § 745.89; (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. By its signature below, Respondent certifies, subject to civil and criminal penalties for making false submissions to the United States Government, that: (1) it has applied to EPA for certification under 40 C.F.R. § 745.89; and (2) along with this Agreement Respondent is submitting proof of its application for certification in accordance with 40 C.F.R. § 745.89, including a proof of payment of its application fee.
7. Within 120 days after the effective date of this Agreement, Respondent shall submit to EPA a notice of certification that states Respondent's name, complete address, and the case docket number, along with proof of its certification in accordance with 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89, at the following addresses:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Christina Saldivar (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Ian Cecala (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$600 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: BBC Construction & Remodeling, Inc."), and the docket number of this Agreement.

9. 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 addresses listed in paragraph 7, above, when it pays the penalty.
10. This civil penalty is not deductible for federal tax purposes.
11. If Respondent does not pay timely the civil penalty, 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.
12. 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.
13. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
14. 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.
15. 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.
16. 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.
17. 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.
18. The terms of this Agreement bind Respondent, and its successors and assigns.
19. 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.
20. 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.

21. Each party shall bear its own costs and fees, if any.

22. 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): Jack D. Zaruba

TITLE (print): Pres

SIGNATURE: Jack Zaruba

DATE: 8/1/19

APPROVED BY EPA:

Michael D. Harris

DATE: 10/09/2019

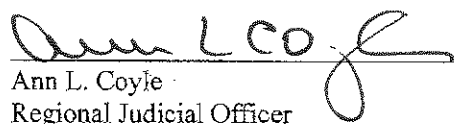
Michael Harris, Acting Director
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency
Region 5

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.

10/11/19
Date


Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Expedited Settlement Agreement and Final Order
In the Matter of: BBC Construction & Remodeling, Inc.
Docket Number: TSCA-05-2020-0001

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on October 15, 2019, in the following manner to the following addresses:

Copy by Certified Mail

Return Receipt Requested to:

Mr. Jack Zaruba
BBC Construction & Remodeling, Inc.
408 Morton Street
Batavia, Illinois 60510

Copy by E-Mail to

Attorney for Complainant:

Ian Cecala
cecala.ian@epa.gov

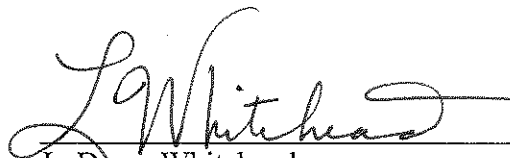
Copy by E-Mail to

Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

October 15, 2019



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

CERTIFIED MAIL RECEIPT NUMBER(S):

7017 3380 0000 7283 2816