

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

|                             |   |                              |
|-----------------------------|---|------------------------------|
| In the Matter of:           | ) |                              |
|                             | ) | DOCKET NO. TSCA-10-2022-0187 |
|                             | ) |                              |
| <b>ASBESTOS CENTRAL LLC</b> | ) | <b>EXPEDITED SETTLEMENT</b>  |
|                             | ) | <b>AGREEMENT AND</b>         |
|                             | ) | <b>FINAL ORDER</b>           |
| Wenatchee, Washington,      | ) |                              |
|                             | ) |                              |
| Respondent.                 | ) |                              |
|                             | ) |                              |

**EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Asbestos Central LLC (“Respondent”) failed to comply with Section 402(c) of the U.S. Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. (“TSCA”).

2. The State of Washington is authorized under Section 404(a) of TSCA, 15 U.S.C. § 2684(a), and 40 C.F.R. § 745.324(d) to administer and enforce requirements for a renovation, repair, and painting (RRP) program in accordance with Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), and a lead-based paint pre-renovation education program in accordance with Section 406(b) of TSCA, 15 U.S.C. § 2686(b).

3. Section 404(b) of TSCA, 15 U.S.C. § 2684(b), makes it unlawful for any person to violate or fail or refuse to comply with any requirement of a state program authorized under Section 404 of TSCA, 15 U.S.C. § 2684.

4. The Washington Administrative Code (“WAC”) Title 365 applies to renovations performed for compensation in target housing as specified in the WAC, Chapter 365-230.

5. WAC 365-230-360(1), requires the Respondent to obtain initial firm certification from the Washington State Department of Commerce before performing, offering, or claiming to perform renovations for compensation.

6. Respondent conducted renovations for compensation prior to the July 14, 2021, RRP Recordkeeping Inspection, at pre-1978 residential properties located at 29 Dana Street, Wenatchee, Washington 98801 (29 Dana Property); 533 Highline Drive, East Wenatchee, Washington 98802 (533 Highline Property); and 15337 US Highway 97A, Entiat, Washington 98822 (15337 97A Property).

7. Respondent was not firm certified when it offered, performed or claimed to perform renovation at the 29 Dana Property; the 533 Highline Property; and the 15337 97A Property, in violation of WAC 365-230-360(1).

8. WAC 365-230-340(1), requires the Respondent to retain all records necessary to demonstrate compliance with WAC 365-230 for a period of 3 years following completion of the renovation activities.

9. During the RRP Recordkeeping Inspection with Respondent on July 14, 2021, Respondent failed to make RRP records available to demonstrate compliance with WAC 365-230-340(1).

10. Respondent failed to retain all RRP records specified in WAC-365-230-340(2) for a period of three years as required in WAC 365-230-340(1) after performing renovation for compensation on housing constructed prior to 1978 at the 29 Dana Property; the 533 Highline Property; and the 15337 97A Property.

11. The 29 Dana Property was constructed in 1970; the 533 Highline Property was constructed in 1955; and the 15337 97A Property was constructed in 1975; all three residential properties are *target housing* within the meaning of WAC 365-230-020(78).

12. Respondent's failure to retain records as specified in WAC 365-230-340(2) for the renovation activities at the 29 Dana Property; the 533 Highline Property; and the 15337 97A Property constitutes three violations of WAC-365-230-340(1).

13. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is **\$4,000**.

14. Upon signing this Expedited Settlement Agreement ("Agreement"), Respondent shall deposit the civil penalty amount listed in paragraph 13 by one of the following methods:

14.1 Send a cashier's or certified check or money order with a notation for TSCA-10-2022-0187 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Docket No. TSCA-10-2022-0187  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

14.2 Send a cashier's or certified check or money order by an overnight/common carrier (*e.g.*, FedEx or United Parcel Service of America, Inc.) with a

notation for TSCA-10-2022-0187 payable to the order of the “Treasury of the United States of America” to the following address:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
Docket No. TSCA-10-2022-0187  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101

14.3 Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

15. Concurrently with the deposit under paragraph 14, Respondent shall forward a scanned, ink signed PDF copy of the Agreement, and a copy of the cashier’s or certified check or money order or documentation of a wire transfer via email to Maria “Socky” Tartaglia, Lead-Based Paint Compliance Officer at the following email address, [tartaglia.maria@epa.gov](mailto:tartaglia.maria@epa.gov). By written notice to Respondent, EPA may change the address and/or person listed above.

16. EPA is authorized to enter into this Agreement and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).

17. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the attached Final Order.

18. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) is currently in compliance with the firm requirements as stated in WAC 365-230-360(1); (b) is currently in compliance with the recordkeeping and reporting requirements as stated in WAC 365-230-340; (c) agrees to provide a deposit for payment of the civil penalty as set forth in paragraph 14; (d) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in paragraph 15; and (e) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

19. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 14, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

20. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

21. 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.

22. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection of the amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

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

24. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

25. 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,

Respondent Name (print): JUSTIN WOOD

Respondent Title (print): PRESIDENT

Respondent Signature:  \_\_\_\_\_

Date: 6/20/2022

APPROVED BY EPA:

\_\_\_\_\_  
Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division  
EPA Region 10

Date: \_\_\_\_\_

**FINAL ORDER**

Pursuant to the authority of Section 16 of TSCA, 15 U.S.C. § 2615, and according to the terms of the Expedited Settlement Agreement, IT IS HEREBY ORDERED THAT:

This agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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RICHARD MEDNICK  
Regional Judicial Officer  
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Asbestos Central LLC, Docket No. TSCA-10-2022-0187** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered electronically to:

Maria “Socky” Tartaglia  
Lead-Based Paint Compliance Officer  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 155, 20-C04  
Seattle, Washington 98101  
[tartaglia.maria@epa.gov](mailto:tartaglia.maria@epa.gov)

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Mr. Justin Wood  
Owner  
Asbestos Central LLC  
1509 South Wenatchee Avenue  
Wenatchee, Washington 98801  
[justin@a-central.com](mailto:justin@a-central.com)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Regional Hearing Clerk  
EPA Region 10