

**FILED**

Nov 14, 2023

12:07 pm

**U.S. EPA REGION 4  
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA-04-2023-0012(b)

**This ESA is issued to: David Pearson Communities, Inc.  
2000 1<sup>st</sup> Drive, Suite 400  
Marietta, Georgia 30062**

**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 David Pearson Communities, Inc. (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 acquired from an EPA inspection conducted on March 30, 2023, and subsequent conversations with Respondent regarding the demolition of two residential structures at 1991 Palm Street in Holly Springs, Georgia 31037 (the Facility), 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 for asbestos-containing materials prior to beginning renovation activity, as required by 40 C.F.R. § 61.145(a), at the Facility. Demolition activities commenced at the Facility on or around February 13, 2023.

**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 violation cited above, for the total penalty amount of **\$1,951**.

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 **\$1,951**. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express).

If paying by check, the check shall be payable to: Treasurer, United States of America, and **the Respondent's name and the Docket Number of this ESA must be included on the face of the check**. The Docket Number is located at the top left corner of the first page of this ESA.

If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency  
P.O. Box 979078  
St. Louis, MO 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Environmental Protection Agency  
Government Lockbox 979078  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Beneficiary: Environmental Protection Agency

If paying by ACH, Respondent shall remit payment to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury Facility:

5700 Rivertech Court  
Riverdale, MD 20737  
Remittance Express (REX): 1-866-234-5681

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  
R4\_Regional\_Hearing\_Clerk@epa.gov

and

Pamela Storm  
Case Development Officer  
Storm.Pamela@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 violation 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.

**The Remainder of this Page Intentionally Left Blank**

FOR RESPONDENT:

  
\_\_\_\_\_  
Name (print): DOUG PATTEN  
Title (print): DIRECTOR OF LAND

Date: 9-1-23

FOR COMPLAINANT:

\_\_\_\_\_  
for Keriema S. Newman  
Acting 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 David Pearson Communities, Inc., Docket No. CAA-04-2023-0012(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:        Doug Patten  
                              Director of Land  
                              David Pearson Communities, Inc.  
                              doug@davidpearsoncommunities.com  
                              2000 1<sup>st</sup> Drive, Suite 400  
                              Marietta, Georgia 30062  
                              770-294-1974

To EPA:                 Pamela Storm, Case Development Officer  
                              Storm.Pamela@epa.gov  
                              404-562-9197

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

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