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EPA -- REGION 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	DOCKET NO. TSCA-10-2014-0149
	)	
Mr. Thomas Melby	)	
Dakota Remodeling LLC	)	<b>EXPEDITED SETTLEMENT</b>
15000 SE Crosscreek Court	)	<b>AGREEMENT AND</b>
Damascus, Oregon 97089	)	<b>FINAL ORDER</b>
	)	
Respondent.	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protections Agency ("EPA") alleges that Thomas Melby, Owner, Dakota Remodeling LLC ("Respondent") failed to comply with the requirements of the Renovation, Repair, and Painting Rule ("RRP Rule") in Title 40 of the Code of Federal Regulations (C.F.R.) Part 745, Subpart E, promulgated under the Toxic Substances Control Act ("TSCA"), 42 U.S.C. § 2601 *et seq.*, when he conducted renovations in and around Portland, Oregon during 2011 through 2013.

2. Under the RRP Rule, Respondent: (1) failed to obtain certification to perform renovations prior to commencing the renovation, as required by 40 C.F.R. § 745.81(a)(2)(ii); and, (2) failed to retain all records to demonstrate compliance with the residential property

renovation for a period of 3-years following completion of the renovation, as required by 40 C.F.R. § 745.86.

3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$400 is in the public interest.

4. EPA is authorized to enter into this Expedited Settlement Agreement (“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 the RRP; (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; (4) consents to the assessment of this penalty; and, (5) waives any right to contest the allegations contained herein.

6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.

7. The civil penalty of \$400 is to be paid as follows:

7.1 Payment under this Agreement must be made by a cashier's check or certified check, which clearly identifies the title and docket number of this action, payable to the order of “Treasurer, United States of America” and delivered to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

7.2 Respondent must serve photocopies of the check described in Paragraph 7.1 on the Regional Hearing Clerk and EPA at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ORC-158  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Kim Farnham, TSCA Compliance Officer  
U.S. Environmental Protection Agency  
Region 10, Mail Stop AWT-128  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
9. 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.
10. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA.
11. Each party shall bear its own costs and fees, if any.
12. 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.

DATED:

9/20/14

FOR RESPONDENT:

Thomas D. Melby

Thomas Melby, Owner  
Dakota Remodeling LLC

DATED:

9/8/14

FOR COMPLAINANT:

K Kelly

Katherine Kelly, Director  
Office of Air, Waste and Toxics  
EPA Region 10

**Certificate of Service**

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Dakota Remodeling LLC, Docket No.: TSCA-10-2014-0149**, 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 to:

Julie Vergeront, Esquire  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
Suite 900  
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Thomas Melby  
Dakota Remodeling LLC  
15000 SE Crosscreek Court  
Damascus, Oregon 97089

DATED this 10<sup>th</sup> day of September, 2014



Signature

Candace H. Smith  
Regional Hearing Clerk  
EPA Region 10