



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

Expedited Settlement Agreement

Issued under Section 16 of TSCA, 15 U.S.C. § 2615

and 40 C.F.R. § 22.13(b) and 22.18(b)

Docket Number TSCA-01-2020-0050

The U.S. Environmental Protection Agency (“EPA”) finds that Respondent, Hale Resources, LLC, 748 Main Street, Bennington, VT (“Respondent”) failed to comply with the Renovation, Repair and Painting (“RRP”) Rule, set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Sections 402(c) and 406(b) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682(c) and 2686(b), during a “renovation,” as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83, of “target housing,” as defined at 40 C.F.R. § 745.103, at 100 Barber Street, Bennington, VT.

EPA finds that Respondent was subject to the RRP Rule, and failed to comply with the following requirements when it performed renovation work at 100 Barber Street, Bennington, VT:

- 1) Failure of a firm to obtain initial certification, under 40 C.F.R. §745.89(a), pursuant to 40 C.F.R. §745.81(a)(2)(ii); and
- 2) Failure of a renovator to obtain initial certification, under 40 C.F.R. §745.90(a), pursuant to 40 C.F.R. §745.81(a)(3).

Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, and the Federal Civil Penalties Inflation Adjustment Act of 2015, authorize the assessment of a civil penalty of up to \$40,576 per day per violation for violations occurring on or after November 2, 2015, where penalties are assessed on or after January 13, 2020.

For the purpose of this proceeding, Respondent admits it is subject to the RRP Rule and TSCA, and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies the specific factual allegations stated above, consents to the assessment of the penalty below, and waives any objections it may have to EPA’s jurisdiction in this matter.

The parties enter into this Expedited Settlement Agreement (“Agreement”) in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$2,000**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent certifies that Respondent has sent a certified check, with case name and docket number noted (“In the Matter of Hale Resources, LLC., Docket No. TSCA-01-2020-0050”), in

the amount of \$2,000, payable to "Treasurer, United States of America," and mailed the check to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Respondent shall also submit a copy of the check to:

EPA Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Office of Regional Counsel
5 Post Office Square, Suite 100, ORC 04-6
Boston, MA 02109-3912

and to:

Diane Boudrot, Paralegal Specialist
U.S. Environmental Protection Agency, Region 1
Office of Regional Counsel
5 Post Office Square, Suite 100, ORC 04-4
Boston, MA 02109-3912.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Respondent consents to the assessment of the penalty and waives its right to: (1) contest the findings of violations specified in this Agreement; and (2) a judicial or administrative hearing or appeal on any issue of law or fact set forth herein.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that it has corrected the violations, and is in full compliance with the RRP Rule including obtaining firm certification and obtaining renovator certification.

This Agreement settles EPA's civil penalty claim against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violation(s) of the RRP Rule, TSCA, or of any other federal statute or regulation.

Nothing in this agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

If Respondent does not sign and return this Agreement within **thirty (30) calendar days** of the date of its receipt, this proposed settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

APPROVED BY Hale Resources, LLC.:

Name (print): Jon E Hale

Title (print): Owner/President

Signature:  Date: 6/22/20

APPROVED BY EPA:

_____ Date: _____
Karen McGuire, Director
Enforcement and Compliance Assurance Division
U.S. EPA - Region 1 (New England)

IT IS SO ORDERED:

_____ Date: _____
LeAnn Jensen
Regional Judicial Officer
U.S. EPA - Region 1 (New England)

