

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:)	Docket No. TSCA-09-2016-
)	
)	
Rodan Builders, Inc.)	EXPEDITED SETTLEMENT
859 Cowan Road)	AGREEMENT AND
Burlingame, CA 94010)	FINAL ORDER
Respondent)	
)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region IX, through the duly delegated Chief of the Waste and Chemical Section of the Enforcement Division, (“Complainant”) alleges that Rodan Builders, Inc. (“Respondent”) failed to comply with the Toxic Substances Control Act (“TSCA”), 42 U.S.C. § 2601 *et seq.*, and its implementing regulations at 40 C.F.R. Part 745, Subpart E.
2. Under 40 C.F.R. §745.81(a)(2)(ii), Respondent was required to obtain a firm certification from EPA under 40 C.F.R. §745.89 before offering to perform seven renovations for compensation in six child-occupied facilities (McKinley Elementary School, Sutro Elementary School, Buena Vista Elementary School, Sarah B. Cooper CDC Preschool, New Academic Center (San Miguel) and Longfellow Elementary School in San Francisco) in 2012, 2014 and 2015, respectively and failed to do so.
3. Complainant and Respondent agree that settlement of this matter for a civil penalty of \$7,000 (SEVEN THOUSAND DOLLARS) is in the public interest.
4. Complainant is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to TSCA; (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 any conditions specified in the Agreement and to the assessment of the civil penalty; and (5) waives any right to contest the allegations contained herein or appeal the attached final order.
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 has submitted proof of payment of

civil penalty with this Agreement.

7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. No portion of the civil penalty paid by Respondent pursuant to this Agreement shall be claimed by Respondent or any other person as a deduction from federal, state, or local income taxes.
9. EPA reserves all of its rights to take enforcement action against Respondent for any other past, present, or future violations of TSCA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. The undersigned representative of Respondent and the undersigned representative of Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.
12. This Agreement is binding upon Respondent and its successors and assigns, and in accordance with 40 C.F.R. 22.31(b), is effective upon the filing of the Final Order attached to the Agreement.

IT IS SO AGREED.

FOR RESPONDENT, RODAN BUILDERS, INC.

Name (print): DAN OLIVER

Title (print): CFO

Signature: 

Date 8/5/16

FOR COMPLAINANT, EPA REGION IX

Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region IX

Date _____

FINAL ORDER

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

IT IS SO ORDERED:

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

Date _____

In re: Rodan Builders, Inc.