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U.S.EPA - Region 09

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:	)	Docket No.TSCA-09-2017- 0001
	)	
	)	
Transworld Construction, Inc.	)	**EXPEDITED SETTLEMENT**
1178 Folsom Street	)	**AGREEMENT AND**
San Francisco, CA 94103	)	**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 Transworld Construction, 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 renovations for compensation in eight (8) child-occupied facilities in San Francisco (Sarah B. Cooper CDC Preschool, Burnett CDC (L. Havard EES), Cesar Chavez Elementary School, Miraloma Elementary School, New Academic Campus (San Miguel EES), Jose Ortega Elementary School, Starr King Elementary School and Sunnyside Elementary School) in 2012, 2013 and 2014, respectively and failed to do so.

3. Complainant and Respondent agree that settlement of this matter for a civil penalty of $8,000 (EIGHT 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 the 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, TRANSWORLD CONSTRUCTION, INC.

Name (print): ERIK LIU

Title (print): VICE PRESIDENT

Signature: _____ Date 10/4/2016

FOR COMPLAINANT, EPA REGION IX

_____ Date 10/19/16

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

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 10/26/16

In re: Transworld Construction, Inc.

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Transworld Construction, Inc. was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Erik Liu
Transworld Construction, Inc.
1178 Folsom
San Francisco, CA 94103

CERTIFIED MAIL NUMBER: 7011 0470 0002 9198 3792

And an additional copy was hand-delivered to the following U.S. EPA case attorney:

Carol Bussey
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Steven Armsey
Regional Hearing Clerk
U.S. EPA, Region IX

Oct. 26, 2016
Date