MEMORANDUM

SUBJECT: Anderson Preparatory Academy Inc. (Docket No. TSC A-05-2015-0010) Remittance Order

FROM: Mardi Klevs, Chief
Chemicals Management Branch

TO: Margaret M. Guerriero, Director
Land and Chemicals Division

Susan Hedman
Regional Administrator

Attached is an original Remittance Order that concludes the settlement of a Toxic Substances Control Act (TSCA) enforcement action taken against the Respondent, Anderson Preparatory Academy Inc. (Anderson), a non-profit public charter school in Anderson, Indiana. Anderson has satisfied all the conditions of a Remittance Agreement entered into with EPA, and we recommend, along with the Office of Enforcement and Compliance Assurance (OECA), that you sign this Remittance Order discharging Anderson's obligation to pay the $44,590 civil penalty assessed under the August 14, 2015 Consent Agreement and Final Order (CAFO).

The CAFO assessed the penalty for Anderson's failure to dispose of PCB liquids from leaking fluorescent light ballasts found in September 2014 and March 2015. However, on the same date that the CAFO was filed and the penalty assessed (August 14, 2015), EPA and Anderson entered into the Remittance Agreement, whereby Anderson agreed to remove and properly dispose of all fluorescent light fixtures with historic leaks of PCBs, conduct post-cleanup sampling, analysis, and verification, and send EPA compliance documentation for the cleanup no later than September 15, 2015. If EPA determined that Anderson satisfied all these conditions, Anderson would qualify for remittance of the entire $44,590 penalty by means of a Remittance Order issued by the Regional Administrator of EPA Region 5.[1]

[1] Remittance agreements and orders of remittance are authorized under Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), and EPA's policy is set forth in A.E. Conroy II, "Settlement With Conditions" (Nov. 16, 1983) *available at* http://intranet.epa.gov/ohr/rmpolicy/ads/dm/tsca_settlement_conditions_11-16-83.pdf. The Director of the Land and Chemicals Division is authorized to sign Remittance Agreements, and the Regional Administrator of EPA Region 5 is authorized to sign Orders of Remittance (with concurrence from OECA). *See* Regional Delegation 12-2-D, *available at* http://www.r5intra.epa.gov/delegations/delegations/pdf/delegations%2012-2-D.pdf.

EPA received Anderson's compliance documentation for their cleanup on September 15, 2015 and determined that Anderson met the terms of the Remittance Agreement. Anderson removed all fluorescent light fixtures suspected of containing PCBs from all of the 17 classrooms in the school. A total of 261 fluorescent light fixtures were removed and properly disposed. After removing the light fixtures, Anderson performed post-removal sampling to ensure PCB contaminated potting material from the light fixtures was not present on the ceilings where the light fixtures were attached. Twenty-one of the 22 post clean-up samples were non-detect for PCBs, and 1 sample with a detectable level of PCBs was well below the PCB cleanup standard at 40 C.F.R. § 761.125(c)(4)(ii).

OECA has concurred in Region 5's determination that Anderson has satisfied its obligations under the Remittance Agreement and thus qualifies for remittance of the entire $44,590 penalty. See Appendix A. The Office of Regional Counsel (ORC) has also concurred in this approach to concluding the matter. See Appendix B. We recommend you sign this Remittance Order.

Appendix A

OECA Concurrence on Remittance Order

Appendix B

ORC Concurrence