

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

FILED

Aug 12, 2024

6:35 am

U.S. EPA REGION 4
HEARING CLERK

DOCKET NO: CAA-04-2024-0011(b)

This Expedited Settlement Agreement is issued to:

**Rand Construction Corporation
5565 Glenridge Connector, Suite 650
Atlanta, Georgia 30342**

For alleged violations of monitoring, reporting, and/or recordkeeping requirements in 40 C.F.R. Part 61, Subpart M (National Emission Standard for Asbestos) and Section 112 of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Rand Construction Corporation (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18.

ALLEGED VIOLATION

Based on information obtained from the Respondent regarding the renovation activity at Fine Fettle located at 2607 Lawrenceville Highway in Decatur, Georgia 30033 (the Facility), the EPA alleges that Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. Part 61, Subpart M. Specifically, the EPA alleges the Respondent failed to conduct a thorough inspection for asbestos-containing materials prior to beginning renovation activity, as required by 40 C.F.R. § 61.145(a), at the Facility. Renovations included removal of some interior walls and altering the ceilings and finishes of a tenant space. Renovation activity commenced at the Facility on or around February 29, 2024.

SETTLEMENT

In consideration of such factors as Respondent's size, its full compliance history, its good faith efforts to comply, the duration and seriousness of the violations and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA to settle the violation cited above, for the total penalty amount of **\$5,425**.

Within thirty (30) calendar days of receiving a copy of the fully executed ESA, Respondent shall: (1) pay the penalty and (2) send proof of payment as described below.

1. Pay Penalty

Pay using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

When making a payment, Respondent shall identify every payment with Respondent's name and the docket number of this ESA, **CAA-04-2024-0011(b)**.

2. Send Proof of Payment

Concurrently with any payment or within 24 hours of any payment, Respondent shall **send proof of such payment** to the following persons:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Pamela Storm
Case Development Officer
Storm.Pamela@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of state or federal taxes.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits that EPA has jurisdiction over the subject matter alleged in this ESA, neither

admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that as of the date of its execution of this ESA, it is in compliance with all relevant requirements of the National Emission Standard for Asbestos regulations promulgated at 40 C.F.R. Part 61, Subpart M.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for federal civil penalties for the violation alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. The EPA also does not waive any other enforcement action for any other violations of the Act or any other statute.

Late payment of the penalty may subject Respondent to interest, administrative costs, and late payment penalties in accordance with 40 C.F.R. § 13.11.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:



Date: 7/29/24

Name (print): Bryan Stolz

Title (print): Director

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of Rand Construction Corporation, Docket No. CAA-04-2024-0011(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Bryan Stolz
 Rand Construction Corporation
 stolz@randcc.com
 5565 Glenridge Connector, Suite 650
 Atlanta, Georgia 30342
 770-635-5704

To EPA: Pamela Storm, Case Development Officer
 Storm.Pamela@epa.gov
 404-562-9197

 Marirose Pratt, Associate Regional Counsel
 Pratt.Marirose@epa.gov
 404-562-9023

 U.S. EPA Region 4
 61 Forsyth Street, S.W.
 Atlanta, Georgia 30303-8960

Shannon L. Richardson, Regional Hearing
Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
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