

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	<b>DOCKET NO. TSCA-10-2016-0102</b>
<b>DLR Properties LLC</b>	)	
	)	<b>FINAL ORDER</b>
<b>Coeur d'Alene, Idaho</b>	)	
	)	
	)	
Respondent.	)	

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1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegate this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under TSCA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of TSCA and regulations promulgated or permits issued thereunder.

4.15. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

June 6, 2016

FOR RESPONDENT:

David Rucker

David Rucker, Owner  
DLR Properties LLC

DATED:

6/23/2016

FOR COMPLAINANT:

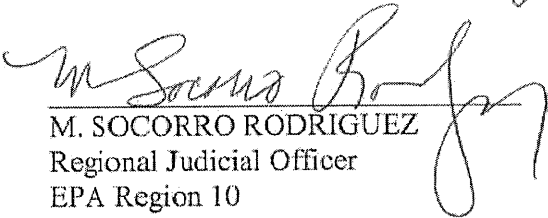
Edward J. Kowalski

EDWARD J. KOWALSKI, Director  
Office of Compliance and Enforcement  
EPA Region 10

1.4. This Final Order shall become effective upon filing with the Regional Hearing

Clerk.

SO ORDERED this 7<sup>th</sup> day of July, 2016.

  
M. SOCORRO RODRIGUEZ  
Regional Judicial Officer  
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: DLR Properties LLC, Docket No.: TSCA-10-2016-0102** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:


The undersigned certifies that a true and correct copy of the document was delivered to:

Kim M. Farnham  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-101  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

David Rucker  
DLR Properties LLC  
206 East Indiana Avenue Suite 116  
PO Box 3270  
Coeur d'Alene, Idaho 83816

DATED this 8 day of July, 2016.

  
\_\_\_\_\_  
TERESA LUNA  
Regional Hearing Clerk  
EPA Region 10

**DLR Properties, LLC**  
**Coeur d'Alene, Idaho**  
**Consent Agreement and Final Order**  
**DRAFT Communications Strategy**

**DLR Properties, LLC**  
**[Docket No. TSCA-2016-0102]**

This is the Consent Agreement and Final Order (CAFO) issued in Region 10 for violations of the requirements of the Renovation, Repair and Painting Rule.

Background: Region 10 sent a pre-filing letter to DLR Properties, LLC on May 24, 2016, for violations of the Renovation, Repair and Painting Rule (RRP). The letter alleged DLR Properties, LLC, Coeur d'Alene, Idaho, failed to follow lead-safe work practices, and did not become a certified firm and renovator prior to performing renovation activities on pre-1978 residential properties as required by the RRP. The violations were documented in an inspection conducted on July 22, 2015.

On May 2016, during discussions with Mr. Rucker, owner of DLR Properties, LLC, Mr Rucker claimed an inability to pay the original large proposed penalty amount. Based on these discussions and the necessary documentation provided, the EPA made the determination to use the Micro-Business Pilot penalty matrix to recalculate the settlement penalty amount. Under EPA's Micro-Business Pilot if a Respondent provides documentation showing its annual gross income is under \$300,000, the case team may recalculate the penalty using the Micro-Business Pilot penalty matrix.

On July \_\_\_\_\_, 2016, Region 10 filed a CAFO resolving TSCA claims against DLR Properties, LLC. This CAFO resolves Region 10's claim that DLR Properties, LLC, violated the requirements of the Renovation, Repair and Painting (RRP) Rule and Section 16 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a). Under the terms of the CAFO, Superior Custom Homes & Renovations agreed to a penalty of **\$9,800**.

Contact: Kim Farnham, 206-553-6697.

**Before the CAFO is signed:**

<u>Action</u>	<u>Responsible Person</u>
1) Request for Docket number sent to Jo Jiles.	Kim Farnham
3) Press Release drafted.	To be included in R10's bundled press release.

**When the CAFO is signed:**

<u>Action</u>	<u>Responsible Person</u>
4) Email to Mr. David Rucker, to inform them the CAFO has been signed. - Inform them that the EPA will fax a copy to them. - Inform of press release.	Kim Farnham
5) Send press release to EPA Headquarters for concurrence.	N/A
6) Final news release announces CAFO. - Fax to press	Public Relations
7) Courtesy call to Idaho Operations Office	Kim Farnham
8) Press Release sent to Mr. David Rucker	Public Relations

**Shortly After the CAFO Is Signed:**

<u>Action</u>	<u>Responsible Person</u>
9) Send OECA weekly to Anne Dalrymple & send in summary for Hot topics.	Kim Farnham

**Key messages:**

The RRP rule requires that contractors that work on pre-1978 dwellings and child-occupied facilities establish and maintain records and be trained and certified to use lead-safe work practices. This ensures that common renovation and repair activities like sanding, cutting and replacing windows are done in ways that minimize dangerous lead dust. EPA finalized the RRP Rule in 2008 and took effect on April 22, 2010.

A priority for EPA's enforcement program is to protect children and others, from exposure to lead dust that can cause lead poisoning, by ensuring that renovators follow the RRP and other lead rules. Lead exposure can cause a range of adverse health effects, from behavioral disorders and learning disabilities to seizures and death, putting young children at the greatest risk because their nervous systems are still developing.

The enforcement action listed serious RRP Rule violations that could result in harm to human health. The respondent failed to establish and maintain records, employ lead-safe work practices and obtain firm and renovator certification prior to performing renovation activities on pre-1978 homes. The RRP Rule's certification requirements ensure that firms and renovators know the RRP Rule, and how to employ lead-safe work practices.

**Region 10 Settles with DLR Properties, LLC (Coeur d'Alene, ID) for Violations of the Renovation, Repair and Painting Rule**

On July \_\_\_\_\_, 2016, Region 10 issued a consent agreement and final order to DLR Properties, LLC located in Coeur d'Alene, Idaho for violations of the Renovation, Repair and Painting Rule. The EPA alleged that DLR Properties, LLC failed to follow lead-safe work practices and to become a certified firm and renovator before offering or performing renovation work on pre-1978 residential properties as required by the RRP. Respondent agreed to pay a penalty of \$9,800. Contacts: Kim Farnham, (206) 553-6697.

## TSCA Lead Based Paint Case Conclusion Data Sheet For Administrative and Judicial Cases

CTRL+Click to open these links: [FY14 CCDS Guidance \(pdf\)](#)

[FY15 CCDS Filtering Table \(Excel\)](#)

<b>Enforcement Action Identifier (aka Docket #):</b>	<b>TSCA-10-2016-0102</b>
<b>Lead Technical Contact:</b>	Kim Farnham
<b>Lead Attorney:</b>	
<b>Final Order (Case) Name:</b>	DLR Properties, LLC
<b>Respondent(s) / Defendants(s):</b>	David Rucker

**Note:** we do not need to assign a new docket number for judicial enforcement actions. A new docket number only needs to be assigned if the CAFO or ESA isn't filed before the end of the FY. (An exception would be if a Compliant, Compliance Order and Notice of Opportunity for Hearing was filed in one FY and the Final Order filed in the next FY: in that case, a new docket number would not be assigned.)

**1. Law Sections Violated:** *(Check only one box)*

<input checked="" type="checkbox"/>	<b>Same as "Request for Docket Assignment"</b>
<input type="checkbox"/>	<b>Other →</b> If checked, enter the Law Sections Violated named in the Final Order:

**2. Final Order Type:** *(Check only one box)*

<b><u>Administrative</u></b>	
<input type="checkbox"/>	<b>Administrative Compliance Orders</b>
<input checked="" type="checkbox"/>	<b>Administrative Penalty Order With or Without Injunctive Relief</b>
<input type="checkbox"/>	<b>Amendment to Administrative Order or Consent Agreement</b>
<input type="checkbox"/>	<b>Non-Lead Participant in Multi-Regional Case</b>
<input type="checkbox"/>	<b>Notice of Determination (for Voluntary Self-Disclosure Action)</b>
<b><u>Judicial</u></b>	
<input type="checkbox"/>	<b>Consent Decree or Court Order Resolving a Civil Judicial Action</b>
<input type="checkbox"/>	<b>Enforceable Final Order Activity Producing Results</b>
<input type="checkbox"/>	<b>Judicial Order Amending or Enforcing Consent Decree</b>
<input type="checkbox"/>	<b>Non-Lead Participant in Multi-Regional Case</b>
<input type="checkbox"/>	<b>Stipulated Penalty Assessed Against Previous Action</b>

**3. Final Order Milestones & Dates:** *(Enter Actual Date for all applicable milestones)*

<b><u>Administrative</u></b>	<b><u>Actual Date</u></b> (mm/dd/yyyy)
<b>Complaint Filed/Proposed Order:</b> For traditional Complaints, enter the date the Complaint document is filed with the Regional Hearing Clerk.	
<b>Final Order Issued:</b> For Administrative Compliance Orders, enter the date the Final Order is filed with the Regional Hearing Clerk.	



<b>Judicial</b>	<b>Actual Date</b> (mm/dd/yyyy)
<b>Complaint Filed With Court:</b> The civil case date the Complaint document is “filed” with the Clerk of the U.S. District Court, or the date the Proof of Claim in bankruptcy proceedings is “filed” with the Bankruptcy court.	
<b>Final Order Lodged (With Court):</b> The civil case date the Final Order document (Consent Decree, Judgment, Court Order, or Settlement) is “lodged” with the Clerk of the U.S. District Court.	
<b>Final Order Entered (With Court):</b> The civil case date the Final Order document (Consent Decree, Judgment, Court Order, or Settlement) is signed by the presiding Judge and “entered” by the Clerk of the U.S. District Court.	
<b>Note to Data Manager: <u>Concluded Date:</u></b> The civil case date the Final Order document (Consent Decree, Judgment, Court Order, or Settlement) is signed by the presiding Judge and “entered” by the Clerk of the U.S. District Court ( <i>this date is the same as the <u>Final Order Entered Date</u></i> ). An enforcement action is concluded but not closed when the Final Order is “entered”, but all actions required in the Final Order have not yet been completed; and/or the termination date in the Final Order (if specified) has not yet passed; and the action has not been superceded, combined, withdrawn, or dismissed.	

**4. Court Information: (Judicial actions only)**

<b>Judicial District:</b>	
<b>Court Docket Number:</b>	
<b>Court Case Name:</b>	
<b>DOJ Number:</b>	
<b>DOJ Case Name</b>	

**5. Tracking Measures:**

<b>Compliance Schedule Event</b>	<b>Schedule Date (mm/dd/yyyy)</b>
<b>Pay Required Civil Penalty Amount in Full</b>	7/22/2016
<b>Scheduled Payment Dates, if applicable</b>	
<b>Complete Required SEP →</b> If applicable, the SEP Information in CCDS line 11 must also be reported	
<b>Achieve Final Compliance With All Obligations Under This Order</b>	

**6. Supplemental Environmental Project (SEP): Reminder:** Mitigation actions/projects are to be reported as Injunctive Relief, and not as SEPs.

**Is Environmental Justice addressed** (as part of the SEP)?  No  Yes

**SEP Description:** (Briefly identify what activities are included as part of the SEP & the purpose of those activities)

**SEP Category:**  Other Program Specific SEP

**PROJECT Model Value:** (the minimum amount that must be expended on the SEP by the violator)

\$

7. **Complying Actions/Injunctive Relief (Non-SEP):** Provide the **total** actual cost of implementation of the actions selected in Table 2 below for Outcome Categories 1-4. Actual cost data supplied by violator is preferred figure.

8. **Outcome Category & Complying Action:** What action did the violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS)). This may be due to settlement/order requirements or otherwise required by statute or regulation (e.g. actions related to an APO which did not specify compliance requirements).

*For Outcome Categories 1-3, do not select more than one complying action if there is only one pollutant. According to the FY12 CCDS guidance, a unique pollutant amount is to be entered in ICIS in association with one complying action. The most immediate action taken to address the pollutant should be reported. If there is more than one complying action and more than one type of pollutant, identify which pollutant should be linked to which complying action.*

**Outcome Category 1: Reduction of Ongoing Releases (Quantitative)**

**Complying Actions:**  Reduction - Abatement (non-removal remediation)

**Quantitative Environmental Impact List: Provide the following Quantitative Environmental Impact pollutant data.** CTRL+Click to follow this link: [Pollutants Reference Table \(pdf 12-29-15\)](#) for list of available Pollutants. Include the complete Pollutant Description, not the Pollutant Code.

Pollutant	Environmental Benefit Amount	Unit	Impacted Media

**Outcome Category 2: Removal & Restoration (Quantitative)**

**Complying Actions:**  Removal - Removal of Released Pollutants

**Quantitative Environmental Impact List: Provide the following Quantitative Environmental Impact pollutant data.** CTRL+Click to follow this link: [Pollutants Reference Table \(pdf 12-29-15\)](#) for list of available Pollutants. Include the complete Pollutant Description, not the Pollutant Code.

Pollutant	Environmental Benefit Amount	Unit	Impacted Media

**Outcome Category 3: Prevention of Future Releases (Quantitative)**

**Complying Actions:**  Prevention - Toxic Materials Abatement w/o existing release

**Quantitative Environmental Impact List: Provide the following Quantitative Environmental Impact pollutant data.** CTRL+Click to follow this link: [Pollutants Reference Table \(pdf 12-29-15\)](#) for list of available Pollutants. Include the complete Pollutant Description, not the Pollutant Code.

Pollutant	Environmental Benefit Amount	Unit	Impacted Media

**Outcome Category 4: Work Practices (Non-Quantitative)**

CTRL+Click to open this link in order to view programmatic specific Work Practices: [FY14 CCDS Guidance \(pdf\)](#)

**Complying Actions** (*Check all applicable*)

<input checked="" type="checkbox"/>	Certification and Accreditation	<input type="checkbox"/>	Notification	<input checked="" type="checkbox"/>	Training
<input type="checkbox"/>	Information Letter Response	<input type="checkbox"/>	Recordkeeping	<input checked="" type="checkbox"/>	Work Practices

**9. Cash Civil Penalty Amount Required-by Statute:** This is the total **Federal** penalty assessed against the defendant(s)/respondent(s) required in the final order and is allocated by statute. **Do not include** the amount of the penalty mitigated due to a SEP; the amount shared with a state/local agency; nor **the interest payments associated with a penalty paid over time.** \$ 9,800

**10. Enforcement Case Summary for Public Distribution (via ECHO):** (*Required*) Copy and paste the case summary from R10's final "OECA Weekly" into the text box below.

Region 10 issued a Consent Agreement and Final Order (CAFO) to DLR Properties, LLC located in Coeur d'Alene, Idaho for violations of the Renovation, Repair and Painting Rule, 40 C.F.R. Part 745, Subpart E. The EPA alleged that DLR Properties, LLC did not comply with the RRP requirements by failing to follow lead-safe work practices and by becoming a certified firm and renovator before offering or performing renovation work on pre-1978 residential properties as required by the RRP. The DLR Properties, LLC will pay a penalty of \$9,800. Contact: Kim Farnham at (206) 553-6697.

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HEARINGS CLERK  
EPA -- REGION 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	<b>DOCKET NO. TSCA-10-2016-0102</b>
<b>DLR Properties LLC</b>	)	
	)	<b>CONSENT AGREEMENT</b>
<b>Coeur d'Alene, Idaho</b>	)	
	)	
	)	
Respondent.	)	

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**I. STATUTORY AUTHORITY**

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

1.2. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and DLR Properties LLC ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

## II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of TSCA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of TSCA together with the specific provisions of TSCA and the implementing regulations that Respondent is alleged to have violated.

## III. ALLEGATIONS

3.1. Section 409 of TSCA, 15 U.S.C. § 2689, makes it unlawful for any person to fail to comply with, among other things, any rule promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682. Pursuant to Section 402 of TSCA 15 U.S.C. § 2682, EPA has promulgated rules governing lead-based paint activities, including certification of individuals and firms for renovations and work practice standards for renovations. These rules are codified at 40 C.F.R. Part 745, subpart E, Residential Property Renovation.

3.2. 40 C.F.R. Part 745, Subpart E applies to all renovations performed for compensation in target housing.

3.3. “Target housing” is defined under Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and at 40 C.F.R. § 745.103 to mean “any housing constructed prior to 1978, except housing for the elderly or persons with disabilities... .”

3.4. “Person” is defined at 40 C.F.R. § 745.83 to mean “any natural or judicial person including any individual, corporation, partnership, or association... .”

3.5. “Firm” is defined at 40 C.F.R. § 745.83 to mean “a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity... .”

3.6. “Renovation” is defined at 40 C.F.R. § 745.83 to mean “the modification of any existing structure, or portion thereof that results in the disturbance of painted surfaces...” and includes “scraping.”

3.7. “Renovator” is defined at 40 C.F.R. § 745.83 as “an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA authorized State or Tribal program.”

3.8. Respondent is a corporation organized in the State of Idaho.

3.9. Respondent is therefore a “firm” within the meaning of 40 C.F.R. § 745.83.

3.10. In July 22, 2015, Respondent performed work for compensation at a house located at 408 Reid Street, Coeur d’Alene, Idaho, which was built in 1912 (DLR Properties LLC’s renovation).

3.11. The work Respondent conducted power washing in preparation of painting the property, which resulted in the disturbance of painted surfaces.

3.12. Therefore, Respondent performed a “renovation” on “target housing,” as these terms are as defined at 40 C.F.R. § 745.83.

### COUNT I

3.1. 40 C.F.R. § 745.81(a)(2)(ii) requires that no firm may perform, offer or claim to perform renovations in target housing, without certification from EPA under 40 C.F.R. § 745.89(a).

3.2. Respondent did not obtain certification from EPA prior to conducting the DLR Properties LLC's renovation.

3.3. Respondent's failure to first obtain certification from EPA before performing the DLR Properties LLC's renovation is a violation of 40 C.F.R. § 745.81(a)(2)(ii).

### COUNT II

3.4. Under 40 C.F.R. § 745.89(d)(1) each firm performing renovations must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

3.5. The individuals performing renovation activities at the DLR Properties LLC's renovation was not certified and had not been trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

3.6. Respondent's failure to ensure all individuals performing renovation activities on behalf of Respondent are either certified renovators or have been trained by a certified renovator in accordance with 40 C.F.R. § 745.90, is a violation of 40 C.F.R. § 745.89(d)(1).

### COUNT III

3.7. Under 40 C.F.R. §§ 745.85(a)(2)(ii)(C) and 745.89(d)(3), firms conducting exterior renovations must "cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater."

3.8. During the DLR Properties LLC's renovation, Respondent did not cover the ground with plastic sheeting or other material to collect falling paint debris.

3.9. Respondent's failure to cover the ground with plastic sheeting or other disposable impermeable material extending ten feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris is a violation of 40 C.F.R. § 785(a)(2)(ii)(C) and 745.89(d)(3).

#### COUNT IV

3.10. Under 40 C.F.R. §§ 745.85(a)(2)(ii)(D) and 745.89(d)(3), the renovation firm conducting the exterior renovation must "erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties" if the renovation will affect surfaces within 10 feet of the property line.

3.11. During the DLR Properties LLC's renovation, Respondent did not erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and paint chips from the renovation did not contaminate adjacent buildings or migrate to adjacent properties.

3.12. The DLR Properties LLC's renovation affected surfaces within 10 feet of the property line and the neighboring property.

3.13. Respondent's failure to erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and paint chips from the renovation did not contaminate adjacent buildings or migrate to adjacent properties is a violation of 40 C.F.R. §§ 745.85(a)(2)(ii)(D) and 745.89(d)(3).



#### IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), EPA has taken into account the nature, circumstances, extent, and gravity of the violations, and with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is **\$9,800** (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ORC-113  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
[Luna.Teresa@epa.gov](mailto:Luna.Teresa@epa.gov)

Kim Farnham  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-101  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
[Farnham.Kim@epa.gov](mailto:Farnham.Kim@epa.gov)

4.7. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect the Assessed Penalty under Section 16(a)(4) of TSCA, 15 U.S.C. § 2615(a)(4). In any collection action, the validity, amount, and appropriateness of the Assessed Penalty are not subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of interest on any unpaid portion of the Assessed Penalty at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order. Respondent expressly waives the notice requirement and its opportunity to request a hearing on the Final Order pursuant to Section 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2).

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

June 6, 2016

David Rucker

David Rucker, Owner  
DLR Properties LLC

DATED:

FOR COMPLAINANT:

6/23/2014

Edward J. Kowalski

EDWARD J. KOWALSKI, Director  
Office of Compliance and Enforcement  
EPA Region 10