

1 GRETCHEN BUSTERUD
2 Acting Regional Counsel

3 NATHANIEL N. MOORE
4 Assistant Regional Counsel
5 U.S. Environmental Protection Agency, Region 9
6 75 Hawthorne Street (ORC-2)
7 San Francisco, CA 94105
8 (415) 972-3899
9 Moore.Nathaniel@epa.gov



10 UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY
12 REGION 9

13 **In the Matter of:**

14 **The GB Group, Inc.**

15 **Respondent.**

16 **Docket No. TSCA-09-2022-0025**

17 **CONSENT AGREEMENT AND FINAL**
18 **ORDER PURSUANT TO**
19 **40 C.F.R. §§ 22.13 AND 22.18**

20 **CONSENT AGREEMENT**

21 The United States Environmental Protection Agency (“EPA”), Region 9, and The GB
22 Group, Inc. (“Respondent”) agree to settle this matter and consent to the entry of this Consent
23 Agreement and Final Order (“CAFO”), which simultaneously commences and concludes this
24 matter in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).

25 **I. AUTHORITY, JURISDICTION, AND PARTIES**

26 1. This is a civil administrative penalty action brought against Respondent pursuant to
27 Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), for violation
28 of Section 409 of TSCA, 15 U.S.C. § 2689, for failing to comply with Sections 402 and 406 of
TSCA, 15 U.S.C. §§ 2682 and 2686, and their implementing regulations promulgated at
40 C.F.R. Part 745, Subpart E – Residential Property Renovation (“Subpart E”).

In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 2. Complainant is the Manager, Toxics Section, Enforcement and Compliance Assurance
2 Division, EPA, Region 9, who has been duly delegated the authority to bring and settle this
3 action under TSCA.

4 3. Respondent is a California corporation located in Gilroy, California that provides
5 construction and remodeling services.
6

7 **II. APPLICABLE STATUTORY AND REGULATORY SECTIONS**

8 4. Pursuant to Section 402(a) and (c) of TSCA, 15 U.S.C. § 2682(a) and (c),
9 40 C.F.R. § 745, Subpart E sets forth requirements for certification of individuals and firms
10 engaged in lead-based paint activities and work practice standards for renovation, repair and
11 painting activities in target housing and child-occupied facilities.
12

13 5. Pursuant to Section 406(b) of TSCA, 15 U.S.C. § 2686(b), 40 C.F.R. Part 745, Subpart E
14 requires a person who performs renovations for compensation in target housing and child-
15 occupied facilities to provide a lead hazard information pamphlet to the owner and occupant
16 before beginning the renovation.
17

18 6. “Firm” means a company, partnership, corporation, sole proprietorship, or individual
19 doing business, association, or other business entity; a Federal, State, Tribal, or local government
20 agency; or a nonprofit organization. 40 C.F.R. § 745.83.
21

22 7. “Painted surface” means a component surface covered in whole or in part with paint or
23 other surface coatings. 40 C.F.R. § 745.83.

24 8. “Pamphlet” means the EPA pamphlet titled “Renovate Right: Important Lead Hazard
25 Information for Families, Child Care Providers and Schools” developed under Section 406(a) of
26 TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet
27

28
In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose.
2 40 C.F.R. § 745.83.

3 9. “Person” means any natural or judicial person including any individual, corporation,
4 partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate
5 body; and any department, agency, or instrumentality of the Federal Government.
6

7 40 C.F.R. § 745.83.

8 10. “Renovation” means the modification of any existing structure, or portion thereof, that
9 results in the disturbance of painted surfaces, unless that activity is part of an abatement as
10 defined by 40 C.F.R. § 745.223. The term “renovation” includes (but is not limited to): the
11 removal, modification or repair of painted surfaces or painted components (e.g., modification of
12 painted doors, surface restoration, window repair, surface preparation activity (such as sanding,
13 scraping, or other such activities that may generate paint dust)); the removal of building
14 components (e.g., walls, ceilings, plumbing windows); weatherization projects (e.g., cutting
15 holes in painted surfaces to install blown-in insulation or to gain access to attics planning
16 thresholds to install weatherstripping), and interim controls that disturb painted surfaces. The
17 term “renovation” does not include minor repair and maintenance activities. 40 C.F.R. § 745.83.
18

19 11. “Renovator” means any individual who either performs or directs workers who perform
20 renovations. A certified renovator is a renovator who has successfully completed a renovator
21 course accredited by EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.
22

23 12. “Target housing” means any housing constructed prior to 1978, except housing for the
24 elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than
25 six years of age resides or is expected to reside in such housing). Section 401 of TSCA,
26
27

1 15 U.S.C. § 2681.

2 13. No firm may perform, offer, or claim to perform renovations without certification from
3 EPA under 40 C.F.R. § 745.89 in target housing or child-occupied facilities.

4 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a).

5
6 14. No more than 60 days before beginning renovation activities in any residential dwelling
7 unit of target housing, the firm performing the renovation must provide the owner of the unit
8 with the “pamphlet,” and either obtain from the owner a written acknowledgment that the owner
9 has received the “pamphlet” or obtain a certificate of mailing the “pamphlet” at least 7 days prior
10 to the renovation. 40 C.F.R. § 745.84(a)(1). In addition to the above requirements, if the owner
11 does not occupy the dwelling unit, the firm performing the renovation must provide an adult
12 occupant of the unit with the “pamphlet,” and either obtain from the adult occupant, a written
13 acknowledgment that the occupant has received the pamphlet (or certify in writing that a
14 pamphlet has been delivered to the dwelling and that the firm performing the renovation has
15 been unsuccessful in obtaining a written acknowledgment from an adult occupant), or obtain a
16 certificate of mailing at least 7 days prior to the renovation. 40 C.F.R. § 745.84(a)(2).

17
18 15. Firms performing renovations must ensure that a certified renovator is assigned to each
19 renovation performed by the firm and discharges all of the certified renovator responsibilities
20 identified in 40 C.F.R. § 745.90. 40 C.F.R. § 745.89(d)(2).

21
22 16. Firms performing renovations must retain documentation of compliance with the
23 requirements of 40 C.F.R. § 745.85, including documentation that a certified renovator was
24 assigned to the project; that the certified renovator provided on-the-job training for workers used
25 on the project; that the certified renovator performed or directed workers who performed all of
26
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28 In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 the work practice tasks described in 40 C.F.R. § 745.85(a); and that the certified renovator
2 performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).
3 40 C.F.R. § 745.86(b)(6).

4
5 17. Firms must post signs clearly defining the work area and warning occupants and other
6 persons not involved in renovation activities to remain outside of the work area.

7 40 C.F.R. § 745.85(a)(1).

8 18. Before beginning the renovation, the firm must cover the floor surface, including
9 installed carpet, with taped-down plastic sheeting or other impermeable material in the work area
10 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain
11 the dust, whichever is greater. 40 C.F.R. § 745.85(a)(2)(i)(D).

12
13 19. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Civil Monetary Penalty Inflation
14 Adjustment Rule at 40 C.F.R. Part 19, which implements the Federal Civil Penalties Inflation
15 Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, authorize civil penalties not to exceed
16 \$41,056 per day for each violation of Section 409 of TSCA, 15 U.S.C. § 2689, that occurred
17 after November 2, 2015, where penalties are assessed on or after December 23, 2020.

18 **III. ALLEGATIONS**

19
20 20. At all times relevant to this CAFO, Respondent was a “person,” as that term is defined at
21 40 C.F.R. § 745.83.

22
23 21. At all times relevant to this CAFO, Respondent was a “firm,” as that term is defined at
24 40 C.F.R. § 745.83.

25
26 22. At all times relevant to this CAFO, the properties located at 424 Staten Avenue in
27 Oakland, California (“Staten Property”); 225 San Marcos Avenue in San Francisco, California

1 (“San Marcos Property”); and 2409 Scott St., #5, in San Francisco, California (“Scott Property”)
2 were “target housing,” as that term is defined at Section 401 of TSCA, 15 U.S.C. § 2681.

3 23. During the period of approximately June 2017 to June 2020, Respondent performed at
4 least two “renovations,” as that term is defined at 40 C.F.R. § 745.83, for compensation at the
5 Staten Property (“Staten Renovations”).
6

7 24. During the period of approximately July 2018 to August 2018, Respondent performed at
8 least one “renovation,” as that term is defined at 40 C.F.R. § 745.83, for compensation at the San
9 Marcos Property (“San Marcos Renovation”).
10

11 25. During the period of approximately April 2019 to May 2019, Respondent performed at
12 least one “renovation,” as that term is defined at 40 C.F.R. § 745.83, for compensation at the
13 Scott Property (“Scott Renovation”).

14 26. With respect to the Staten Renovations, San Marcos Renovation, and Scott Renovation,
15 Respondent did not qualify for any of the exceptions involving a lead-free determination
16 identified in 40 C.F.R. § 745.82(a).
17

18 INFORMATION DISTRIBUTION REQUIREMENTS

19 STATEN RENOVATIONS, SAN MARCOS RENOVATION, AND SCOTT RENOVATION

20 27. Paragraphs 1-26 of this CAFO are realleged and are incorporated herein by reference.

21 28. Respondent did not obtain from the owner(s) or adult occupant(s) of the Staten Property a
22 written acknowledgment that the owner(s) or adult occupant(s) received the “pamphlet,” as that
23 term is defined at 40 C.F.R. § 745.83 or obtain a certificate of mailing for the “pamphlet” at least
24 7 days prior to the Staten Renovations.
25

26 29. Respondent did not obtain from the owner(s) of the San Marcos Property a written
27

1 acknowledgment that the owner(s) received the “pamphlet,” as that term is defined at
2 40 C.F.R. § 745.83, or obtain a certificate of mailing for the “pamphlet” at least 7 days prior to
3 the San Marcos Renovation.

4
5 30. Respondent did not obtain from the owner(s) of the Scott Property a written
6 acknowledgment that the owner(s) received the “pamphlet,” as that term is defined at
7 40 C.F.R. § 745.83, or obtain a certificate of mailing for the “pamphlet” at least 7 days prior to
8 the Scott Renovation.

9
10 31. Respondent’s failure to obtain from the owner(s) or adult occupant(s) of the Staten
11 Property a written acknowledgment that the owner(s) or adult occupants received the
12 “pamphlet,” as that term is defined at 40 C.F.R. § 745.83, or obtain a certificate of mailing for
13 the “pamphlet” at least 7 days prior to the Staten Renovations, constitute fourteen violations of
14 Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. §§ 745.84(a)(1), (2).

15
16 32. Respondent’s failure to obtain from the owner(s) of the San Marcos Property a written
17 acknowledgment that the owner(s) received the “pamphlet,” as that term is defined at
18 40 C.F.R. § 745.83, or obtain a certificate of mailing for the “pamphlet” at least 7 days prior to
19 the San Marcos Renovation, constitutes a violation of Section 409 of TSCA, 15 U.S.C. § 2689,
20 and 40 C.F.R. § 745.84(a)(1).

21
22 33. Respondent’s failure to obtain from the owner(s) of the Scott Property a written
23 acknowledgment that the owner(s) received the “pamphlet,” as that term is defined at
24 40 C.F.R. § 745.83, or obtain a certificate of mailing for the “pamphlet” at least 7 days prior to
25 the Scott Renovation, constitutes a violation of Section 409 of TSCA, 15 U.S.C. § 2689, and 40
26 C.F.R. § 745.84(a)(1).

1 FIRM CERTIFICATION: FIRM RESPONSIBILITIES

2 STATEN RENOVATIONS, SAN MARCOS RENOVATION, AND SCOTT RENOVATION

3 34. Paragraphs 1-33 of this CAFO are realleged and are incorporated herein by reference.

4
5 35. Respondent did not ensure that a certified renovator discharged all of the certified
6 renovator responsibilities identified in 40 C.F.R. § 745.90 for the Staten Renovations.

7 36. Respondent did not ensure that a certified renovator discharged all of the certified
8 renovator responsibilities identified in 40 C.F.R. § 745.90 for the San Marcos Renovation.

9 37. Respondent did not ensure that a certified renovator discharged all of the certified
10 renovator responsibilities identified in 40 C.F.R. § 745.90 for the Scott Renovation.

11 38. Respondent's failure to ensure that a certified renovator discharged all of the certified
12 renovator responsibilities identified in 40 C.F.R. § 745.90 for the Staten Renovations constitutes
13 a violation of Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.89(d)(2).

14 39. Respondent's failure to ensure that a certified renovator discharged all of the certified
15 renovator responsibilities identified in 40 C.F.R. § 745.90 for the San Marcos Renovation
16 constitutes a violation of Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.89(d)(2).

17 40. Respondent's failure to ensure that a certified renovator discharged all of the certified
18 renovator responsibilities identified in 40 C.F.R. § 745.90 for the Scott Renovation constitutes a
19 violation of Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.89(d)(2).
20
21

22 RECORD KEEPING REQUIREMENTS

23 STATEN RENOVATIONS, SAN MARCOS RENOVATION, AND SCOTT RENOVATION

24 41. Paragraphs 1-40 of this CAFO are realleged and are incorporated herein by reference.

25 42. With respect to the Staten Renovations, Respondent did not retain documentation that a
26
27

1 certified renovator provided on-the-job training for workers used on the renovations; that a
2 certified renovator performed or directed workers who performed all of the work practice tasks
3 described in 40 C.F.R. § 745.85(a); and that a certified renovator performed the post-renovation
4 cleaning verifications described in 40 C.F.R. § 745.85(b).

5
6 43. With respect to the San Marcos Renovation, Respondent did not retain documentation
7 that a certified renovator provided on-the-job training for workers used on the renovation; that a
8 certified renovator performed or directed workers who performed all of the work practice tasks
9 described in 40 C.F.R. § 745.85(a); and that a certified renovator performed the post-renovation
10 cleaning verifications described in 40 C.F.R. § 745.85(b).

11
12 44. With respect to the Scott Renovation, Respondent did not retain documentation that a
13 certified renovator provided on-the-job training for workers used on the renovation; that a
14 certified renovator performed or directed workers who performed all of the work practice tasks
15 described in 40 C.F.R. § 745.85(a); and that a certified renovator performed the post-renovation
16 cleaning verifications described in 40 C.F.R. § 745.85(b).

17
18 45. Respondent's failure to retain documentation that a certified renovator provided on-the-
19 job training for workers used on the renovation; that a certified renovator performed or directed
20 workers who performed all of the work practice tasks described in 40 C.F.R. § 745.85(a); and
21 that a certified renovator performed the post-renovation cleaning verification described in
22 40 C.F.R. § 745.85(b) for the Staten Renovations constitute six violations of Section 409 of
23 TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.86(b)(6).

24
25 46. Respondent's failure to retain documentation that a certified renovator provided on-the-
26 job training for workers used; that a certified renovator performed or directed workers who
27

1 performed all of the work practice tasks described in 40 C.F.R. § 745.85(a); and that a certified
2 renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b)
3 for the San Marcos Renovation constitute three violations of Section 409 of TSCA,
4
5 15 U.S.C. § 2689, and 40 C.F.R. § 745.86(b)(6).

6 47. Respondent's failure to retain documentation that a certified renovator provided on-the-
7 job training for workers used; that a certified renovator performed or directed workers who
8 performed all of the work practice tasks described in 40 C.F.R. § 745.85(a); and that a certified
9 renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b)
10 for the Scott Renovation constitute three violations of Section 409 of TSCA, 15 U.S.C. § 2689,
11 and 40 C.F.R. § 745.86(b)(6).

13 WORK PRACTICE STANDARDS: STANDARDS FOR RENOVATION ACTIVITIES
14 STATEN RENOVATIONS, SAN MARCOS RENOVATION, AND SCOTT RENOVATION

15 48. Paragraphs 1-47 of this CAFO are realleged and are incorporated herein by reference.

16
17 49. With respect to the Staten Renovations, Respondent did not post warning signs clearly
18 defining the work area and warning occupants and other persons not involved in renovation
19 activities to remain outside of the work area.

20 50. With respect to the San Marcos Renovation, Respondent did not post warning signs
21 clearly defining the work area and warning occupants and other persons not involved in
22 renovation activities to remain outside of the work area.

23
24 51. With respect to the Scott Renovation, Respondent did not post warning signs clearly
25 defining the work area and warning occupants and other persons not involved in renovation
26 activities to remain outside of the work area.

1 52. Respondent's failure to post warning signs clearly defining the work area and warning
2 occupants and other persons not involved in renovation activities to remain outside of the work
3 area for the Staten Renovations constitute two violations of Section 409 of TSCA,
4 15 U.S.C. § 2689, and 40 C.F.R. § 745.85(a)(1).
5

6 53. Respondent's failure to post warning signs clearly defining the work area and warning
7 occupants and other persons not involved in renovation activities to remain outside of the work
8 area for the San Marcos Renovation constitutes a violation of Section 409 of TSCA,
9 15 U.S.C. § 2689, and 40 C.F.R. § 745.85(a)(1).
10

11 54. Respondent's failure to post warning signs clearly defining the work area and warning
12 occupants and other persons not involved in renovation activities to remain outside of the work
13 area for the Scott Renovation constitutes a violation of Section 409 of TSCA, 15 U.S.C. § 2689,
14 and 40 C.F.R. § 745.85(a)(1).
15

16 WORK PRACTICE STANDARDS: STANDARDS FOR RENOVATION ACTIVITIES

17 SCOTT RENOVATION

18 55. Paragraphs 1-54 of this CAFO are realleged and are incorporated herein by reference.

19 56. With respect to the Scott Renovation, Respondent did not cover the floor surface with
20 taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the
21 perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust.
22

23 57. Respondent's failure to cover the floor surface with taped-down plastic sheeting or other
24 impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing
25 renovation or a sufficient distance to contain the dust for the Scott Renovation constitutes a
26 violation of Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.85(a)(2)(i)(D).
27

1 **IV. RESPONDENT’S ADMISSIONS**

2 58. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,

3 Respondent:

- 4 a. admits the jurisdictional allegations contained herein;
- 5 b. neither admits nor denies the specific factual allegations contained herein;
- 6 c. consents to the assessment of the stated civil penalty and to any conditions
- 7 specified herein;
- 8 d. waives any right to contest the allegations contained herein; and
- 9 e. waives the right to appeal the proposed Final Order accompanying this Consent
- 10 Agreement.

11 **V. CIVIL ADMINISTRATIVE PENALTY**

12 59. Respondent agrees to the assessment of a penalty in the amount of ONE HUNDRED,
13 THIRTY-EIGHT THOUSAND, FOUR HUNDRED AND THIRTY DOLLARS, AND FIFTY
14 CENTS (\$138,430.50), inclusive of interest, paid in twelve (12) consecutive installments as final
15 settlement of the civil claims against Respondent arising under TSCA as alleged in Section III of
16 this CAFO.

17
18 60. Respondent shall pay each installment of the assessed penalty in accordance with the
19 payment schedule attached to this CAFO as Attachment A. Payment of each installment shall be
20 paid by certified or cashier’s check, payable to “Treasurer, United States of America,” or paid by
21 one of the other methods listed below and sent as follows:

22
23 **Regular Mail:**
24 U.S. Environmental Protection Agency
25 Fines and Penalties
26 Cincinnati Finance Center
27 PO Box 979077
28 St. Louis, MO 63197-9000

In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 **Wire Transfers:**

2 Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the
3 following information:

4 Federal Reserve Bank of New York

5 ABA = 021030004

6 Account = 68010727

7 SWIFT address = FRNYUS33

8 33 Liberty Street

9 New York, NY 10045

10 Field Tag 4200 of the Fedwire message should read “D 68010727

11 Environmental Protection Agency”

12 **Overnight Mail:**

13 U.S. Bank

14 1005 Convention Plaza

15 Mail Station SL-MO-C2GL

16 ATTN Box 979077

17 St. Louis, MO 63101

18 **ACH** (also known as REX or remittance express):

19 US Treasury REX/Cashlink ACH Receiver ABA = 051036706

20 Account Number: 310006, Environmental Protection Agency

21 CTX Format Transaction Code 22 - checking

22 Physical location of US Treasury Facility

23 5700 Rivertech Court

24 Riverdale, MD 20737

25 Remittance Express (REX) 1-866-234-5681

26 **Online Payment:**

27 This payment option can be accessed from the information below:

28 www.pay.gov

Enter “sfo1.1” in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA

Cincinnati Finance Center at (513) 487-2091.

Concurrently, a copy of each check or notification that the payment has been made by one of the

other methods listed above, including proof of the date payment was made, shall be sent with

1 a transmittal letter indicating Respondent's name, the case title, and the docket number to the
2 following addressees:

3 Regional Hearing Clerk:
4 R9HearingClerk@epa.gov

5 Brandon Boatman:
6 Boatman.Brandon@epa.gov

7 61. The payment terms in Paragraph 60 of this CAFO were based on a certified statement
8 from Respondent that it experienced a severe reduction in revenues due to COVID-19. Any false
9 statement made in the certified statement may result in voiding Section V of this CAFO.

10 62. Payment of the above civil administrative penalty shall not be used by Respondent or any
11 other person as a tax deduction from Respondent's federal, state, or local taxes.

12 63. If Respondent fails to pay in full any installment of the assessed civil administrative
13 penalty specified in Paragraph 59 by the manner and deadlines specified in Paragraph 60 and
14 Attachment A, then the entire remaining balance of the assessed penalty shall immediately
15 become due and payable. Respondent also shall pay to EPA a stipulated penalty of \$100 per day
16 for each day that payment is late in addition to the assessed penalty. Stipulated penalties shall
17 accrue until such time as the assessed penalty and all accrued stipulated penalties are paid and
18 shall become due and payable upon written request by EPA. In addition, failure to pay the civil
19 administrative penalty by the manner and deadlines specified in Paragraph 60 and Attachment A
20 may lead to any or all of the following actions:

- 21
- 22
- 23
- 24 a. The debt being referred to a credit reporting agency, a collection agency, or to the
25 Department of Justice for filing of a collection action in the appropriate United
26 States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection
27

28 In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 action, the validity, amount, and appropriateness of the assessed penalty and of
2 this CAFO shall not be subject to review.

3 b. The debt being collected by administrative offset (i.e., the withholding of money
4 payable by the United States to, or held by the United States for, a person to
5 satisfy the debt the person owes the Government), which includes, but is not
6 limited to, referral to the Internal Revenue Service for offset against income tax
7 refunds. 40 C.F.R. Part 13, Subparts C and H.

8 c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii)
9 suspend or disqualify Respondent from doing business with EPA or engaging in
10 programs EPA sponsors or funds. 40 C.F.R. § 13.17.

11 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13,
12 interest, penalties charges, and administrative costs will be assessed against the
13 outstanding amount that Respondent owes to EPA for Respondent's failure to pay
14 in full the assessed civil administrative penalty by the deadlines specified in
15 Attachment A. Interest will be assessed at an annual rate that is equal to the rate
16 of current value of funds to the United States Treasury (i.e., the Treasury tax and
17 loan account rate) as prescribed and published by the Secretary of the Treasury in
18 the Federal Register and the Treasury Fiscal Requirements Manual Bulletins.
19 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6%
20 per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting
21 Respondent's overdue debt will be based on either actual or average cost incurred,
22 and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition,
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1 if this matter is referred to another department or agency (e.g., the Department of
2 Justice, the Internal Revenue Service), that department or agency may assess its
3 own administrative costs, in addition to EPA's administrative costs, for handling
4 and collecting Respondent's overdue debt.
5

6 **VI. RESPONDENT'S CERTIFICATION**

7 64. In executing this CAFO, Respondent certifies that it is now fully in compliance with the
8 federal regulations promulgated at 40 C.F.R. Part 745, Subpart E.
9

10 **VII. RETENTION OF RIGHTS**

11 65. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability
12 for federal civil penalties for the violations and facts specifically alleged in Section III of this
13 CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability
14 for violations of any provision of any federal, state, or local law, statute, regulation, rule,
15 ordinance, or permit not specifically alleged in Section III of this CAFO; or (ii) any criminal
16 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it
17 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to
18 address any violation of this CAFO or any violation not specifically alleged in Section III of this
19 CAFO.
20

21 66. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to
22 comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and
23 permits.
24

25 **VIII. ATTORNEYS' FEES AND COSTS**

26 67. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
27

1 proceeding.

2 **IX. EFFECTIVE DATE**

3 68. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective
4 on the date that the final order contained in this CAFO, having been approved and issued by
5 either the Regional Judicial Officer or Regional Administrator, is filed.
6

7 **X. BINDING EFFECT**

8 69. The undersigned representative of Complainant and the undersigned representative of
9 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions
10 of this CAFO and to bind the party he or she represents to this CAFO.
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12 70. The provisions of this CAFO shall apply to and be binding upon Respondent and its
13 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,
14 and assigns.
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In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 FOR RESPONDENT, THE GB GROUP, INC.:

2 January 11, 2022

Alisha Mazzuco

3 DATE

Alisha Mazzuco
Senior Vice President of Production
The GB Group, Inc.

6 FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9:

7 2/2/2022
8 DATE

MATTHEW SALAZAR Digitally signed by MATTHEW SALAZAR
Date: 2022.02.02 09:12:12 -08'00'
Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

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In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

1 **FINAL ORDER**

2 Complainant and Respondent, having entered into the foregoing Consent Agreement, IT
3 IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2022-0025) be entered, and
4 that Respondent shall pay a civil administrative penalty in the amount of ONE HUNDRED,
5 THIRTY-EIGHT THOUSAND, FOUR HUNDRED AND THIRTY DOLLARS, AND FIFTY
6 CENTS (\$138,430.50), inclusive of interest, in accordance with Attachment A and comply with
7 the terms and conditions set forth in the Consent Agreement. This Consent Agreement and Final
8 Order shall become effective upon filing.
9

10 **Jawgiel,**
11 **Steven**

Digitally signed by Jawgiel,
Steven
Date: 2022.02.08 11:05:20
-08'00'

12 _____
DATE

13 _____
14 STEVEN L. JAWGIEL
15 Regional Judicial Officer
16 U.S. Environmental Protection Agency,
17 Region 9
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28 In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

ATTACHMENT A

Payment Number	Due	Installment Payment	Principal	Interest
1	30 days from the effective date of the CAFO	\$11,483.67	\$11,483.67	--
2	60 days from the effective date of the CAFO	\$11,588.94	\$11,483.67	\$105.27
3	90 days from the effective date of the CAFO	\$11,579.37	\$11,483.67	\$95.70
4	120 days from the effective date of the CAFO	\$11,569.80	\$11,483.67	\$86.13
5	150 days from the effective date of the CAFO	\$11,555.12	\$11,483.67	\$71.45
6	180 days from the effective date of the CAFO	\$11,550.66	\$11,483.67	\$66.99
7	210 days from the effective date of the CAFO	\$11,541.09	\$11,483.67	\$57.42
8	240 days from the effective date of the CAFO	\$11,531.52	\$11,483.67	\$47.85
9	270 days from the effective date of the CAFO	\$11,521.95	\$11,483.67	\$38.28
10	300 days from the effective date of the CAFO	\$11,512.38	\$11,483.67	\$28.71
11	330 days from the effective date of the CAFO	\$11,502.81	\$11,483.67	\$19.14
12	360 days from the effective date of the CAFO	\$11,493.19	\$11,483.63	\$9.56
TOTAL		\$138,430.50	\$137,804.00	\$626.50

In the Matter of: *The GB Group, Inc.*
Consent Agreement and Final Order

CERTIFICATE OF SERVICE

I certify that a fully executed Consent Agreement and Final Order (Docket No. TSCA-09-2022-0025) 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:

Via Email to:

Alisha Mazzucco
Senior Vice President of Production
The GB Group, Inc.
8921 Murray Ave.
Gilroy, California 95020
alisha.mazzucco@gbgroupinc.com

Via Email to:

Nathaniel Moore
Assistant Regional Counsel (ORC-2-2)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Moore.Nathaniel@epa.gov

Regional Hearing Clerk
U.S. EPA, Region IX

Date